

Apprvd. Aug 16

**MEETING MINUTES**

**TOWN OF PHILLIPSBURG  
TOWN COUNCIL MEETING  
TUESDAY, JUNE 21, 2022  
7:00 P.M.**

(Town Council Meeting to be held in person at PHA Community Bldg., 535 Fisher Ave., Phillipsburg, NJ 08865)

(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** - 7:00 PM

2. **OPEN PUBLIC MEETING ACT STATEMENT:** - Read by VP Clark

**THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS LAW. THIS MEETING OF JUNE 21, 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

**A MOMENT OF SILENCE** – was observed for longtime resident, friend and former Councilman Mark Lutz who passed recently

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

Also in attendance, Mayor Tersigni, Attorney Wenner and AMC Loudenberg

5. **APPROVAL OF MINUTES** - NONE (Town Council Meeting 06.07.2022 moved to July 5 mtg.)

**6. BILLS LIST –**

**ROLL CALL**

**Passed 4-0-1**

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			

**7. To Be Heard:**

Habitability Hearing – Re: Block 1411, Lot 85

293 South Main Street, Phillipsburg, Warren County, NJ

Attorney Wenner noted Habitability Hearing regarding 293 South Main Street – owner Timothy Wynkoop.

MOTION to Open Hearing

Vice President Clark moved to open hearing. Councilman Marino seconded the Motion.

Yeas: Wyant, Clark, Kennedy, Marino, Piazza

Nays: None

Attorney Wenner – Oath given to Inspections Dept Head, John Daniels and to Owner of Property, 293 South Main Street – Timothy Wynkoop.

Attorney Wenner asked Inspector Daniels if he had opportunity to inspect the Property at 293 South Main Street?

Inspector Daniels responded he had and he found condition to be that of an Unsafe Structure. He added the roof has collapsed, there are (2) trees growing up through the structure, the hazards to be addressed are asbestos tiles and an oil tank. Continued it is not secured and sited for demo by former Construction Official, Kevin Duddy in 2013 and again by Mr. Daniels in 2021.

Attorney Wenner asked opinion if could be rehabbed?

JD responded, any bldg.. can be rehabbed, but would it be cost effective. Would need structural engineer.

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Attrny Wenner asked if a danger of collapse.

JD responded yes, has already begun to collapse inward. Can't access basement and there is an oil tank; which needs to be removed.

RW asked if vermin seen?

JD – No.

Cnclman Piazza noted this has occurred overtime and how often the Property has been inspected by Mr. Daniels.

JD responded, July of last year when a complaint was received. Spoke to photos shared with Council regarding the condition at that time. Continued there has been more deterioration since last year.

RP questioned had any Town Officials encouraged Property Owner to remediate.

JD responded, previous building Inspector and Construction Code Official.

Cnclman Pete Marino asked if any evidence of any Inspector contacting Property Owner.

JD noted Certified Mail was sent in 2013.

PM noted technically TOP did not follow-up.

Attrny Wenner asked Property Owner, Timothy Wynkoop if he had any questions?

Timothy Wynkoop responded not at this time.

Attrny Wenner noted add to record.

Timothy Wynkoop, Property owner spoke to condition of Building, noting in bad shape for a long time. Continued he did not recall receiving Notice in 2013 nor seeing Notice posted. He explained has made efforts to remediate 1000 square feet of asbestos tile. Continued he cannot get a Contractor to do work because deemed as unsafe structure. Noted Construction Code Official, Jack Daniels has been helpful. Continued, Jack Daniels recently communicated what Mr. Wynkoop is doing on his own is not allowed, he is not certified. Noted he needs a way to proceed.

JD explained he can do a partial demo, to remove oil tank.

CP Wyant inquired if can remove portion to safely remove tiles.

JD stated had not received any paperwork. Feels Van Cleef Engineering needs to be involved even if partial. Continued if can get partial demo permit to remediate hazards. Prior approvals for partial demo – will carry through – then update and add on the rest.

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TW questioned, Asbestos first?

JD stated you need a licensed contractor – there needs to be water mist during removal to keep from becoming airborne.

Attrny Wenner asked what would be reasonable timeframe.

Engineer Tim O'Brien stated waiver needed Soil distribution, there is Urgency to turn quickly, need Permit from State.

JD letter of no percent – size of building. Thirty (30) days comfortable – application.

TW – need Engineer or can I submit self. Continued good news there is a solution.

## MOTION

Councilman Marino moved to give Property Owner 45 days to come back and report. The motion was seconded by VP Clark.

AYES: Wyant, Clark, Kennedy, Marino, Piazza

NAYS: None

Extended to August 16, 2022 Town Council Meeting.

## **8. ANNOUNCEMENTS/PRESENTATIONS**

Comcast Corporation holding a Public Hearing at the July 5, 2022 TC Meeting – submitted an application for installation of fiber optic lines in Phillipsburg and surrounding communities.

## **9. 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**

BA Bengivenga spoke to the tabled O2022-06. Stated he and Engineer Tim O'Brien sent correspondence to RT Environmental. They responded they got results from the Corliss Bldg. and will finish their analysis and have it to us early next week. He continued would get it to CP Wyant for review before next meeting.

## **10. Mayor's and Administrative Officers**

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Attached

**11. PUBLIC DISCUSSION ON AGENDA ITEMS**

Joe Meyner – 392 South Main Street

Spoke to R2022-129 – noted basically redistributes money. R2022-141 – takes money spends on more Police cars. Added we do not want or need more Police cars, continued new found money can be used elsewhere. Questioned O2022-22 – replacing by Mayor as appropriate authority.

Attny Wenner responded, simple housekeeping of Police, statutorily identifying appropriate authority. Result of Rodgers Group accreditation, our Code did not have formally recognize Mayor or designee as ultimate authority of personnel. Continued would send statute to Mr. Meyner.

No other discussion.

**12. ORDINANCES – SECOND READING**

**O:2022-21**

**Passed 5-0**

ORDINANCE AUTHORIZING THE PRIVATE SALE OF PUBLIC LANDS NOT NEEDED FOR PUBLIC PURPOSE TO NORWESCAP FOR THE PURPOSE OF BUILDING A RESIDENTIAL HOME PURSUANT TO NJSA 40A:12-21(J)

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 - Public**

None

**13. ORDINANCES – FIRST READING**

**O 2022-22**

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, *APPROPRIATE AUTHORITY*, OF THE CODE

ROLL CALL

Passed 5-0

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

**Discussion – Council – None**

- 14. 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		X	X			
Councilman Piazza			X			
Councilman Marino	X		X			
Council Vice Clark			X			
Council President Wyant			X			

**R2022-87**

RESOLUTION OF THE TOWN OF PHILLIPSBURG, AWARING A CONTRACT FOR THE 2021 ROAD PROGRAM - CHIP SEAL (Originally on May 3, 2022 mtg. – pulled due to lack of certified Funds – now available)

**R2022-128**

RESOLUTION OF THE TOWN OF PHILLIPSBURG AUTHORIZING SETTLEMENT WITH TAXPAYER GERIATRIC AND MEDICAL SERVICES, INC.FOR TAX YEARS 2018 THROUGH 2022

**R2022-129**

RESOLUTION REAPPROPRIATING \$343,126.67 EXCESS BOND PROCEEDS FROM VARIOUS BOND ORDINANCES AND \$1,513.15 EXCESS CAPITAL FUNDS FROM A CAPITAL ORDINANCE TO PROVIDE FOR THE PURCHASE OF VEHICLES AND

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EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS, BY AND FOR THE  
TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY

**R2022-130**

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

**R2022-131**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF  
WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND IN THE AMOUNT OF \$103.30  
TO Ashley Conway

**R2022-132**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF  
WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND IN THE AMOUNT OF \$80.00  
TO David Alfaro

**R2022-133**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF  
WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND IN THE AMOUNT OF \$154.80  
TO Alyssa Frankenfield

**R2022-134**

RESOLUTION TOWN OF PHILLIPSBURG COUNTY OF WARREN, STATE OF NEW  
JERSEY Appointing Michael O'Rourke, Paul Wolf and Richard Regan as Special Law  
Enforcement Officers Class III

**R2022-135**

Resolution for Approval to submit a grant application and execute a grant contract with the New Jersey  
Department of Transportation for the **Green Street Phase 1 project**

**R2022-136**

Resolution for Approval to submit a grant application and execute a grant contract with the New Jersey  
Department of Transportation for the **Hudson Street Phase 2 project**

**R2022 -137**

A RESOLUTION APPROVING 2022-2023 LIQUOR LICENSES  
WITHIN TOWN OF PHILLIPSBURG

**R: 2022-138**

A RESOLUTION PROVIDING FOR RENEWAL OF ENTERTAINMENT LICENSE

**R-2022-139**

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES  
WITH VAN CLEEF ENGINEERING ASSOCIATES, INC. FOR THE HUDSON STREET PHASE 1  
PROGRAM

**R-2022-141**

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF  
NEW JERSEY AUTHORIZING THE PURCHASE OF THREE 2022 POLICE INTERCEPTOR  
UTILITY VEHICLES

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## R2022-142

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES, INC. FOR THE 2022 ROAD PROGRAM

## R2022-143

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH CGP&H, LLC FOR PREPARATION OF GRANT APPLICATION FOR Phillipsburg American Rescue Plan Firefighter Grant Program

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## R2022-140

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES, INC. FOR THE CIRCULATION PLAN ELEMENT OF THE MASTER PLAN PROGRAM

## ROLL CALL

Passed 4-0-1

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 noted there was a brief discussion of this in 2021. Continued, slowly moving in this direction and feels it is a great plan. Stated impasse – how to connect without going through private property. Stated would like to see committee created from cross-section of Council, Admin, Historical Preservation. Continued, need good cross section for this type of plan, going forward.

Cnclman Piazza asked if could be on committee regarding Trails, along with Mayor and Business Administrator.

CP Wyant stated he had no problem with it as they move forward.

Cnclman Piazza noted, there is a reference to a lot of meetings, but doesn't say who. He continued by sharing his involvement in the Scenic Byway – State Trail Committee – Warren County Trail Committee



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as well as assisting US Bike Route trail be acknowledged through Town of Phillipsburg, make connection. He asked Council please consider diving deeper rather than letting opportunity go by.

Engineer, Tim O'Brien, Van Cleef – noted committee is actually a sub-committee of the Land Use Board. He continued meetings have begun and the predecessor was A. Knowles. Basically a housekeeping issue, draw down from Highlands Grant.

Cnclman Piazza stated, Council needs a bigger voice. Noting should come before Council and not Land Use.

TOB continued, work plan submitted – recoup money – cleans up in order to draw down.

Attrny Wenner stated numbers of sub-committee, unsure how many persons.

CP Wyant stated, we can designate if appropriate.

Cnclman Piazza stated if Council comfortable.

Attrny Wenner noted he could reach out to Land Use Board attorney, S. Wilhelm.

Cnclman Marino stated, he would 2<sup>nd</sup> the Motion.

TOB noted – Public Outreach – sub-committee – review.

### **MOTION**

**Councilman Piazza moved to pass the motion. The motion was seconded by Councilman Marino**

Yeas: Wyant, Kennedy, Marino, Piazza

Nays: None

Abstain: Clark

### **15. NEW BUSINESS**

Councilman Marino stated he knows too late for this year, but would like to see Mercer Street Playground fenced in and gated for safety of younger children. Inquired if water spray could be made available too. Stated wants to be informed if any vacancies on any committees, would like to be notified.

Councilman Piazza shared idea of Emergency Management App based on cellular technology/tracking; which could be beneficial for TOP. Continued, not for Public, but for Emergency Responders – make for safer/informed. Also spoke to hope of 3.5 million in funds coming to assist the needs of the Sewer system and if TOP received those monies – the consideration of some kind of sewer rate rollback as people are having trouble paying their bills.

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No other new business.

### **16. PUBLIC PETITIONS**

Ruth Suydam – 600 Warren Street

Stated no notification prior to street being blocked off for repairs. Added, why flagpole not at Park?

CP Wyant state normally the Engineer's Office reaches out to those who will be affected and asked Tim O'Brien, Eng. to respond.

TOB noted TOP discussed the Warren Street repairs. He continued Contractor stated he notified residents. He continued, TOP received approval for sidewalk connectivity to Center Street and School side to Roseberry House. TOP recently flagpole – Green Space as a Memorial for person who served in military and lived on the block.

RS noted, why not at the park and why not informed.

Jeff Walbert 602 Warren Street

Resident affected by placement of flagpole stated not notified by TOP of change, only Gas Company. Continued bought his home for view of park and now his view will be parked cars.

Diana Cashman 566 Arlington Street

Spoke to Open Permits 10-20 years old that are just now being reviewed/completed. Feels Department has done poor monitoring. Noted a resident facing \$10k in repairs and has no recourse.

CP Wyant spoke to issue as a Contractor you don't get paid until Final Permit is complete/approved.

Mayor Tersigni spoke to this issue, furnace was put in backwards. Reiterated, don't pay Contractor until final permit is approved.

VP Clark spoke to the Carpentersville Traffic Study having received a follow-up phone call from Ms. Tallot.

Engineer Tim O'Brian noted the Carpentersville Traffic Study has been completed. Prime points made, Post 25 MPH signs, notified Municipalities regarding traffic coming from there direction that speeds drop dramatically. Curbed area – guardrail, additional signage, no speed bumps until roadwork done. Multi-stops – not warranted at this time. Also added Police actively working – education/enforcement. Added the complete Carpentersville Traffic Study available in the Clerk's Office.

Carol Tallett stated, hoped in the meantime unmarked cars would observe this area.

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**H. Tallett** stated on 30 years state Police, thanked Council and the Police Department for their response in initiating Survey and marked units on Carpentersville Road. Inquired if there had been citations? Any Warnings?

**Megan Ericson** co-owner, 5<sup>th</sup> Layer Tattoo Studio – 7 Union Square  
Spoke to the Kiosk being placed at Riverside Way Parking Lot; which is adjacent to 7 Union Square without notifying the Businesses. Very upset upon receiving ticket, but more regarding lack of notification. Feels TOP not supportive of Small Businesses even though bringing income to the Town.

**Cnelman Piazza** – responded by noting he has been Very Vocal about the Parking Ordinance not being clear and in need of being tightened up before putting kiosk to use. Added a poor job was done in notifying businesses. He stated he voted against the Ordinance, but was voted out. Sympathized with Business Owner and asked is there going to be a route going forward.

**CP Wyant** spoke to issue. Stated in process of finding new things to help the parking situation. Continued it is a work in progress. Noted the problem is that parking lot is filled with people who want to “Park for Free” and go across the river to Events in Easton. Adding, that effects your ability for you to park in that lot.

**Nicole Timberman N. Riverview Road**

Stated a single mother, (3) children – making \$15/hour. Gas has risen to \$4.95/gallon and paying \$80/week daycare. Cannot afford \$10/day to park where she works. Stated cannot afford to live in TOP.

**Ann Davis Lewis Street**

Spoke to lack of Communication from TOP. Continued there is a System in place, but underutilized. Urged residents to sign up for the Email Blast on Town’s Website to receive important notices, such as Monday Town Offices were Closed and Warren Street being closed. Continued some things are going out, Music in the Park and the Summer Playground Program through FYC.

**CP Wyant** asked Mayor to address this issue.

**Joan Pierce 351 Prospect Street**

Stated her 8 year old noticed trash and offered to clean-up. Asked Councilmen to take off blinders and see what our TOP could be. Please focus on what we have, what’s best for residents and especially the children.

**Jim Flynn 414 Firth Street**

Spoke to Master Plan, wondering if proposed Arby’s and Popeye’s is part of it. Feels what is needed is a Grocery Store. Continued seems not being supportive of Small Business – parking. How will customers revisit? Also, agreed with Councilman Marino a Recreation Director is needed.

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### **Blaine Fehley 237 Bowhay Street**

Asked about number of handicapped parking spaces at Riverside Way.

Eng TOB stated the number of handicapped spaces is regulated by the Federal Government, can work with Administration.

**CP Wyant** asked Mayor if restriping would be done?

**Mayor Tersigni** replied the striping would be getting done.

### **Joe Meyner 392 South Main Street**

Noted in the past only Bill Timmann and himself attended the Town Council Meetings. Continued a lot has happened and TOP has made share of mistakes. Feels little by little this Council is doing better. Agreed Ordinance flaws, but working toward straightening out. Noted, he has seen Councilmembers picking up garbage and investing time in Community. Spoke to Sewer repairs needed and the 3.5 million promised to help. Continued always need more for WWTP, do not cut Sewer money. Asked about the Trail thing?

**Attorney Wenner** stated the motion was to designate Councilman Randy Piazza on the sub-committee.

### **Bob Piccione 309 South Main Street**

Stated he owns Property next to 293 South Main Street; which was part of Habitability Hearing tonight. Continued property owner applying now to send for Permit from State, adding very complicated forms and must satisfy engineers. All the time the building has been falling down for 10 years and time is of the essence. Wants to be sure Council will keep on this building being demolished and not allow another extension.

## **17. COUNCIL OPEN TIME**

Cnclman Marino – spoke to issue of paid parking in the Riverside Lot, noting he has compassion for the young woman trying to raise her children. Continued most cities rely on realestate for ratables, Bethlehem waive parking \$20 1<sup>st</sup> year and \$10 2<sup>nd</sup> year. Stated for record – did not vote – Peron – tax ratable. Noted, feels should waive old building permits.

Cnclman Piazza – stated a privilege to be present at the renaming of the Senior Center to the Gloria Decker Senior Center. Continued, well deserved and she was a trailblazer. Added others present, Mayor Tersigni, CP Wyant, Cnclmen Kennedy and Marino.

Cnclman Kennedy – announced Open Air Market to begin July 10 at Shappell Park from 10-2pm. Thanked NORWESCAP and the Chamber for their help in getting this Event started. Continued more information is on the Town's Website or by calling 908.454.5500 x390.

VP Clark – announced the PFPLibrary Summer Reading Program will begin June 20 through August 12 and encouraged all to participate, adding there is an Adult Summer Reading

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Program as well. Continued TOP had a Pride Flag raising and Parade. Also, attended a Juneteenth celebration in Washington Boro. Juneteenth Family Fun day June 29<sup>th</sup> – RSVP to 908.454.3400 x3084. Noted, thrilled to see this number of people attending the TC Meeting. Informed audience to reach out to him if they have a problem. Continued he walks the streets downtown, wants to make himself available. Added we are all paying bills – historically facing the highest inflation in 40 years. Continued he still supports the paid parking

Cnclman Piazza stated it does mean leadership, should not criticize. People are struggling and bad decisions are effecting our residents. Noted, should not have shot down Rent Control.

### 18. MOTIONS

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

### 19. EXECUTIVE SESSION -

R: 2022- None

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

### 20. ADJOURNMENT