

AGENDA

**TOWN OF PHILLIPSBURG
TOWN COUNCIL WORK SESSION
VIA ZOOM ID#857 7011 8335
TUESDAY, APRIL 12, 2022
7:00 P.M.**

(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”

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 April 12, 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

4. ROLL CALL

5. APPROVAL OF MINUTES - TC Meeting April 05, 2022

6. BILLS LIST -

ROLL CALL

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

7. ANNOUNCEMENTS -

8. OLD BUSINESS

O2022-06 – TBLD March 1, 2022 Awaiting Results of RT Environmental Report
O2022-06
BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2019-07 FINALLY ADOPTED ON MAY 7, 2019, AS FURTHER AMENDED BY BOND ORDINANCE NUMBER 2021-05 FINALLY ADOPTED ON FEBRUARY 16, 2021, IN ORDER TO REVISE THE DESCRIPTION OF IMPROVEMENTS AUTHORIZED THEREIN

9. Mayor’s and Administrative Officers

10. PUBLIC DISCUSSION ON AGENDA ITEMS

11. ORDINANCES – SECOND READING

ORDINANCE NO. 2022-11

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 100 ENTITLED “PERSONNEL POLICY AND PRACTICES” OF THE PHILLIPSBURG TOWN CODE TO CREATE SECTION 100-20 ENTITLED “ANTI-NEPOTISM POLICY”

ROLL CALL Passed 1st Rdg 03.22.2022 5-0

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

Discussion - Public

O2022-12

CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

ROLL CALL Passed 1st Rdg 03.22.2022 5-0

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

Discussion - Public

12. ORDINANCES – FIRST 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 CONSENT AGENDA

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

R2022-92

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH AQUATIC FACILITY DESIGN INCORPORATED TO COMPLETE A LIMITED KARST HAZARD REVIEW

R: 2022-93

A RESOLUTION DESIGNATING HANDICAP PARKING SPACES WITHIN THE TOWN OF PHILLIPSBURG

R: 2022-94

A RESOLUTION APPROVING THE PAYMENT OF SECOND QUARTER 2022 COUNTY TAX AND OPEN SPACE TAX, DUE MAY 15, 2022

R:2022-95

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING R2022-61 to change amount to Sartini Plumbing to \$3,139.50 AUTHORIZING THE PAYMENT TO SARTINI PLUMBING HEATING & COOLING, LLC FOR WORK PERFORMED ON AN EMERGENCY BASIS FOR PROPERTY LOCATED AT 24 STULL ALLEY

R2022-96

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH REMINGTON & VERNICK ENGINEERS FOR AN EPA EVALUATION REPORT AND INFILTRATION & INFLOW ANALYSIS

ROLL CALL

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

ROLL CALL

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

14. NEW BUSINESS

15. PUBLIC PETITIONS

16. DISCUSSION

Funding of Library - Referendum

17. COUNCIL OPEN TIME

18. MOTIONS

SPECIAL EVENT PERMIT APPLICATIONS

Adult Soccer Season – May 01 through October – Walter’s Park – Weekends 8am-9pm

19. EXECUTIVE SESSION -

R: 2022-

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

20. ADJOURNMENT

ORDINANCE NO. 2022-11

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 100 ENTITLED “PERSONNEL POLICY AND PRACTICES” OF THE PHILLIPSBURG TOWN CODE TO CREATE SECTION 100-20 ENTITLED “ANTI-NEPOTISM POLICY”

WHEREAS, the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, seeks to provide fair and equal opportunities by developing and adopting sound personnel practices which are based upon merit and safeguard against the potential for undue influence and/or favoritism; and

WHEREAS, the Town Council has deemed it in the best interest of the public health, safety, and welfare to amend Chapter 100, entitled “Personnel Policy and Practices” of the Code of the Town of Phillipsburg to establish an anti-nepotism policy.

NOW, THEREFORE, BE IT ORDAINED by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey as follows:

SECTION 1:

Chapter 100 of the Code of the Town of Phillipsburg, entitled “Personnel Policy and Practices” is hereby amended and supplemented by creating a new section, Section 100-20 entitled “Anti-Nepotism Policy” as follows:

§ 100-20.1 Title.

This Section shall be cited as the “Anti-Nepotism Policy” of the Town of Phillipsburg.

§ 100-20.2 Purpose.

This policy is not for the purpose of depriving any citizen of an equal chance for employment with the Town of Phillipsburg but is solely intended to eliminate the potential for preferential treatment of relatives of certain government and/or municipal personnel.

§ 100-20.3 Applicability.

- A. The prohibitions set forth in this Section shall not apply to appointments to the various Boards, Commissions, and/or Ad Hoc Committees of the Town.
- B. This Section and the prohibition against certain hiring contained herein shall be applied prospectively only from the effective date of its enactment and shall not in any way be construed to prohibit or make unlawful any current employment relationship or situation or promotion of any person currently employed by the Town as of the effective date of this Section, which may technically be violative of the terms hereof but for its prospective application. For purposes of interpreting this Section, persons appointed to positions of employment with the Town for a set term

shall be considered current employees, notwithstanding the fact that the term may have ended. Such persons holding positions of employment with the Town under a set term may be hired to any position in the Town, rehired, reappointed or promoted, as the case may be without violating this Section.

§ 100-20.4 Definitions.

As used in this Section, the following terms shall have the meaning indicated:

ELECTED OFFICIAL – An individual holding the position of Mayor or Town Councilman.

RELATIVE – A spouse, domestic partner, cohabitant, parent, child, adopted child, sibling, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin, in-law, (applies to parents and siblings of a spouse), half-relative (applies to parents and siblings of a spouse), half-relative or step-relative (applies to parents and siblings), or a person with whom a significant committed relationship exists (living together for more than twelve (12) months).

DEPARTMENT HEAD, MANAGERIAL EXECUTIVE AND UNCLASSIFIED SUPERVISORY EMPLOYEE – Any employee of the Town having supervisory duties and powers over another employee(s) within the respective department of the Town.

§ 100-20.5 Restriction in Hiring, Promoting, and Supervision of Employees.

The following restrictions shall apply in the hiring and promotion of employees to employment positions for the Town of Phillipsburg:

Hiring: Unless otherwise prohibited by law or New Jersey Department of Personnel Rules, but notwithstanding the terms of any collective bargaining agreement to the contrary:

- A. No person who is relative, as defined in Section 100-20.4, of an elected official, department head, managerial executive, or unclassified supervisory employee shall be appointed, hired, employed or permitted to work for the Town of Phillipsburg in any unclassified position.
- B. No person who is a relative, as defined in Section 100-20.4, shall be employed by or transferred to a position of employment with the Town, where that person will be supervisor of or be supervised by another relative who is an existing employee within the same department.
- C. Promotion. Notwithstanding the prospective application as to the remainder of this Chapter as described above, no elected official or supervisor, as defined in Section 100-20.4, in any department may participate in the promotion process or hiring process in that department of any existing employee who is a relative, as defined in Section 100-24.5, of such elected official or supervisor, as the case may be, unless otherwise required by law or New Jersey Department of Personnel

Rules. Such elected official or supervisor shall abstain from participation in such personnel action as it applies to such relative.

- D. If an existing employee of the Town becomes subject to this policy because of changes in marital, domestic partner/cohabitant or relationship status, one of the related persons must resign their unclassified position within ninety (90) days.
- E. It shall be the affirmative duty of a related elected official, department head, managerial executive, unclassified supervisory employee, or employee to immediately disclose any circumstances which may constitute a violation of this policy. Failure to do so will result in disciplinary and/or legal action which can include removal from employment position.

§ 100-20.6 Current Employees

Except as may be otherwise expressly provided for herein, this Chapter shall not affect the employment of any present Town employee and/or any existing contractual obligations with employees by the Town of Phillipsburg, nor shall this Chapter affect seasonal part-time employment. The application of this policy only applies prospectively to all individuals seeking employment with the Town of Phillipsburg following the effective date of this Ordinance.

SECTION 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

ATTEST:

TOWN OF PHILLIPSBURG

Lorraine Loudenberg,
Acting Municipal Clerk

Todd M. Tersigni
Mayor

DATED:

CERTIFICATION

I, Lorraine Loudenberry, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their March 22, 2022 meeting.

Lorraine Loudenberry
Acting Municipal Clerk

O2022-12

**CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Town Council of the Town of Phillipsburg in the County of Warren finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Town Council hereby determines that a 1% increase in the budget for said year, amounting to \$152,428.47 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Phillipsburg in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Town of Phillipsburg shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$533,499.65 and that the CY 2022 municipal budget for the Town of Phillipsburg be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ATTEST:

TOWN OF PHILLIPSBURG

Lorraine Loudenberry
Acting Municipal Clerk

Todd M. Tersigni
Mayor

DATE:

CERTIFICATION

I, Lorraine Loudenberry, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Town Council at their March 22, 2022 meeting.

Lorraine Loudenberry
Acting Municipal Clerk
