

Approved 03.01.2022

**Meeting Minutes**  
**TOWN OF PHILLIPSBURG**  
**TOWN COUNCIL MEETING**  
**TUESDAY, February 15, 2022 7PM**  
**via ZOOM**

(subject to change pursuant to N.J.S.A. 10:4-8(d)-this agenda is tentative to the extent known at time of posting”

(Virtual Zoom Code to Join: Meeting ID: 842 4134 9087 – instructions located on Town Website)

1. **CALL TO ORDER** - 7:03 PM

2. **OPEN PUBLIC MEETING ACT STATEMENT:** read by Councilman Piazza

**THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS LAW. THIS MEETING OF February 15, 2022 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** - led by Councilman Piazza

4. **ROLL CALL** - CP Wyant, Clark, Kennedy, Marino, Piazza

Attorney Wenner, Tim O’Brien, Engineer and Acting Clerk Loudenberg present

5. **APPROVAL OF MINUTES -** Regular Mtg. Minutes - February 1, 2022

**ROLL CALL**

**Passed 5-0**

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Marino		X	X			
Councilman Piazza	X		X			
Council VP Clark			X			
Council President Wyant			X			

6. **BILLS LIST -**

**ROLL CALL**

**Passed 5-0**

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Marino	X		X			
Councilman Piazza		X	X			
Council VP Clark			X			
Council President Wyant			X		*7014	

CP Wyant abstained from Vendor #7014.

7. **ANNOUNCEMENTS**

None

8. **OLD BUSINESS** - Table just once more until March 1, 2022 TC Mtg.

Phillipsburg Housing Authority – (5) Letters of Intent/(4)Resumes received – **1 retracted due to conflict**

Derick Lewis – Received via email – January 22, 2022

Stephaine Lilly – Received via email – January 25, 2022

William Duffy – Received via email – January 26, 2022 (**Retracted due to conflict**)

Nicole Timberman – Received via email – February 10, 2022

Reginald Branch – Received via email – February 10, 2022

9. **MAYOR’S AND ADMINISTRATIVE OFFICERS**

Congratulations to Phillipsburg High School wrestling team for 23<sup>rd</sup> Sectional Title.

Mayor’s Office, CFO and BA working on 2022 Budget

Negotiated Contract with Van Cleef Engineering for their Rates to remain the same – Thanked for accepting proposal to not increase.

10. **PUBLIC DISCUSSION ON AGENDA ITEMS**

**Joe Meyner 392 South Main Street**

Asked what O2022-07 does?

Attrny Wenner – Nothing more than memorialize the law. Product of seeking Accreditation through the work of the Rodgers Group-housekeeping item.

Approved 03.01.2022

**Dan Boyce – 1526 Warren St.**

Questioned if Lee Clark – Violation of Statute – Hatch Act 2012 rewritten.

Attrny Wenner stated not so much Hatch Act, but if conflict presented itself would be individually evaluated.

**Robyn Coe Donaldson 344 South Main Street**

Questioned Sewer Ordinance Rate increase – her bldg. multi use – 2 apts. and Office-has Commerical Rate – even though Tenants use most of water.

HW – noted has always been Commercial.

Attrny Wenner encouraged her to reach out to Sandy Callery, Tax Collector, as to how assessed. Adding Sandy is not only knowledgeable, but also extremely helpful.

RCD questioned bill for Professional Services – Perrucci, Steinhardt, noted with Howard St. Project, is this not a conflict?

Attrny Wenner stated the Professional Services of that firm, on behalf of the TOP, were under the direction of Insurance Defense matter assigned by Statewide Insurance.

RCD noted Truck Route very confusing – So. Main St to Rt 122?

Tim O’ Brien, Engineer -stated R2022-51 to adopt/allow for submission. Seeking relief from connectivity, but if no relief then Center/Roseberry Sts.

Meliss Paulus 26A Glen Avenue

Noted (2) questions. Councilman Clark – anything related to Sewer – if must recuse because he works for DEP. Violation of Section 8.

Attrny Wenner – extent just DEP, but really EPA – does not preclude the Councilman. Case by case basis – determination at that time.

Matt Scerbo 1073 Pearl Street

Last posted Agenda – recipients names. Addressed CP Wyant – you set Agenda?

HW – No others.

**11. ORDINANCES – SECOND READING -**

**O2022-03**

ORDINANCE PROVIDING FOR AMENDMENT TO CHAPTER 123 OF THE TOWN CODE ENTITLED “SEWER UTILITY”

ROLL CALL

Passes 3-2

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Marino				X		
Councilman Piazza		X		X		
Council VP Clark	X		X			
Council President Wyant			X			

**Discussion**

**Joe Meyner – 392 South Main Street**

Spoke to O2022-03 Sewer Utility – Rate increase. Doesn’t like increase, but knows necessary – WWTP requires maintenance and Sewer system is old and needs much repair. Probably not enough of increase to cover all needs.

HW responded, never enough – we must prioritize. Understands the push-back on the Rate Increase, but must be done. Added going forward, may not be enough.

**MP – 26A Glen Avenue**

Noted, emailed CP Wyant yesterday in reference to Sewer ordinance, did not receive response. Requesting ordinance be tabled. Stated 30% increase over next (4) years.

**Lori Ciesla – 12 Meadowview Drive, Lopatcong Township**

Could not attend Sewer Meeting earlier, questioned how and when the rate increase for Sewer Utility might effect residents of Lopatcong Township – outlying district.

CP Wyant noted cannot predict future – must honor current Agreement with Lopatcong. Any future Agreement would be negotiated.

**Robert Fulper 941 Mill Street**

Echoed Ms. Paulus’ sentiment to Table Sewer Ordinance – stated more than enough options for revenue other than raising taxes. Not right time – Pandemic still a force of economy. Stated, could be Tabled discussed at Work Session – listen to residents.

**Nicole Timberman 112 N. Riverview Rd.**

Spoke to Sewer Utility rate increase, thought went to 2<sup>nd</sup> Rdg, but was voted down.

Attrny Wenner stated, you are speaking about last year. Introduced last year as a (5) year rate increase and Council voted to make it single year.

NT – asked why not keep same as last year.

CP Wyant addressed – decided to move forward. Needs to take place.

No others.

**Council Discussion – O2022-03 Sewer Utility**

**Councilman Piazza** – stated, does not think every avenue has been exhausted to avoid Sewer Rate increase. Comparing to Parking -meters as additional Revenue, but nothing compared to enforcement of vehicle Violations. Continued, salaries should no longer be paid out of Sewer. Need to work harder for more ratables, should not always go to taxpayer. There was Sewer litigation – decisions made previously, we must live with. Other revenue streams need to be investigated – voting No.

**VP Clark** – Reality is should have been done last year. Things are more expensive now, repairs must be done – WWTP needs to be maintained. Understands it hurts – logically must be fiscally responsible. Bandid fix will not last. Will support – tough decisions – not popular. Longterm solution will bring lower rates in long term. Voting Yes.

**CP Wyant** – stated did calculation on his own house. Noted 5,700 gallons/month. It will cost \$2 and some cents more/month. Increases are necessary-no one thinks about wastewater treatment. Bathe, flush, dishes – it all costs money and more money.

**12. ORDINANCES — FIRST READING**

**O2022-07**

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 105 *POLICE DEPARTMENT*, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO A NEW SECTION 105-1.1, *APPOINTING AUTHORITY*, OF THE CODE

**ROLL CALL**

**Passed 5-0**

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Marino		X	X			
Councilman Piazza	X		X			
Council VP Clark			X			
Council President Wyant			X			

**Discussion** - Council

Cnclman Piazza – noted part of Rodgers Group accreditation. Continued, believes TOP – first Police Department in Warren County to be accredited. Adding this Program was introduced by Former CP McVey – noted asset program.

**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.*

**R2022-45**  
RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

**R2022-47**  
RESOLUTION APPROVING AN AGREEMENT FOR REIMBURSEMENT OF POLICE TRAINING COSTS

**R2022-48**  
RESOLUTION TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AWARDING A CONTRACT TO WATCHGUARD VIDEO FOR GOODS AND SERVICES ASSOCIATED WITH BODY WORN CAMERAS

**R2022-49**  
A RESOLUTION DESIGNATING HANDICAP PARKING SPACES WITHIN THE TOWN OF PHILLIPSBURG

**R2022-50**  
RESOLUTION AUTHORIZING THE USE OF EXCESS BOND PROCEEDS TO PAY DOWN OUTSTANDING BONDS OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY AND CANCELLING FUNDED APPROPRIATION BALANCES UNDER CERTAIN BOND ORDINANCES PREVIOUSLY ADOPTED BY THE TOWN OF PHILLIPSBURG FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS

**R2022-51**  
RESOLUTION EXPRESSING SUPPORT FOR, AND AUTHORIZING THE SUBMISSION TO NJDOT OF, A DESIGNATED TRUCK ROUTE WITHIN THE TOWN OF PHILLIPSBURG

**ROLL CALL CONSENT AGENDA**

**Passed 5-0**

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy		X	X			
Councilman Piazza			X			
Councilman Marino			X			
Council Vice Clark	X		X			
Council President Wyant			X			

**Pulled from Consent Agenda at request of Cnclman Piazza**

**R2022-46**

RESOLUTION TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY  
AWARDING A CONTRACT TO ROUTE 23 AUTOMALL FORD THROUGH THE MORRIS  
COUNTY COOPERATIVE PRICING COUNCIL CO-OP

**ROLL CALL**

**Passed 5-0**

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Piazza	X		X			
Councilman Marino		X	X			
Council Vice Clark			X			
Council President Wyant			X			

**Discussion**

Cnclman Piazza – Pulled 46 asked BA questions – Lease or Purchase? Inspections only?

BA Bengivenga responded – last years Capital, already approved. For Inspections Only.

**14. NEW BUSINESS**

Cnclman Marino noted in light of the incident a week ago Tuesday, questioned if there is a Reporting procedure in place to notify the Public when there is a Safety concern?

CP Wyant stated, he thinks there is a system and will discuss later.

Cnclman Piazza shared, he saw an article regarding Vacant Bldg fees in Reading, PA. Wondered if allowed in NJ.

Attrny Wenner stated, we have Vacant/Abandoned Program in TOP. Continued, Clerk’s Office receives foreclosure notice, then empowered – law of lender – to Register Property and pay fee. This is meant to incentivize the Property Owner to make repairs, get back on tax rolls. Also allows the Town to Summons the lender if Property Maintenance issues are not addressed. The Ordinance is on the books. Other Ordinances too – take possession – not simple – renovate and then sell. Asked Cnclman Piazza to forward article to him.

Cnclman Piazza stated in the interest of Public Health/Safety would be happy to forward to Attorney Wenner.

**15. PUBLIC PETITIONS**

**Ray Patt – Kneedler Avenue**

Congratulated PHS Wrestling team on their 23<sup>rd</sup> State and 39<sup>th</sup> Sectional win – beat Southern. 2 Titles and districts are back in Phillipsburg. Sunday the Girls at 11 AM and Girls Basketball in 2 weeks.

**Mary Jo Harris - NORWESCAP – 88 South Main Street**

Addressed Town Council regarding the Neighborhood Revitalization Tax Credit Plan compiled with input from the Community. Added this is a 10 year plan, taking other Plans into account, such as the Warren County Open Space Plan, Riverfront Redevelopment Plan, Heritage Trail and others.

Continued this is a Draft, still looking for input from residents and businesses alike. There will be a Open Public Meeting via Zoom on February 24, 2022. This will be prior to submission to DCA – seeking State approval of 90k/year for the next 10 years. Plan up for review for 30 days from now, all comments welcome. Thanked Administration for revitalization efforts.

**Nicole Timberman 112 N. Riverview Rd.**

Stated she felt Mary Jo Harris a great asset to the Community. Asked if at work session could bring up Riverside Way Lot – feels missed revenue there. Compared with five year plan for Sewer Rate increase – asked if couldn't start small. Taking a year to year approach – using funds from first year to finance change in subsequent years. Noted Lee Clark on right track to capitalize on local Festivals and realize some revenue.

CP Wyant noted, we will be talking about Riverside Way Lot/kiosk at work session.  
NT – continued start small, Friday, Saturday, Sunday – April through September.

**Fred Stine – working with Delaware River – 925 Canal Street, Bristol**

Stated NORWESCAP has right idea to be assertive and collect thoughts, feelings of the Community to find out its needs. Work with other Redevelopment Plans for a positive outcome. Thanked Ms. Harris/NORWESCAP for all their work.

Dan Boyce 1526 Warren Street, Alpha

Echo Nicole Timberman – kiosk not the answer. Only realized \$1800 over 8 month period – comes to 225/month. Continued kiosk will not be answer – need gate/person to collect fee. Currently depending on trust, will not work.

**Meliss Paulus 26A Glen Avenue**

Stated (2) questions:

1. CP Wyant used his own personal water usage to come up with number - \$2.and cents, asked only reflects flat rate?
2. She was advised at previous Council meeting – last meeting to email any questions, and CP Wyant would look for emails she previously sent – still waiting for response to questions

BA Bengivenga stated responded to MP at 4:19PM this evening.



MP noted she would check

BA – added (6) studies were attached.

MP stated BA told her to expect response from CP Wyant, but as long as answered, fine.

CP Wyant shared his formula as to how he arrived at \$1.71. 5700 gallons @ .0061 is  $34.77 \times 3 = 104.31$ . .0062 @ is  $35.34 \times 3 = 106.02$ ; which is a difference of  $1.71 + \text{flat fee of } \$5.00 = \$6.71$

MP stated that is a nominal amount of water.

CP Wyant continued from his perspective only. Compared usage between his rentals runs from a little to a lot.

MP stated would like to average user for this area – represent majority of all residents.

VP Clark noted MP's time was up. (3 mins.)

Cnclman Piazza stated our TOP has a wide variety of socioeconomic residents – especially Section 8. Some people can't afford – 50% rental rate increase, but inflation. Should not be the crux of argument.

CP Wyant noted in most cases – Landlord pays Sewer Utility bill.

**Matt Scerbo            1073 Pearl Street**

Noted shared his concerns via email and did not receive response – regarding picture of his 4 year old standing in the tracks left behind from a Tractor Trailer. Added the roads are buckling and being damaged – Personal Properties as well as Town Properties. Wondered if solution forthcoming – only takes one time for child to be injured. Expected response and did not receive anything from the Mayor's Office.

**Karen Kay        163 Hudson Street**

Stated 163 Hudson the other half of duplex she resides in-wanted update of progress. Noted Council Mtg. of Sept. 13 called for demo within 35 days. She added, heard bank bought it – sent emails to Housing Inspector, no response.

CP Wyant asked Attrny Wenner to respond to Ms. Kay

Attrny Wenner noted there is a Property Demo Order for 163 Hudson Street. Demo has not begun because , TLOA has begun and completed some renovations. Most notable the Roof, replacement of beams and Porch. Added a crew was inside and cleaned out debris, abating the offending conditions. Did not know if sale was completed, but understanding that buyer would continue/complete all necessary repairs.

Karen Kay noted after 35 days and no demo, what if they do not continue to repair. How long are they being given to complete? Has seen no one for 2.5 weeks. Asked if timeframe given.

Attrny Wenner responded – does not know new owner. They are to complete renovations – if not – the demo order still stands. Order entered – still on the books – Property would be demolished by TOP if does not comply. Added opinion of the Inspections Dept that action has been taken and continues – still on their radar.

**Robert Fulper – 941 Mill Street**

Sewer Increase – sympathizes with Laurie Ciesla – should have taken place last year, but just coming out of Pandemic, did not want to raise taxes. Asked Council to research other avenues first before passing this Ordinance. Spoke to Mayor’s ability to Veto and hoped he would do so and consider a (1) year increase instead-noting an 18% Poverty Rate in TOP. Noted shooting incident last week left many uninformed. Suggested Police Chief Stettner look into reverse 911. Continued, would love to see TOP as a destination , but not likely with events like this happening. Suggested Police Chief not using his powers to do the job.

**16. COUNCIL OPEN TIME**

VP Clark – noted pretty popular tonight ( name mentioned more than once). Noted Social Media, sharing of information – good/bad. May not be 100% true, but a learning experience. Stated I am not in violation of the Hatch Act. Affects Federal employee, State Program funded with Federal money – am able to Vote. Works for Green Acres – spoke with Attorney – no conflict.

Continued- enforce parking- lost revenue for TOP. Again where Social Media shares misinformation.

\$1800 was for Transit Lot only

43k realized in 2018 – unsure of what amount street parking

Following year – meters only realized \$4,390.00

43k will help lower residents taxes

Wants TOP to be affordable. Eager to move on – equitable. Tired of seeing out of state license plates, CT, NY parking for free in Municipal lot. Giving nothing back, downtown Businesses should benefit from out-of-towners. Want to become destination Town. Congratulated P’burg Wrestling Team, 23<sup>rd</sup> Sectional Win.

Cnclmn Marino asked CP Wyant about the future of 675 Corliss Avenue, former Municipal Bldg. and asked if could be put on to Work Session.

CP Wyant responded would be on Work Session this Tuesday, February 22, 2022, along with the Parking kiosk.

Cnclman Piazza – stated more fleshed out Parking Plan needed. Asked for clarification at Market Street Lot; which is closest to the Polar Express – Train Ride. Need to consider how money was collected at Riverside, were DPW workers used – which means overtime payments- deductions never accounted for – did we truly realize 43k? Noted Project 43-45 South Main Street’s need for Parking in the Riverside Lot – time constraints-possible conflict for redeveloper. Added, looking forward to Work Session. Congratulated Stateliners. Ended by

Approved 03.01.2022

saying losing our ACO, Michele Crosson, a dedicated Town Employee – sorry to see her go. Noted the job is a huge undertaking for (1) person-wished her well. Incident – received help from NJ State Police, also Blairstown and Lopatcong Township.

Cnclman Kennedy – Agree with VP Clark regarding charge for parking, adding every major municipality charges – generate revenue. Free Parking of course people take advantage. Recognized Wrestling Team, attended Championship match, parade through Town- congratulated Coach Gensel, staff and PHS wrestlers.

CP Wyant – Congratulated Statliner Wrestlers – big win for our athletes – puts TOP in positive light. Next Tuesday, February 22, is the Work Session. Will be addressing what can be done at 675 Corliss Avenue, the former Municipal Bldg.

**17. EXECUTIVE SESSION -**

R: 2022- 52

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING

Attorney Wenner stated (2) matters to be discussed. Disposition of real Property – 88 Spruce Alley. Also, potential Contract – Animal Control Officer. May be taken upon resumption – Shared Services with Boro of Washington Township’s animal control program.

**18. ADJOURNMENT - 9:18 PM**

Councilman Piazza moved to adjourn. The motion was seconded by Councilman Kennedy.

Approved 03.01.2022