

Apprvd. Oct. 18, 2022

**TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING MINUTES
TUESDAY, October 04, 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 - 7:02 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 **October 04, 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 Wyant, Clark, Kennedy, Marino, Piazza
Also in attendance, Attorney Wenner and AMC Loudenberry.

5. APPROVAL OF MINUTES - Town Council Mtg. Mins – Sept. 20, 2022

ROLL CALL

Passed 5-0

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

6. **BILLS LIST –**

ROLL CALL

Passed 5-0

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

CP Wyant asked if there were any questions regarding bills list. There were none.

7. **Executive Session R2022-212**

ROLL CALL To go into Executive Session -

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

ROLL CALL To return from Executive Session – 7:49 PM

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

8. **Habitability Hearing** - **234 Filmore Street – Bl:1412 Lot 15**

This was first heard on August 16, 2022.

Update to be given regarding submission of a structural analysis report and fence installation and addressing vermin.

Apprvd. Oct. 18, 2022

Attorny Wenner noted the owner had been directed to appear with structural report within 45 days and fencing was to be secured 5 days after notice for safety. None of these items have been addressed. Called Parker-McKay – representing bank. Need letter – charge off loan 12.27.22. Discharge of list pending. Basically the bank/lender that had an interest walked away. There is no one to represent an interest in the Property at tonight’s meeting. Asked if any steps had been taken at all?

Jack Daniels, Inspection Dept. Head/Code Official (still under oath)
Noted Only thing done – secured-windows and door on first floor. No Permits have been pulled. Dangerous to health and safety of the residents of Phillipsburg – should be demoed.

Attorny Wenner inquired if utilities had been turned off and if considered unfit and unsafe?

Cnclman Marino stated building should be torndown with winter time coming homeless may try to access.

Cnclman Piazza concurred. Adding Neighbors probably attempted to secure first floor and maintain lawn. Move to demo.

Fire Chief Richard Hay – (still under oath)
Determined it is a safety hazard. With Winter coming homeless could set fires, a real threat to the safety, lives of firefighters. Agreed should be demolished.

Attorny Wenner asked if Town Engineer, Tim O’Brien had anything to add, he did not. Continued, unfit, unsafe, absentee owners have been sufficiently noticed. Representative of lender – foreclosure – deficiencies. Town does effectuate own monies and move to demolish.

VP Clark noted expert testimony given – supports motion to demolish.
Cnclman Kennedy agreed
CP Wyant noted nothing has been done.

Cnclman Marino moved to go forward with demolition. The motion was seconded by Councilman Kennedy.

AYES: Wyant, Clark, Kennedy, Marino, Piazza
NAYS: None

Attorney Wenner noted would need demolition specifications from Inspections/Jack Daniel’s Office.

9. ANNOUNCEMENTS/PRESENTATIONS

Pork Roll Palooza – October 08, 2022 11AM – 6PM – Shappell Park

Apprvd. Oct. 18, 2022

Ole Towne Fall Festival – October 29, 2022 11AM - 6PM – Shappell Park
(Fireworks at 7PM)

Train Ride – for more information and future dates visit:

<https://877trainride.com/thomas.htm>

10. Mayor's Report / Administrative Officers

Mayor's Report Attached

Circulation Plan – Transportation, assess where improvements are needed.

Walkability Audit – into report

4 Routes – foot traffic – find more info on the Website

Smoke Testing – WWTP – repairs – Hillcrest/Pursell Hill – notices have been prominently displayed. Can also contact DPW

PRESENTATION – Richard Colasuonno- presented designs/idea for Senior Living and Grocery Store in the former Norton Campus.

Ariana Court – Senior Residences

Proposed Buildings 1-3: 45 Apartments

(18) One Bedroom Apts.

(27) Studio Apartments

Apartments over Grocery Store:

(12) One Bedroom Apartments

(4) Two Bedroom Apartments

102 Total Parking Spaces.

Residential: 64 Spaces

Commercial: 38 Spaces

Cnclman Marino asked about Average rent? Response was 1k, he noted that is his pension.

Mr. Colasuonno stated, 1 bedroom about \$1200, don't want low income – but accessible. Continued problem being faced is rising cost of construction – not feasible to do for less. Want to avoid Pilot Program.

Cnclman Piazza noted, curious about the Grocery Store if someone in mind. Mr. Colasuonno remarked the vendor has 6 other grocery stores – established. Don't want mini-mart, but full fledged Grocery Store with fresh fruit and vegetables.

VP Clark thanked Mr. Colasuonno and Mayor Tersigni noting the community needs fresh food. Continued the Property is an eyesore, added housing community 44th out of 45 needing accessibility to fresh food. Amazing spot – 3 bldgs. – 1 & 2 Bedroom Apts. Asked if approved – timeline?

RC – Need encouragement/support of Council. Need push with every standard available. Further design may require a few variances. Some unites – smaller – they like to see 500 sq. feet, that is why studios. Parking is just above where it is required to be. Continued, right now B-2 – not residential. Need some relief from Zoning. Parking covered – 1 spot/space per employee. Use is a Variance issue. Continued Grocery Store/Senior Housing – Mayor’s idea. Tom McQuire, Director of PHA input need grocery store, people do not have means to travel.

Cnclman Kennedy noted since Ahearts closed there has been a Public outcry for a Grocery store. Even proposed Quick Chek – not a grocery store. Added, he serves on Land Use Board and grocery store is welcome news.

CP Wyant stated, great idea – great Project and wished Mr. Cloasuonno Good Luck and thanked him for the Presentation.

11. PUBLIC DISCUSSION ON AGENDA ITEMS

NONE

12. ORDINANCES - Second Reading

O2022-26

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE V, *SPECIAL LAW ENFORCEMENT OFFICERS*, OF CHAPTER 105 *POLICE DEPARTMENT*, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO INCLUDE SPECIAL LAW ENFORCEMENT OFFICER, CLASS III (SLEO III)

ROLL CALL

Passed 5-0

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

Public

Joe Meyner – 392 South Main Street

Does not feel the Police Chief should supervise Class III officers, but should be the Principal of the School unless under some type of duress and then the Police Chief should be in charge.

O2022-27 – Assembly Bill No. 2877, which standardized the Vacant Property Registration procedures for the municipalities of New Jersey was signed into law on January 18 of this year by Governor Murphy. As a result, NJ municipalities are required to amend their Vacant Property Ordinances to reflect the changes

Apprvd. Oct. 18, 2022

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, DELETING IN ITS ENTIRETY CHAPTER 448 ENTITLED “PROPERTY, MAINTENANCE AND REGISTRATION OF VACANT AND ABANDONED”, AND REPLACING SAME TO BE CONSISTENT WITH P.L. 2021, C. 444

ROLL CALL

Passed 5-0

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

Public - 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.*

R:2022-206

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND OF ESCROW IN THE AMOUNT OF \$269.50 TO The Apothecarium/Terrascend Corp

R: 2022-207

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, CONFIRMING APPOINTMENTS TO THE LOCAL EMERGENCY PLANNING COUNCIL

R2022-208

RESOLUTION OF THE TOWN OF PHILLIPSBURG, AWARDING A CONTRACT FOR THE 2022 ROAD PROGRAM

R2022-209

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 Josie Martinez

R2022-210

RESOLUTION OF THE TOWN OF PHILLIPSBURG AUTHORIZING SETTLEMENT WITH PBA LOCAL NO. 56 REGARDING PRORATION OF VACATION LEAVE UPON RETIREMENT

R2022-211

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A CHANGE ORDER DECREASE TO DERSTINE COMPANY, LLC IN THE AMOUNT OF \$22,500.00 AND AUTHORIZING FINAL PAYMENT

ROLL CALL CONSENT AGENDA

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

No Resolutions were pulled from Consent Agenda. Councilman Marino abstains from R2022-210 and answers Yea to remainder of Consent Agenda.

14. NEW BUSINESS

VP Clark shared update regarding lights in Shappell Park. He noted that NORWESCAP would be the source of funding rather than UEZ. Adding the Neighborhood Preservation Program, a community stakeholder – fill Shappell Park with LED lights all year round.

Cnclman Marino wanted to reintroduce the Resolution initially introduced by Cnclman Piazza regarding the Howard Street property – Peron Construction.

Councilman Marino moved to have read into minutes of September 6th TC Meeting and moved to reintroduce tonight, October 4, 2022.

The motion was seconded by Councilman Piazza. He noted he had asked it be put on to tonight’s Agenda. Encouraged all to read over again and noted the impact this could have by way of the Rail. Continued, very infrequently can local Government have impact on Federal type infrastructure; which could also reduce the truck traffic, Atlantic States, Gilbrandson could use the rail. Cleaner type bldg., cold storage – clean manicured bldgs. Added, greater access for bikers and walkers to the trails – works well 2 fold – rail infrastructure – Delaware River Trail excursions - .80 on every dollar. The Town’s Parking issues could possibly be addressed with money reimbursement – maybe a parking garage. Could be a missed opportunity if not acted upon now.

VP Clark asked if Cnclman Piazza would lend a copy for him to read and refresh his memory.

Apprvd. Oct. 18, 2022

Cnclman Kennedy noted, this came up at last TC meeting and he abstained. Nothing in the Ordinance changes the wording regarding 2021-14 – can't change – litigation.

VP Clark noted everything heard before, prior woulds and coulds remain open – stands with KK. Explained originally converting 420k to 350k, but #3 2021-14 under litigaton – noting constituents brought to court for people to be heard. Continued, if we strike this out – and base his vote on that. As resident, candidate – against Industrial so close to river.

CP Wyant agreed some litigation here. Don't want to portray for or against with litigation. Abstain.

Councilman Marino moved for Ordinance. Councilman Piazza seconded.

AYES: Marino, Piazza
NAYS: VP Clark
ABSTAIN: Wyant, Kennedy

Motion fails.

No other New Business

15. PUBLIC PETITIONS

Ann Davis – 222 Lewis Street – Open Air market. Thanked Councilman Kennedy as it was his idea. There were 13 weeks – 2 Rain Dates – Vendors stated want to come back next year. She added Vendors did well, great experience, music and fun. Should be bigger and better next year.

Dan Seyler – 22 N. Main Street
Spoke to Parking situation regarding N. Main Street lot and Brothers before Others. Noted progress should benefit everyone. Tried to find Lease allowing BBO to have all 7 spaces. Lease noted 4 spaces. Being told can't park there – will be tktd and towed. They only need 2 spaces. People live on N. Main Street - \$80/year – willing to pay. He feels should remain Public Parking. Area.

Mike Perrucci – Washington Lane, Bethlehem
Asked CP Wyant did he need to abstain or recuse – noting if there was a conflict.

CP Wyant rejsponded has property within 200 ft of Property.

MP – noted part o application.

Attrny Wenner stated looking into abstention right now.

MP noted Mayor vetoed at last possible moment. Asked what Council would have him do, noted tried low income housing – unable to get Contractor. Continued 125-140k in taxes.

Apprvd. Oct. 18, 2022

What with 40 acres – conflict is with persons – not merits of the Project. Ten million has been spent in 15 years. Asked Council for their ideas, very frustrating. Grew up in TOP. This would afford 100 good paying jobs, a tax ratable, clean up the drug use/abuse in the area. 1 million to park clean up. Happy to entertain Council's ideas. Ran against trucks on South Main Street, this would be a way to reduce truck traffic on SMS. Howard Street Extension is getting done. Rail could be getting done too. NORWESCAP has a training Program for residents. We have highest unemployment in the state. Asked what Council would have him do.

Joe Paranee 3471 Linden Street

Family living in Town of Phillipsburg for 100 years. He is broker who brought Project to TOP. Continued this is time sensitive. Added the Rail is a Big Incentive. No one wants trucks parking and using SMS. Offers 100 jobs at 50-75k. Continued the TOP has been built on RR, most use on the Rail, more train history going forward. Noted this entity will go to another Town and take away this opportunity and not come back again. If keep pushing they will go down the road.

Steve Sahilick – 36 years, noted his client committed to Valley. Wants to work with Town of Phillipsburg.

Audra Frank 276 Bald Eagle Drive

Went to Bethlehem Project – Mr. Perrucci – walking Trail behind – could see a vision for TOP. Cold Storage Bldg. – not a problem. Asked if this was being held up because of lawsuit.

Council noted, cannot comment.

Frank Berruta

Stated, supports Mike Perrucci, Peron Construction – adding each Project has added to Tax Base and Jobs. Initially the Casino had the same opposition, but it did wonders for Bethlehem, creating jobs and boosting the Economy. He noted has worked for TOP and Bridge and PNB over last 50 years – noting that area has remained stagnant. Can have confidence Project will succeed. Noting if Council votes for it will be happy with their decision.

Robyn Coe – resides in Stewartsville, but Business owner in TOP

Noted not against business, but against Warehouse. Would like to see Conference Center/Hotel and entertainment. Added in 15 more feet will be on Riverfront – should be recreational area. Curious about height – 65' Land Use. My personal feeling – no more trucks – SMS – 35 years. All about Planning and who do we want to be as TOP.

Joe Meyner – 392 SMS

Not always fan of Mike Perrucci's Projects, but if this delivers that Rail Head – most important as part of major happening for good. We need the jobs – it is an opportunity for TOP residents. Don't know about 2021-214.

Apprvd. Oct. 18, 2022

Attorney Wenner noted that 2021-214 permits industrial uses. Light Industrial – 2 years ago was residential. Obtained approval, but did not go forward. Amend the Plan to Permit Industrial uses – enacted by Ordinance – the question is if it was done properly.

JM noted a lot to gain – bring it up again – under New Business anytime.

Douglas Steinhardt – 4 Jacob Way – Business 235 Broubalow Way.
Spoke to fact that more residents leave New Jersey for jobs. Added opportunities do not always come along. Noted need jobs for the people you represent right here in Phillipsburg. Next generation leaving to find job opportunities elsewhere.

D. Morrisette – 5 Fairview Heights
Congratulated Council/Mayor on civil constructive Town Council meetings. Commended Mayor regarding grocery Store/Senior Housing project. Noted glad to see moving forward repairing trust with FYC and Recreation Dept. Continued Delaware River is Town's greatest asset. Adding a warehouse does not belong on Riverfront. Continued he voted for housing down there. Can't build if undesirable for residential – let's make it desirable and a good place to live. By following the Master Plan.

Nicole Timberman – 112 N. Riverview
Why 2022-28 not being discussed. June 16 – pd. Parking – June 17 meters. Misinformed, told it would be revisited. Rewrite needs to be done – don't understand Special Events - \$10/vehicle. Is Easton's Events considered Special Events – Garlic Fest – did not go – did not want to pay to park.

CP Wyant stated will be discussed at Work Session on October 11, 2022.

Dan Boyce – 1526 Warren St., Alpha.
Hear only opposition preventing Property owner ability to do what he wants with his Property. Town should issue Bond to put up what he has lost. Noted opposition is not Progress. Noted LMR has done great job, adding you want companies like this. Adding you don't want to force them out. Would not be surprised if Tattoo parlor locks their doors.

Cnclman Marino moved to bring up Ordinance again. Cnclman Piazza seconded the motion.
AYES: Marino, Piazza
NAYS: CP Clark
ABSTAIN: Wyant, Kennedy

Motion fails.

VP Clark noted out of order of meeting procedure.

CP Wyant stated he can bring up again – will allow.

Cnclman Marino inquired why he was not invited to BOE meeting as he is on the Education Committee?

CP Wyant stated, knows he is on Education committee. The negotiations with the School Board was to be BA, Mayor and Council President and because CP could not be there he asked the VP Clark to take his spot.

Cnclman Marino asked if any other Council member had been invited?

16. COUNCIL OPEN TIME

Cnclman Piazza noted had a good time at Pork Roll Palooza. Adding everyone should enjoy our Events at our Parks. Noted at last meeting Ordinance – referring as Riverfront – Tax Map 21.02, you’ll see RR strip of land. NJDEP – should not walk to river from there at least 280/300 ft.

VP Clark noted amazing Event this weekend – enjoyed the Pork Roll Palooza. Sad that weather cancelled the last Open Air Market – noting that the market overall great success.

Cnclman Kennedy stated in regard to Open Air Market – wanted to recognize – Ann Davis, Audra Frank for helping manage event. A lot of help from Helen Zamora – NORWESCAP and Laurie Nelson, LV Chamber. Also thanked the PPD and the DPW adding looking forward to next year – noting there will be even more vendors. He noted Stateliners are 5-0 and have moved up to 13th in the State and being televised on Service Electric this week.

CP Wyant stated enjoyed the Open Air market and look forward to greater results next year.

17. MOTIONS

Passed 5-0

Special Event Application – Bernardine May Legion Post – Coin Toss – Nov. 5

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

Motions – continued

Seeking active membership in the Fire Department as a **Firefighters** are –
John R. Burrell, Andrew W. Farley and Dylan J. Dushok

Passed 5-0

Apprvd. Oct. 18, 2022

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

1. Executive Session R2022-213

ROLL CALL To go into Executive Session - Passed 5-0

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

ROLL CALL To return from Executive Session – Passed 5-0 7:49 PM

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

ADJOURNMENT

VP Clark moved to adjourn, it was 9:42 PM.