

Approved Sept. 20

**TOWN OF PHILLIPSBURG
TOWN COUNCIL
MEETING MINUTES
TUESDAY, September 06, 2022
7:00 P.M.**

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

- 1. **CALL TO ORDER** - by CP Wyant at 7:00PM
- 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 September 06, 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 resident, friend and DPW employee Kevin Johnson who passed away quite suddenly.

- 4. **ROLL CALL** Wyant, Clark, Kennedy, Marino, Piazza – All Council is present as well as Attorney Wenner, BA Matthew Hall and AMC Loudenberry.

- 5. **APPROVAL OF MINUTES** - Town Council Mtg. Mins – Aug. 16, 2022

ROLL CALL-Vote to amend passes 5-0 (Councilman Piazza noted change needed #2 from CP Clark to VP Clark)

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			

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ROLL CALL

- Approval of Minutes as Amended

Passes 5-0

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

6. BILLS LIST –

Passes 5-0

ROLL CALL

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

7. ANNOUNCEMENTS/PRESENTATIONS

PRESENTATION BY AARON COLEMAN

RAILROAD FESTIVAL – September 10th 11AM – 5PM
Celebrating 170 years of Railroad History 1852-2022

Aaron Coleman, owner of Platinum Star Cleaning, shared overview of 1st annual Phillipsburg Railroad Festival. Being presented along with other partners, Town of Phillipsburg, Phillipsburg Area Chamber of Commerce, NORWESCAP, Phillipsburg Downtown Association, Friends of the Transportation Heritage Center, South Main Street Alliance, Delaware River Railroad Excursions. Noted he has planned Event for a year, continued branded very well, Engineer hats, mugs, T-shirts, much more.

VP Clark noted, beyond impressed by presentation. Added this type of Event is just what Phillipsburg needs, bringing 60 vendors together. Thanked Aaron Coleman for taking the lead as an entrepreneur here in Town of Phillipsburg.

AC responded, believes business should give back to it's local economy, he believes the railroad will be what generates Phillipsburg's future. He added he has become the new

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chair of the Phillipsburg Chamber of Commerce, hoping this event generates people to attend and see what TOP has to offer.

Cnclman Kennedy – echoed VP Clark’s comments. Added looking forward to seeing the result of the clean-up of Union Station bldg.; which he and other volunteers helped to clean.

AC – noted 30 yards of garbage was removed from 1st floor of Train Station. Wanting Chamber of Commerce to have ticket office there. Adding the 1st floor will be open as museum – exhibits – coal shoots – train station, remarkable collection.

Council President Wyant recognized tremendous effort made by Aaron Coleman, he appreciates his energy. Noted an excellent event for TOP, hoping to bring outside visitors in to see what a jewel the Town of Phillipsburg is.

Day out With Thomas – Train Ride – for more information and future dates visit:
<https://877trainride.com/thomas.htm>

OPEN AIR MARKET – SUNDAYS FROM 10AM – 2PM THROUGH OCTOBER 2nd. If interested in being Vendor, please email EVENTS@PHILLIPSBURGNJ.ORG.
KK – every Sunday new vendors are participating, asked Aaron Coleman to share his Vendor list.

**MUSIC IN THE PARK CONCERT SERIES – 6PM – 9PM AT SHAPPELL PARK –
September 8 – A Few Good Men** - please check website for future dates/bands
www.phillipsburgnj.org

8. Administrative Officers

Business Administrator – Matthew C. Hall – Report

1. Deepest sympathy to family of Kevin Johnson
2. Delivery of sweeper – replaces 10 yr old sweeper – being kept as back-up
3. Preparing for RR Festival, Pork Roll Palooza and Ole Towne Fall Festival
4. Bids – 2022 Rd & Sewer Program

Superintendent of Recreation - E.J. Tarpey - Report

Thnkd Mayor/Council for all their hard work

1. Walter’s Park – changed plans – 2 Basketball Courts/2 Tennis Courts with Pickle Ball
2. Green Street Park – keeping Basketball Court where it is – changing current Tennis Courts to 4-5 Pickle Ball Courts
3. Delaware Heights Park – beautiful, only Basketball Court requires repair

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Programs

1. 6 week program – boys 6-8 grade Basketball – player development; which he will lead as having played in College/Semi-Pro.
2. Noted Coach Alex and Assistant Donny – they are looking for feeder tennis program. Will invite 6th grade girls to a PHS match, then camps and hit the tennisball.
3. Senior Center – Bill Spencer director, they are offering chair yoga. Wants to assist and offer more programs.
4. Need 5k program – see where it goes
5. Girls Basketball Program – elementary/middle school age girls.

Cnclman Piazza – Noted Pickle Ball growing sport, glad to hear people will not have to travel to join in the fun. Asked if plans for or intro to a league?

ET noted great idea to have a series of clinics. Noted he is not Pickle Ball coach, but knows those who will volunteer to teach.

Cnclman Marino asked about ages for the girls Basketball?

ET – 4th/5th up to 8th grade.

Cnclman Kennedy asked about batting cage at Green Street.

ET – noted there will be a batting cage at Green Street, need to work out logistics – where to store equipment.

VP Clark noted appreciates Yoga Program at Senior Center, hoping something can be offered for younger crowd – guided meditation, yoga – could partner with Phillipsburg Free Public Library.

CP Wyant – excited to hear new Recreation programs being introduced to Town of Phillipsburg. Added he appreciated E.J. sharing his plans and hopes he comes back and keeps Council informed.

9. PUBLIC DISCUSSION ON AGENDA ITEMS

David Morrisette - 5 Fairview Hieghts

Commended Aaron Coleman on organizing/planning of Phillipsburg Railroad Festival. Thanked him for all positive efforts. Continued, Downtown's future, this will save TOP.

No others – Closed

10. 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.*

R: 2022-193

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING REFUND OF AN OVERPAYMENT

R: 2022-194

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

R2022-195

RESOLUTION OF THE TOWN OF PHILLIPSBURG, AWARDED A CONTRACT FOR THE 2022 ROAD PROGRAM PHASE 2 – SANITARY AND STORMWATER REPAIRS

R2022- 196

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, APPROVING CHANGE ORDER #1 IN THE AMOUNT OF \$53,214.00 FOR THE 2021 ROAD PROGRAM PHASE 1 – SANITARY AND STORMWATER INSPECTION

ROLL CALL CONSENT AGENDA

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			

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R2022- 197

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, AUTHORIZING THE CLOSING OF STREETS FOR THE RAILROAD FESTIVAL BEING HELD IN SHAPPELL PARK ON SEPTEMBER 10, 2022

ROLL CALL

Vote to Amend

Passes 5-0

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

CP Wyant pulled R2022-197 from the Consent Agenda as it needed to be amended to include closing of Sitgreaves Street Parking Lot.

ROLL CALL

Passes as Amended

Passes 5-0

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			

R2022-198

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, AUTHORIZING THE CLOSING OF STREETS AND SITGREAVES STREET PARKING LOT FOR THE PORK ROLL PALOOZA BEING HELD IN SHAPPELL PARK ON OCTOBER 8

ROLL CALL

Passes 5-0

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

11. NEW BUSINESS

Councilman Piazza read aloud and shared a copy with Council (copy attached) of an Ordinance regarding adopting the “District 5 (Riverside Industrial) Amendment-Riverside Redevelopment Plan”. After reading aloud he stated time is of the essence and noted the positives far outweigh the negatives. Added if we don’t act may be a missed opportunity that does not present itself again.

Councilman Marino stated wants to be proactive and for TOP to go forward. Noted job opportunity for Town of Phillipsburg residents as well as partnering with NORWESCAP for building job skills. Added young people need good paying jobs to afford childcare.

VP Clark thanked Councilmen Piazza and Marino for passion/support of Project. Asked Attorney Wenner if he had created the Ordinance?

Attorney Wenner replied he did not, but added not unusual for Ordinance to be prepared by Applicant.

VP Clark asked Cnclman Piazza how long he had the Ordinance?

Cnclman Piazza responded, he received Ordinance yesterday, but has been working with applicant since 2020. Adding applicant had come before Council before.

VP Clark noted he has not heard “warehouse” used. Added not against redevelopment – aiming for redevelopers, but noted there is active litigation. Continued litigation from own constituents – wants to see litigation played out.

VP Clark moved to Table the Ordinance. The motion was seconded by Councilman Kennedy.

AYES: Clark, Kennedy
NAYES: Marino, Piazza
ABSTAIN: Wyant

Attrny Wenner Stated Motion does not carry 2-2

Cnclman Kennedy noted line in “Ordinance states 2020-14 reaffirmed”, is for Court to decide.

Cnclman Piazza questioned Attorney Wenner – would read same way no?

Attrny Wenner responded with Ordinance procedures. Motion to Adopt, 1st Rdg., 2nd Rdg. With Public Hearing – 45 days to challenge. If no challenge – then ratify – 2020-14 would be ratified as well.

*Introduced Sept. 6, 2022 by
Councilman Piazza - entered
into record.*

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, NEW JERSEY ADOPTING THE DISTRICT 5 (RIVERSIDE INDUSTRIAL) AMENDMENT - RIVERFRONT REDEVELOPMENT PLAN

WHEREAS, the municipal council (“**Town Council**”) of the Town previously determined that the properties identified as Block 2102, Lots 1, 2.01, and 2.02 (the “**Property**”) on the official tax maps of the Town constituted an area in need of redevelopment (the “**Riverfront Redevelopment Area**”) in accordance with the requirements of the Redevelopment Law; and

WHEREAS, pursuant to Ordinance 2021-14, the Town previously amended the revised Riverfront Redevelopment Plan for the Property to change District 5 from Riverside Residential to Riverside Industrial, to permit industrial uses and allow the related amendments to accommodate such purposes (the “**District 5 Amendment – RRP**”);

WHEREAS, Peron Construction, LLC (the “**Redeveloper**”) was previously designated by the Town Council as the Redeveloper for the Property and intends to enter a Redevelopment Agreement with the Town for the development of one industrial building of approximately 420,000 square feet, associated parking, supporting infrastructure and improvements on the property identified on the Property; and

WHEREAS, the Redeveloper has indicated to the Town that a potential manufacturing and storage users for the Property requires a 65-foot building height, requiring an amendment of the Revised RRP (the “**Revised RRP Second Amendment**”);

WHEREAS, the Town approves of the Revised RRP Second Amendment to support the development of the Property;

WHEREAS, the Town wishes to adopt the Revised RRP Second Amendment and refer the matter to the Land Use Board for review anew pursuant to N.J.S.A.40A:12A-7(e).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF PHILLIPSBURG, IN THE COUNTY OF WARREN, AS FOLLOWS:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Revised RRP Second Amendment is hereby adopted pursuant to the terms of the Redevelopment Law.
3. Ordinance 2021-14 is hereby reaffirmed.
4. The zoning ordinance of the Town is hereby amended to permit 65-foot building height in District 5. The Revised RRP as amended by the District 5 Amendment RRP and this amendment shall supersede the applicable development regulations of the Town’s municipal code, as and where indicated.
5. The Project shall include a commercial rail interconnection with the adjacent Belvidere & Delaware River Railway.

6. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of the Ordinance.
7. A copy of the Ordinance and the Revised RRP second amendment shall be available for public inspection at the office of the Town Clerk during regular business hours.
8. This Ordinance shall take effect in accordance with all applicable laws.

(Attestation)

Lorraine Loudenberg,
Acting Town Clerk

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Cnclman Piazza continued, may send signal we are interested-time is of the essence – we may lose a lot if they walk.

Councilman Piazza moved to adopt motion as written to show intent want their business. Motion seconded by Councilman Marino.

AYES: Marino, Piazza
NAYS: None
ABSTAIN: Clark, Kennedy, Wyant (voiced conflict)

Does not pass

12. PUBLIC PETITIONS

Joe Meyner 392 South Main Street

Spoke to new proposal (Ordinance submitted by Cnclman Piazza) adding helps in many ways. Referred to Train ride didn't go all the way South to next Town touting track no good – would be much better ride as proposed by this amendment. Stated if Railroad head put in, could have great effect – extension of rail. Noted, pleased Cnclman Marino behind redevelopment of commercial/residential. Hoping for connection to infrastructure bill, somehow get dollars for extension of rail.

Cnclman Piazza stated potential Federal Government approval 80/20.

Reggie Regrut –

Spoke to (2) items.

1. How will Warehouse improve South Main Street
2. According to Fox News – 2k Police Officers injured, 574 riots – George Floyd executed 01/06/22.

Asked for minute of silence – took one knee. Noted, mailed Resolution to consider – would like to see Vote.

Mike Perrucci – Washington Lane, Bethlehem, PA

Noted first time he and Joe Meyner agree. Spoke to Ordinance introduced by Cnclman Piazza. Stated litigation basically conflict of percentage, continued Court not decide merits of cold storage. Added this Georgia Company – we found – good for TOP. Stated Chris Cotty – said 90/10 Federal money available to improve rail.

Listed positives associated with Project:

1. Commercial
2. Atlantic States come over
3. NORWESCAP – job training partnering – 100 people
4. DOT – Howard St. extension – 250k granted for design – trunch buy land

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5. 15 years ago when industrial, changed to residential – unable to create residential due to gun club – landfill.

Emily Gruver – 127 Summit Avenue

Spoke to situation regarding handicap ramp – Raymond Street repaving caused drainage issue. Noted in 2020 her contractor did sidewalk, advised she contact TOP regarding grade of blacktop. Stated correspondence with Steve Davis, DPW Superintendent – he advised Engineer need to re-pitch of Raymond. Continued, June 15, 2022 Steve Davis contact BA, Van Cleef sent email – no response. Called Van Cleef, spoke to Tim O'Brien, who said he would contact BA. She asked who to contact to resolve issue, adding this is a liability.

CP Wyant stated, rec'vd pictures – familiar with situation, adding a lot settled due to rain – adding would ask Matt Hall the new BA.

Aaron Coleman – owner Platinum Star Cleaning Services

Spoke to Cnclman Piazza's introduction of Ordinance, adding nobody wants warehouse, but if rail will help get trucks off road it is a positive. He continued the Business District will not have al fresco dining, adding property – train & flag damaged by tractor trailer traveling down SMS. Stated if Rail comes with the Project, should entertain idea. Noted things on Howard Street would be redeveloped with – lighting, parking. Entertain cameras – will help. Continued he is TOP Chamber chair and the tractor trailers downtown is a horrible situation – damaged buldgs. Urged Council to research – rail/shipping to get trucks off SMS. Stated will never have a thriving district downtown with current tractor trailer traffic.

CP Wyant spoke to truck traffic by saying an extensive study/survey sent to Trenton; which would eliminate truck traffic from Unions Square to McKeen Street.

Rob DeBeer – Hellertown, PA

Spoke to Presentation given previously regarding the Howard Street Project – 65ft. needed for agreement with National Cold Storage chain; which is interested in Property. Noted positive changes to original proposal of:

1. 450k square ft. to 300k square ft.
2. Jobs
3. Rail

Added time is of the essence, very real threat that w/o appropriate Council action will lose interested party if do not act. Noted request is to come back with re-introduction, smaller footprint, etc.

Audra Frank 276 Bald Eagle Drive – business at 260 SMS

Noted truck traffic is hurting Historic structures. Adding any solution to keep truck traffic off SMS should be considered, rail would be sustainable. Congratulated Aaron Coleman regarding Phillipsburg Railroad Presentation.

David Morrisette – 5 Fairview Heights

Noted regardless of warehouse or not – actions are being taken to remove truck traffic. Continued, regarding court case – not (1) alleged point, but many – anticipating court

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decision any day, perhaps even prior to Land use Board Meeting. Stated how can TOP be considered a riverfront destination with warehouse on the Riverbank, don't need on Riverfront.

Nicole Timberman – 112 N. Riverview Hghts.

Made statement in favor of warehouse if providing good paying jobs of \$31/hr. Stated we want growth – not just outsiders benefitting. Spoke to Parking Ordinance on Riversideway Parking Lot – wondered when would be addressed. Asked if will be reimbursed if saved parking receipts?

CP Wyant noted had meeting with Police Department and previous BA. Continued this Friday another meeting. Feels Work Session warranted – for Tuesday, Sept. 13, 2022 – asked Counselor to review all municipal parking lots.

Josh Wanisko – 185 Lewis Street

Stated Cnclman Piazza's submission of Ordinance claiming urgency deserves scrutiny.

Cnclman Piazza responded by noting any Council person – can introduce ordinance/ amendment. Continued, he holds NJ Real Estate license and time is of the essence in this situation. Added walked in last minute – felt it had to be. All addressed before Council prior, only difference being the Rail is Guaranteed. Hoping that would help move forward.

Dan Boyce – 1526 Bullhorn Street, Alpha, NJ

Noted, who can dictate what Property Owner should do with their own Property.

Randy Piazza, Sr. – 309 Mercer Street

Spoke to ability to see Warehouse from river, with foliage/trees – won't be able to see. Also, noted whether you charge or don't – still a parking lot for Easton (referring to Riverside Way Lot).

13. COUNCIL OPEN TIME

Cnclman Marino noted still trying to assess whether or not Riverside Way Parking Lot is under Green Acres. Added trying to speak to State Officials, too many questions – some information goes back 20 years.

1. Stated asked for roster of all Green Acres parcels – need to get all information regarding the Boat Ramp the parking lot.
2. Addressed BA – wants him to pass to Mayor vital need for K-9 and need for fence around 234 Filmore Street for safety.
3. Anderson/Heckman and O'Donnell - (2) Senior Centers, need some way to slow down traffic. As well as kids crossing Roseberry Street to get to Wawa – need area to slow down marked off for everyone's safety.

Cnclman Piazza wished everyone a nice weekend. Stated, looking forward to Phillipsburg Railroad Festival. Reminded all Sunday – anniversary of 9/11 – attend a vigil/event in remembrance. Added September 17 is Constitution day.

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Councilman Kennedy spoke to Councilman Marino's insinuation of Riverside Way perhaps being Green Acres and therefore encumbered, but also should be considered for redevelopment. Stated can't have both ways. Thanked Aaron Coleman for presentation – looking forward to Phillipsburg RR Festival as well as, Oktoberfest and Ole Towne Fall Festival. Asked Public if concerned about crime, trash in TOP – encouraged to participate in Community Day of Action. Noted too easy to be negative – encouraged positive outlook – don't complain, find a remedy. Added, take part in our Festivals – help out, use your time.

VP Clark echoed his support for Councilman Kennedy's suggestions. Noted many upcoming events, Oktoberfest – October 8, Halloween Parade, Ole Towne Fall Festival – October 29 and the RR Festival this weekend. Added support your Small Businesses.

CP Wyant thanked Aaron Coleman and all the Sponsors, participants and all involved who helped by being part of upcoming Phillipsburg Railroad Festival. Adding all positive Events, wanting to make positive things happen for TOP.

Councilman Marino stated Brensigner School was torn down and (10) homes took its place – trade-off. Would like to reintroduce cold storage Ordinance.

VP Clark noted beyond point of order.

CP Wyant stated he would allow.

Councilman Marino moved to introduce Ordinance. The motion was seconded by Councilman Piazza.

AYES: Marino, Piazza

NAYS: None

ABSTAIN: Wyant (conflict), Clark (support to table), Kennedy

14. MOTIONS

Councilman Piazza moved to have Invertase Microbrewery as Vendor at Phillipsburg Railroad Festival. The motion was seconded by VP Clark.

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			

15. EXECUTIVE SESSION -

R: 2022- 199

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING **Acquisition of Property**. No Action to Be Taken.

Moved to go into executive session.

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			

Moved to return from Executive

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			

16. ADJOURNMENT - 9:17 PM

Councilman Kennedy moved to adjourn.