

**TOWN OF PHILLIPSBURG**  
**TOWN COUNCIL MEETING**  
**TUESDAY, January 19, 2021 Meeting Minutes**  
**via ZOOM**  
**7:00 P.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/83739899207?pwd=NGoxUkN2VEhoblQrc1VQWCt1dE1GUT09>

Meeting ID: 837 3989 9207

Passcode: Pburg

One tap mobile

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Meeting ID: 837 3989 9207

Passcode: 721311

Find your local number: <https://us02web.zoom.us/j/83739899207?pwd=NGoxUkN2VEhoblQrc1VQWCt1dE1GUT09>

1. **CALL TO ORDER** - Council President McVey calls the meeting to order 7:02 PM

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

**THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS LAW. THIS MEETING OF JANUARY 19, 2020 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 – CVP Fulper reads the OPMA statement**

3. **INVOCATION AND FLAG SALUTE**

Council Vice President Fulper

4. **ROLL CALL**

Council President McVey, Council Vice President Fulper, Councilwoman DeGerolamo, Councilman Piazza, Councilman Wyant

All Council Members present

5. **APPROVAL OF MINUTES -** NONE AT THIS TIME

6. **BILLS LIST -**

ROLL CALL

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			

CM Wyant – \*abstain from vendor # 7013

CVP Fulper voted no – to all rental checks # 81195 – 81307 waiting on documentation from the Mayor’s office

7. **ANNOUNCEMENTS**

On January 07, 2021 Town Council gave a proclamation to David Shafer – a young Marine

On January 14, 2021 Town Council gave a proclamation to Charles “Chip” Price - lifetime Community Service

Senior Tax Freeze Deadline was extended to February 01, 2021

Please refer to the Town website for additional information

8. **OLD BUSINESS**

HABITABILITY HEARING update by Kevin Duddy

- 124 Mercer Street – Mr. Roberto Martinez – owner

**Inspector Duddy** noted January 5, owner pulled permit for roof. Adding went to back of building, Cherry Alley, back of roof reconstructed. Continued not yet cleaned out. Noted owner is following through with what he said he would do – Purchase/Repair.

CPMcVey – thanked K. Duddy for comments, noted very favorable testimony. Acknowledged Mr. Martinez’s presence at meeting. Asked Council for any comments. Asked Wenner for procedural steps, close out now or continue to monitor?

Attorney Wenner – Noted (2) ways to handle

1. Carry to another date
2. Dismiss complaint

Added carry it out and renote 4 months to gauge property going in right direction, rather than dismiss and need to refile, there would be cost to do search.

CPMcVey- Asked K. Duddy if 4 months enough, inclement weather?

K. Duddy – 3-4 months – fine, Martinez indicated he is cleaning out this weekend. Will afford inspections opportunity to upstairs and see new framing for roof.

CP McVey – Very positive Habitability Hearing. Recommend 4 month revisit, asked any objections from Council.

Councilman Wyant – No problem with extension.

CPMcVey – Any other comments – none.

MOTION

Revisit progress at 124 Mercer Street

ROLL CALL

Passed 5-0

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

Will have a review on the progress four (4) months from now

Attorney Wenner – Had to bring up for Council’s consideration, contacted by lien holder on 85 Lewis Street. Indicated he had a buyer and provided a Contract. Demolition had been ordered by Council, but have yet to award Bid.

Clerk Kleiner stated Bid Opening would be Thursday, January 21, 2021.

CP McVey – Noted let bids be opened.

VP Fulper – Stated even with a pending sale, Town Council has voted, if we entertain sale must start over. Need to keep moving forward.

9. **MAYOR'S AND ADMINISTRATIVE OFFICERS** CP McVey read the Mayor's report

10. **PUBLIC DISCUSSION ON AGENDA ITEMS**

**Joe Meyner** – 392 South Main Street

R:2021-33 – Vote down – 29 Police vehicles, not necessary

R:2021-42 – Need Action – hope fixing Sanitary Inspections most important

**Theresa Chapman** – Harmony Township

2021-27 Are you seeking to permit industrial uses along Riverfront?

**CP McVey** – stated has been extended back over to the Planning Board, District 5 – formerly a District 3. Turn over to Counselor.

**Attorney Wenner** responded, there are existing industrial uses along the MLUL – not manufacturing. This would be warehousing, industrial office space. Noted engineer is on as well. Planning Board does a study, issues a report. Planning Board asks questions then back to Town Council – by way of Ordinance – 2 Readings. Public can weigh in during that process.

**T. Chapman** – why is this being asked of Planning Board now? Was at presentation at SOMA, enthusiastic about redevelopment of riverfront, why is Council asking for the amendment?

**CPMcVey** – This is not next to the Redevelopment, extending out. Council is concentrating on Phillipsburg as a whole. He continued, not all of Phillipsburg is the same. We are panoramic in our vision toward the betterment of the future for our Town.

Robert Benjavenga, BA – noted regarding Mr. Meyner's comment about the Police vehicles., the misconception of 29 vehicles being for the officers on each shift. The vehicles are also for road jobs and off duty work. Considered shelf cars, to have traffic partol, just wanted to clarify.

David Morrisette – 5 Fairview Heights

Stated he was following up on Ms. Chapman's question, who wants manufacturing down by the river?

CPMcVey – noted it is going for zoning or use.

DM – continued, are you rezoning for laughs and giggles? Rezoning for no good reason at all?

Cnclman R. Piazza noted, as he mentioned at last meeting, area has always been multi use. There are already a number of warehouses and industrial facilities across from the scrapyard, train tracks and what was a chemical plant. Atlantic States has trucks being backed up in the area awaiting designated time to pickup/deliveries.

DM – so you're rezoning it, so someone could come in with an industrial purpose?

CRP – stated a tax ratable would be good in that area. Adding a small portion is being rezoned to meet already zoned area.

DM – asked if rumors of marijuana growth facility for that area is true?

CRP – noted he would say rumor, but if a business wants to come in and fits the rezoned area, we want businesses to come to Phillipsburg.

DM – will you give the warehouse a pilot? I recommend against pilot.

CRP – remains to be seen regarding pilot.

Mr. Brisson – 94 Bullman Street

Asked about R:2021-37 and 38 as they are the same amounts for the same purpose. Also, R:2021-39 & 40.

CPMcVey – Noted good question, both submitted in 2020 and it is (2) different sets of monies.

Clerk Kleiner stated 39 was Recreation Program fees and 40 is donations.

CP McVey asked Council for comments/discussion regarding Consent Agenda

**Cnclman Wyant** – Asked to **pull R2021-27** from Consent Agenda. Noted in favor of eliminating warehouses from this, adding warehouse would be detriment to Downtown with too many tractor trailers and straight/box trucks. Adding, can't go forward with improvements of our downtown if truck traffic is increased.

**Cnclman Fulper** – Asked to pull **R2021-33 & 34**. Noted being asked to spend 88k in (2) year period of time, believe better spent on K-9 unit.

**CP McVey** – Pull 2021-34 Sewer Digestors – no cert of funds. Also R2021-37 & 38.

**11. ORDINANCES — FIRST READING None**

**12. ORDINANCES – SECOND 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***

ROLL CALL ON CONSENT AGENDA

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			

**R: 2021-26**

A RESOLUTION DESIGNATING HANDICAP PARKING SPACES WITHIN THE TOWN OF PHILLIPSBURG

**R: 2021-28**

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

**R: 2021-29**

RESOLUTION TO JOIN (RENEW) THE STATEWIDE INSURANCE FUND

**R: 2021- 30**

RESOLUTION APPOINTING THE STATEWIDE INSURANCE FUND FUND COMMISSIONER

**R: 2021-31**

A RESOLUTION APPROVING THE PAYMENT OF FIRST QUARTER 2021 COUNTY TAX AND OPEN SPACE TAX, DUE FEBRUARY 15, 2021

**R: 2021-32**

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

**R: 2021-35**

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING RESOLUTION NO. 2020-197

**R: 2021-36**

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING RESOLUTION NO. 2020-198

**R: 2021-39**

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER TO THE BUDGET OF THE TOWN OF PHILLIPSBURG FOR ANTICIPATED REVENUE DERIVED FROM THE COLLECTION OF RECREATION PROGRAM FEES AS REQUIRED BY THE N.J.S.A. 40A:5-29, ET SEQ.

**R: 2021-40**

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER TO THE BUDGET OF THE TOWN OF PHILLIPSBURG FOR ANTICIPATED REVENUE DERIVED FROM THE DONATION OF FUNDS TO THE TOWN FOR RECREATION PURPOSES AS REQUIRED BY THE N.J.S.A. 40A:5-29, ET SEQ.

**R: 2021-41**

A RESOLUTION APPROVING COUNCIL ASSIGNMENTS FOR 2021

**R: 2021 – 42**

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR 2020 ROAD PROGRAM-CONSTRUCTION/ADMINISTRATIVE SERVICES FOR ADDITIONAL SEWER INSPECTIONS

**R: 2020-43**

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A SIXTY DAY GRACE PERIOD FOR THE INSSUANCE OF DOG AND CAT LICENSES AND WAIVING ANY LATE FEES FOR FAILURE TO REGISTER SAME

**Pulled from consent agenda**

**R: 2021-27**

RESOLUTION OF TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY DIRECTING THE PHILLIPSBURG PLANNING BOARD TO PREPARE AN AMMENDMENT TO THE RIVERFRONT REDEVELOPMENT PLAN IN ORDER TO INCLUDE INDUSTRIAL USES (DISTRICT 5)

**ROLL CALL**

**VOTE 3-2**

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**

**Cnclman Wyant** – Asked to **pull R2021-27** from Consent Agenda. Noted in favor of elilminating warehouses from this, adding warehouse would be detriment to Downtown with too many tractor trailers and straight/box trucks. Adding, can’t go forward with improvements of our downtown if truck traffic is increased.

**R: 2021-33 TABLED 01-19-2021**

A RESOLUTION AUTHORIZING A LEASE AGREEMENT OF TWO 2021 FORD EXPLORER’S POLICE INTERCEPTORS

ROLL CALL

VOTE TO TABLE 3-2

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**

**Cnclman Fulper** – Asked to pull **R2021-33 & 34**. Noted being asked to spend 88k in (2) year period of time, believe better spent on K-9 unit. Continued don’t know about Budget, any help from Trenton.

**Cnclman Piazza**- would like a vehicle overview of all vehicles and their purpose.

**CP McVey** – stated would like to meet with Mayor, Police chief and BA – inventory fleet prior to meeting. Asked VP Fulper to set up meeting, suggested may want to bring Cnclman Piazza as well and recommend to have Mayor’s office reach out to Chief.

**R: 2021-34 AMEND RESOLUTION – SUBJECT TO C.O.F.**

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXPENDITURE OF NOT TO EXCEED \$262,000.00 FOR ODOR CONTROL SYSTEM FOR DIGESTER TANKS

ROLL CALL AMENDED

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

VP Fulper recognized CFO Merlo



CFO Merlo noted should be tabled as cert of funds unavailable. Continued appropriations are not in place. Had meeting with BA, Lisa Gorab (Bond Counsel), discussed capital ordinance to fund. Adding then cert of funds would be made available. Stated he thought Yoder reached out to contractor to extend time to award Contract.

CP McVey – thanked CFO Merlo adding smell has improved and asked Counselor if we could award on contingency?

Attorney Wenner noted not ideal, but understand you want to keep moving forward, proviso included then appropriate.

VP Fulper wished to move forward.

Councilwoman DeGerolamo – noted this is an authorized expenditure – not award to accept bid?

CFO Merlo – It is a Bid

**R: 2021-37 - TABLED BOTH ORDOR CONTROL – MEET WITH BA/ MAYOR**  
A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXPENDITURE OF NOT TO EXCEED \$30,000.00 FOR PROPHYLAXIS ODOR CONTROL

**R: 2021-38 TABLED BOTH ORDOR CONTROL – MEET WITH BA/ MAYOR**  
A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXPENDITURE OF NOT TO EXCEED \$30,000.00 FOR PROPHYLAXIS ODOR CONTROL

ROLL CALL TABLE BOTH 37 & 38

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			

Discussion

CP McVey – Noted he has billing questions for natural Systems Utilities and wanted them satisfied prior to next Sewer Meeting.

**14. NEW BUSINESS**

**Revisit demolition specs for the “ Ice House” 1116 South Main Street. Authorize Stans Schrek’s firm to provide specs.**

**ROLL CALL**

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**

CP McVey – named VP Fulper to Planning Board as Council’s representavie, asked for second. Councilman Piazza seconded the motion.

CP McVey asked for any other motions from the floor

Cnclwmn DeG – asked if going to discuss, adding typically memorialized by Resolution as in the past (3) years.

CP McVey noted we are not doing that this time, just by motion.

Cnclwmn DeG noted Planning Board Attorney previously said by Resolution

CP McVey noted they made Cnclwmn go through that when she was appointed, but not necessary.

**Motion**

CP McVey stated he wants Counselor to prepare Resolution for 2 sets of 2 - 15 minute Parking Signs.

1. In front of new Apothecarium
2. To be discussed – near Towne Market area.

Continued in addition to that would like to have all of Parking Meters above the Black Bridge and up to South Main Street to be removed including Jersey Street meters in an effort to reduce the future replacement of them, in the absence of a Parking Authority in the absence of enforcement and in support of Small Businesses that are South of the Black Bridge. Leaving the parking meters North for the overflow of parking from the Redevelopment. Do I have a 2<sup>nd</sup>.

VP Fulper seconded the Motion.

**Discussion**

Cnclwmn DeG – noted, thought already authorized temporary parking in front of Apothecarium?

CPMcVey – stated discussed during workshop.

Attorney Wener – stated Council President you said Resolution, think you meant to say Ordinance – parking/streets done by Ordinance. Designate 15 minute parking Apothecarium and no pay parts of South Main Street you indicated. Asking Council to authorize my office to prepare Ordinance – 1 of 2 ways – can do all those particulars or break out.

CP McVey stated because of length of introducing – probably should do separate.

Attorney Wenner noted you are suggesting my office draft for Council’s Consideration.

**Motion**

**ROLL CALL**

Passes 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			

**CP McVey – Closing out of New Business**

**15. PUBLIC PETITIONS**

**Joe Meyner – 392 South Main Street**

Ice House – stone solid walls, no roof, but a beautiful piece and a dirty shame not to fix it. Still looking for the 75 page document regarding the Stateliner United Redevelopment of Union Square. R2021-27, there is an earlier plan that you do publish, but that is not this Plan. Make the Stateliner Redevelopment Plan available.

Attorney Wenner responded by saying that is a Public Document. Adding he thought he had sent to Mr. Meyner early on. He continued he would forward to Clerk Kleiner noting this is available to Public.

D. Morrisette – 5 Fairview Heights.

2 requests – asks Town Council pass Resolution condemning the attacks at the Capitol, will help unify our community

Second request – Opra’d request to the Library – results showed Mayor proposed Budget 2021 for the Library initial 337k – 400k less than what Library needs to be fully funded.

CP McVey – responded by noting when the Public Budget Hearings are conducted you will hear Council’s comments then.

Emil Brisson – 94 Bullman Street

Noted last year those who could comment on Budget hearing was limited to 100 – asked to allow increase so everyone can be heard.

CP McVey – asked Clerk Kleiner to speak to that point, he thought change was made.

Clerk Kleiner - responded, yes – increased to 300.

T. Chapman – Harmony Township

Initially wanted to speak to Library programs, what an asset, rather will speak to incident that occurred in Phillipsburg. Official used position to overstep bounds and inquire about active investigation, Police provided him a report. He named addresses and called attempted murder.

Nicole Timberman – 112 n. Riverview Road

Noted Mayor ran on platform of tackle trash problem in Town of Phillipsburg. Stated DPW amazing, go above and beyond. Brought to Council's attention, signs at Delaware Heights Park, legal Solar field, been there (2) years and Emergency Squad Volunteer sign, please have picked up.

## **16. DISCUSSION**

CP McVey – noted removal of signs might be Parks & Recreation responsibility, adding signs part of ordinances and he would discuss with BA and closed Public Petitions.

## **17. COUNCIL OPEN TIME**

Cnclman Wyant – noted he had nothing.

Cnclwmm DeG – Congratulated Mr. “Chip” Price on receiving his Proclamation for his longtime Community Service as she was unable to attend due to an injury. She thanked Main Street Alliance noting they were planning a Historic Walking Tour Event and Council would hear more soon. She spoke to the Moratorium being extended to 03.21.2021 regarding Evictions. Noting that utilities cannot be turned off and if it were to happen to your family, please reach out to the Warren County Board of Health or Town Hall. She noted there was a heavy increase in number of calls relating to this situation and at least 3 unregistered Rental Units were uncovered and received citations. Cnclwmm also wanted to recognize MJ Harris, for her help with the Business Community, Helene Meissner – Food Bank, MaryBeth Ringo – Resource Center, Yvette Day and especially Mark Valley – NORWESCAP. They all help residents daily, also Jessica for Job Readiness/Employment.

She added the Police vehicles were part of the 2020 Budget – authorized in 2019.

Cnclman Piazza – Congratulated the new Business Administrator, Rob Benjivenga, on the new addition to his family, his daughter Nora. He spoke to the upcoming Presidential Inauguration, noting this is a Historical time, to witness history. Thanked former President Trump and VP Pence for their (4) years of service and wished President elect Biden the best for the coming (4) years. He added, as retrictions get lifted, take note a lot of people are struggling and we should help by spending our dollars locally, back in to our Community.

CVP Fulper – Noted there is consistent misinformation on the Library. Adding no one has discussed or seen the proposed Budget. The Mayor creates his Budget and then it goes to Council to modify/accept. Statements such as defunding the Library are false/rhetoric. Be responsible – don't speculate. We are open file an Opra.

To address Ms. Chapman's prepared statement, he did not investigate. He used his power as a resident and filed an Opra – Police Cptn Michael Swick provided what was allowed. Statement of take Town back referred to absentee Landlords. Ms. Chapman made false statements – wanted to clarify.

CP McVey – Well said, Good Meeting.

**18. ADJOURNMENT**

Motion to Adjourn the meeting by Council Vice President Fulper and seconded by Councilman Piazza – the motion carried a 5 -0 vote, at 8:36 PM

Approved 03.16.2021