

**TOWN OF PHILLIPSBURG
PLANNING BOARD REORGANIZATION MINUTES
JANUARY 28, 2021**

Chairman Duffy opened the meeting at 7:15 pm stating this meeting is being held in accordance with the Open Public Meetings Act, by posting the notice to the Express Times and Star Ledger and providing the same to the Town Clerk.

It is the policy of the Town of Phillipsburg Planning Board not to hear cases after 10:00 pm and no new witnesses after 10:30.

Swearing in new Members: Mayor Tersigni swore in all new members at one time.

John Turnbull, Bernard Brotzman, Savario Samarelli, Keith Zwicker, William Duffy, Council Vice President Fulper, James Hanisak, Robert Bengivenga

Roll Call: Mr. Turnbull, Mr. Rooney, M. Bengivenga, Mr. Brotzman, Mr. Duffy, Council Vice President Fulper, Mr. Hanisak, Mr. Penrose, Mr. Samarelli, Mayor Tersigni, Mr. Zwicker were all present.

Nomination of Chairman: Mayor Tersigni nominated William Duffy for Chairman.

Second by Mr. Penrose. Mr. Duffy accepted the nomination. Mr. Bengivenga announced there were no opposing nominations. All Members were YES, and Mr. Duffy was elected as Chairman

Nomination for Vice Chairman: Mr. Penrose nominated Keith Zwicker for Vice Chairman and Mayor Tersigni second. Mr. Zwicker accepted the nomination. Mr. Bengivenga announced there were no opposing nominations. All Members were YES, and Mr. Zwicker was elected Vice Chairman.

Nomination for Board Secretary (Member): Mayor Tersigni nominated John Penrose and Council Vice President Fulper Second. Mr. Bengivenga closed the nomination. Attorney Wilhelm explained what the Board Secretary would do and that the Recording Secretary would do the same thing. A motion by Chairman Duffy was on the floor and Mr. Samarelli second the motion to withdraw the nomination. All in favor I and no Nays.

Nomination for Recording Secretary: Mayor Tersigni nominated Kelly Lefler and Council Vice President second the motion. Mr. Bengivenga announced the nominations are closed.

Mr. Bengivenga congratulated everyone on their appointments and had a question for the Attorney. As for as Chairman Duffy and I spoke about the Secretary to the board, how would you want to discuss that for the next meeting, or do you want to do it here. Chairman Duffy wants to get a better understanding of it, because in the past we've always had a secretary, who was a board member and their duty was to serve on the Finance Committee and to sign the plans after they passed by the board not having the recording secretary do that. So, Chairman Duffy would

like a better understanding of who would be signing the plans other than the Chairman. Mr. Zwicker said in the past you're right that's what the recording Secretary did. I mean the board secretary. Attorney Wilhelm explained that the land use board must have a secretary, I think was intended for someone at the municipal building to receive all documents and distribute them. If you had a member in the past, I don't think that was correct. Stan Schrek the town engineer said it's always been the chairman, secretary, and the engineer. Phillipsburg has been unique, and they had a secretary almost as and executive position as you would a treasurer etc. and that was the person that's always been the person that I would take the maps to sign. So, and then they would have a recording secretary as the best like Kelly, like right now, but combine into one I don't see any objection to that, but they've always had a board member. Attorney Wilhelm: So, I think it's appropriate to point Ms. Lefler as the board secretary again, you can have her as the recording Secretary if you like as well. The position will be the Secretary to the board of organization. Compensation was discussed but that is an administrative decision. Council Vice President Fulper wanted to mention that this has not come before council yet and the budget so we wouldn't be able to compensate Kelly until the upcoming year until this budget and he cannot personally make that decision. Chairman Duffy understands. Vice Councilman Fulper thought it sounded like we were compensating her already. No offense Kelly it sounds like I don't want to compensate you I just can't make that decision yet OK.

The nomination for Recording Secretary all Members were YES and Kelly Lefler was nominated to that position.

Chairman Duffy then took over the meeting:

Appointment for the Professionals:

Attorney Wilhelm was nominated by Mayor Tersigni and second by Mr. Penrose. All in favor was YES and no Nays

Board Engineer was nominated by Mayor Tersigni and second by Council Vice President Fulper. All in favor was Yes and no nays.

Angela Knowles was appointed as Board Planner with Mayor Tersigni as a motion and Council Vice President Fulper All in favor was Yes and no Nays.

Conflict Land Use Board Engineer and Board Planner were combined since they would be the same organization. The nomination was T&M Associates to serve as both Board Engineer and Conflict Board Planner. Motion was Mayor Tersigni and second was Mr. Bengivenga. All in favor was YES and No Nays.

Just as a side note: in case the engineer or the planner has a conflict on a specific application the T&M Associates would come in to serve as the engineer or planner.

Chairman Duffy had a question on about a conflict Attorney and the attorney will make recommendations at that time. It was noted that this was the procedure in the past.

Adoption of Scheduled Meetings: Motion for adoption of meeting was Mayor Tersigni and second by Mr. Samarelli. All those in favor was YES and no Nays.

Finance Committee: Finance Committee is made up of the Mayor, Councilman, and the Board Secretary, so the Mayor Council Vice President Fulper and Kelly are the Finance Committee. Attorney Wilhelm said that you can only have Board Members as the Finance Committee, and Kelly is not a member. Okay if you have a sub-committee. You can only put board members on the subcommittee. She can attend the meeting or be a recording secretary for the meeting, she cannot participate at the meeting like the engineer and attorney would but cannot be a member because she is not a member of the planning board. So, if you want a third person it must be someone else. Mayor Tersigni nominated Chairman Duffy and second by Council Vice President Fulper. All in favor YES with no Nays.

Redevelopment Committee: Chairman Duffy said the Redevelopment Committee is headed up by Vice Chairman. He asked that Vice Chairman Zwicker talk to members who's interested and report back to us next month on the additional members, but I would appoint you Chair of that committee. Mr. Rooney said he would like to be considered for that committee. Vice Chairman Zwicker said he would call.

Official Newspaper: Chairman Duffy asked for nominations for Official Newspaper. Mayor Tersigni motion and second by Mr. Samarelli. All in favor yes with no Nays.

Adoption of Robert Rules of Order as Parliamentary Procedures: Motion by Mr. Hanisak second by Mr. Samarelli. All in favor Yes with no Nays.

Authorization for Professional Services: Chairman Duffy giving Business Administrator Bengivenga the authorization to for Professional Services. Council Vice President Fulper motion second by Mr. Brotzman. All in favor Yes with no Nays.

Resolution 2021-1: Adopting Emergency Remote Meeting Protocols, Procedures, and requirements for Public Participation at Remote Meetings. Chairman Duffy explained that this is so we can have a zoom meeting. Attorney Wilhelm said the New Jersey Administrative Code has requires the public bodies to pass a resolution, like this to govern their procedures for remote proceedings. He is confident that is what this board needs so that there is no issue later for some applicant who contends that the board was not authorized. It's only in effect during a declared emergency. When the Governor does not declare any further emergency, the board will be required to meet in person. Mayor Tersigni motion and Mr. Penrose second all in favor Yes with no Nays.

Completeness/Public Hearings: NONE

Correspondence: NONE

New Business: Land Use Plan Open Space & Recreation by Angela Knowles

Angela said the report is very lengthy and would not be going through the whole thing. Some of the things that have been updated since the last version, were the recommendations for some zoning changes, which some have already been implemented. The full plan can be seen on the Town of Phillipsburg website. Chairman Duffy asked for any questions and no one had any. The next step will be for a public hearing for the plan to be adopted. Attorney Wilhelm does not feel this needs to be rushed and put on the February meeting for public hearing. He suggested in March, because of new members that may not have had time to fully digest this and Attorney Wilhelm feels it's imperative for all of them to digest it. And when this goes out for notice and it's available to the public, it can't be changed. The board should be prepared to see the final document that will have no changes February meeting so that can then have it for the public in March. Final draft should be presented to the board at Feb 25, 2021 meeting with the understanding that the Boards recommending for the public there will be no more changes between February 25 and March 25. If at the public March 25 the board decides some changes need to be made we'll deal with that at that time, but there can't be we can't be putting it out there as exhibit A and then it's really going to be exhibit B. Chairman Duffy suggested come to February meeting with any questions, we will have a solid one come March and a public hearing in April. Angela is happy to discuss any questions. Chairman Duffy asked if there were any questions on this. There were none.

Old Business: NONE

Minutes: NONE

Chairman Duffy: For clarification, if you weren't at the meeting you can't vote on it, so you'll be expected to abstain on that. Only the people that were at the meeting can vote on the meeting.

Bills List: Chairman Duffy went through the bill's list for approval. The last two could not be voted on because there is no escrow. Attorney Wilhelm said the last two bills were approved in October but not processed for lack of escrow. Stan Schrek said that is correct. Chairman Duffy said unfortunate. Stan Schrek: We are not moving forward with the resolution of denial right. Chairman Duffy: We're holding that up because of that. Kelly Lefler: I received one bill today from VanCleeef, if we could pay that one I sent it out. It was for planning map administrative work for \$1312. So instead of holding off for next month can you approve the bill. Chairman Duffy: I believe you did send it out. Is the monies coming from the town or Highlands. Angela: The Highlands.

Motion to pay bills Mayor Tersigni second by Mr. Samarelli

All in Favor Yes and No Nays Council Vice President Fulper Abstain (He was not on the Board last year and felt he should abstain)

Attorney Wilhelm had a couple things before we go to public comments. James Street is not being heard today. Applicant to revise the application has that been posted to the website. Kelly said yes it was on Monday 2/25. There was a resolution drafted for the Romark guardhouse, which was discussed last meeting. He asked the Attorney for some commentary and has not heard back, so it we'll have that for next month. Regarding the redevelopment of the riverfront

and the request of the town. Is there anything happening. The resolution to amend the riverfront for industrial uses in district three and five. Stan will be prepared a report. Angela will be doing most of the work on the report. Attorney Wilhelm just wants to make sure the l's are dotted and the t's are crossed. It has come to Attorney Wilhelm's attention that a subdivision committee must be formed if an applicant is subdividing lots. Mr. Bengivenga asked if was like a technical review committee. Stan Shrek said no and that he has been here 20 years and Phillipsburg and have never had that. Stan Shrek they will try and iron out any difficulties and technical issues as the application advances. Attorney Wilhelm wants the board to be efficient. He asked for comments on the issue. Vice Chairman Zwicker he's been around 18-20 years and there wasn't one and he thinks they do not need one. After conversations about this Attorney Wilhelm suggested talking to Council to consider that if they really want this because of the way it's been done in the last 20 years.

Public Comment: Chairman Duffy asked for public comment. Mr. Morsette wanted to congratulate all the officers that were elected tonight. He asked to be a voting member do you have to live in Phillipsburg? Chairman Duffy said there are several classes of the planning board. The class two is an employee of the town. And class four does say citizens of the municipality. Class two can be a person that lives out of town but works for the town. Mr. Morsette said thank you.

Christopher Nusser: He was there to talk about 445 James St. 140 West Main Street Highbridge NJ. Mr. Nusser said they needed to unmute Mr. Edleston. Mr. Edleston said you jumped over old business to get to new business and 445 James street which is before the board was carried last month to this month. Mr. Edleston explained that it was going to be three lots, but members and the public objected to three lots. We've amended the application to show much less development to two lots. They want to be considered for the two-lot minor subdivision. Attorney Wilhelm said there were a few issues with one being the application was not posted within the 10 days advance notice. And it is a significant change from the original application, so it needed to be posted for the public. You have new people here and some of the members at the December meeting are no longer here, and you have some new people. Mr. Edleston wanted to confirm that it will be on February meeting without notice and Attorney Wilhelm confirmed since the application was posted on the website.

Dieane Nemeth 56 James Street. She was not aware of the change on the docket, so she did not know 445 James Street was not being dealt with. She wanted to make sure she can go over the plans as well as let her neighbors know that they are not going to get any notice for February and where it's at so they can review it so they are prepared in February. Chairman Duffy said it is posted. Kelly let her know it is under Land Use. 25th of February is the meeting at 7pm

Any Good for the Board: Chairman Duffy Brought these up at the last month and he brought it up again about the Antique Mall has a temporary permit until March 31st. He hopes someone can get to them that if they wait until March to come before the board, we won't be able to vote until April. That means they will not have a permit for April. They would have to shut down in April, so he hopes they would show up in February, so that we can deal with them. He also would like to point out that LMR has been operating in town for several years with no proper permit. I think they should be shut down until they receive the proper permits from the board. If they do not cease operations, I suggest they be fined daily the maximum amounts.

Mr. Bengivenga, Town Administrator commented that he will sit down with Stan Shrek and the town Attorney. This is an administrative aspect, so even though Chairman Duffy brought it up, Mr. Bengivenga will relay the message to the town Attorney and Mr. Shrek and they will deal with it on the Administrative end.

Mayor Tersigni: Wanted to thank all the board members who are continuing to serve and congratulate all the new board members that are going to serve now and in the future. Thank you very much he appreciates it.

Adjournment: Chairman Duffy asked for a motion to Adjourn. Mayor Tersigni motion and Mr. Brotzman second. All in favor YES with no Nays. Council Vice President Fulper said it's good to be back.