

**TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING MINUTES
TUESDAY, November 1, 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 by Council President Wyant
- 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 November 1, 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
- 5. **APPROVAL OF MINUTES** - TC Mtg. Mins – October 18, 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 –**

Passed 5-0

ROLL CALL

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			

7. **ANNOUNCEMENTS/PRESENTATIONS**

Kevin Hahn, Esq. of Mulvaney and Hahn representing 125-165 Howard Street, LLC regarding both Bl: 2007 Lots 1 & 2, came before Council seeking a sidewalk waiver from the governing body as needed due to Chapter 525 of Town Code.

Attorney Wenner noted the Condition of Approval from Town Council is needed before Construction Permit.

CP Wyant asked if Council had any questions.

MOTION

Cnclman Marino moved to approve. The motion was seconded by Cnclman Kennedy.

AYES: Wyant, Clark, Kennedy, Marino, Piazza

NAYS: None

BERNARDINE MAY LEGION POST – COIN TOSS – NOVEMBER 5 – UNION SQUARE

HISTORY TRAIL – Saturday, November 5 – Roseberry-Gess House 540 Warren St. A Self-Guided Tour of Heritage Sites. Each stop along the trail offers something different and exciting for the whole family. Each site will open 10am-4pm on one of the two days as follows: (please see attachment).

Train Ride – for more information and future dates visit:

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

8. Mayor’s Report / Administrative Officers

Attached

9. PUBLIC DISCUSSION ON AGENDA ITEMS

Bill Benz – 39 South Main Street

Questioned the Parking Ordinance – Parking Meters/Kiosks

Attrny Wenner – asked if pertaining to Parking Meters, not lots?

BB – noted O2022-28 not clear, lacking transparency. Added O2022-30 #5 ability of town to go forward by severing any invalid part so as not to affect the remaining parts, regardless of outcome.

Dan Seyler - 22 South Main Street

Addressed small Municipal Lot on North Main Street – currently occupied by Brothers before Others, non-profit organization. Noted they are chaining off and placing private parking signs.

CP Wyant stated that lot is not part of the O2022-28 and not an Agenda item, encouraged Mr. Seyler to speak during Public Petitions.

10. ORDINANCES – 2nd Reading

O2022-28 1st Rdg. 10.18.22 2nd Rdg. 11.01.22 Passed 3-2

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING CHAPTER 67, VEHICLES AND TRAFFIC, SECTION 28, PARKING LOTS, OF THE CODE OF THE TOWN OF PHILLIPSBURG

ROLL CALL

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			

Discussion – Public

Mike Hinkle – 211 Red School Lane

Spoke to Parking ordinance and fee for anglers. Felt unfair to pay \$100/resident annual fee. Continued, just \$35 last year. Addressed Mayor regarding issue.

CP Wyant reminded Mr. Hinkle the Mayor is on the dais as a guest.

MH stated, lives here and uses the lot. Continued the initial fee of \$150 was reduced to \$100, but feels should be even less.

Bill Benz – 39 South Main Street

Noted Riverside Parking Lot – reduced parking pass amount of \$100 for anglers, but should be taking residents into consideration. Asked if Warren County is giving anything in return to TOP for accommodating the anglers. Adding many anglers are out of towners.

Dan Boyce – 1526 Warrant Street, Alpha

Asked how lottery would be handled for parking passes. Added, what if more than (1) vehicle in a household.

Attrny Wenner stated the Ordinance directs the administration to conduct lottery. Continued the Engineer would provide the adjacent addresses for each Municipal lot. Noted the intention is (1) permit per household. Stated to qualify must have proof of residency.

Laura Huff – Helen’s Floral

Spoke to Parking lot on Market Street behind her business. Noted, she has (2) work vans and (5) employees. Continued Helen’s Floral has been in this location since 1935 and does not want to leave.

Attrny Wenner stated a Business Parking Permit would cost \$100/year and permit is transferable.

LH – continued 5 working employees daily and 2 vans is 7 vehicles – does this mean I am paying \$700/year?

Attrny Wenner if all are selected in the lottery, yes. Directed to Section #4.

Daryl Huff – 39 South Main Street – Helen’s Floral

Noted Laura Huff his spouse. Stated wife asked what does (1) permit cover?

Attrny Wenner – Stated (1) permit; which is transferable. Continued there is no NOT going into the lottery. The Parking Pass covers the time of 8AM – 8PM.

DH – stated 12 times 7 vehicles/day is too much. Asked how TOP is being supportive of local Businesses? Continued by asking if Council wants Small Businesses in the TOP, Yes or No?

CP Wyant responded all of Council wants Small Businesses to be successful in TOP, but how to achieve is the issue.

DH – stated Small Business brings revenue to Downtown, but charging the Business owner \$700/year and no guarantee of getting a permit due to lottery is unfair. Continued she will have to charge her employees, taking away revenue. Added (2) businesses on that block already leaving. Noted, issue is the Train, when in Town nobody cares about anything else.

Joe Meyner – 392 South Main Street

Stated cannot solve parking issue because Zoning/Residential is mixed. Noted Peron Construction offered plan in that area – he wrote in slight change. Continued need (1) full floor of Public Parking – (2) floors – units he will build – up to (2) parking spaces, this plan lets entrance/exit onto Third Street; which

makes it convenient to go to the Toll Bridge and avoid the Free Bridge. Ended by saying right now a real possible problem, may should be revisited next year.

CP Wyant then Closed to Public.

Council

Cnclman Piazza stated cannot support the Ordinance as currently written. Noted clarification needed – what about handicapped parking – fee? Asked Matt Hall, BA for verification if Validation can be obtained through UEZ? Continued, used to bypass-yearly pass – exempt from meters. In lieu of metered Parking Businesses at \$1 would be okay. Stated should reserve Class II officers for overweighters and Parking or develop a Parking Authority – either way not pulling cops off the street – then would vote yes.

Cnclman Marino – stated no vote from him. Nothing addresses the disabled, Senior Citizens, Veterans. Also has petition – 40 signatures – all young people – against the parking fees.

VP Clark stated development of Parking Ordinance has been a long process. Adding compromise is never perfect. Continued the revenue generated supports TOP.

O2022-29

Passed 4-1

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN,
STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF LAND FROM THE
PHILLIPSBURG BOARD OF EDUCATION

ROLL CALL

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

Discussion – Public – None

O2022-30

Passed 3-1-1

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

ROLL CALL

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					recused	

As Council President Wyant recused himself, the Ordinance was read by VP Clark who opened discussion to the Public.

Elizabeth Ridley – 198 Summit Avenue

Noted against the warehouse being built at the Howard Street site as it is an Environmental issue and detrimental to the Delaware River and the health of the residents of that area. Continued, when Peron Construction first attempted to develop the land as Residential, he touted it as being homes on the Delaware River, now he is saying same site is not close to the River. Asked Council to refrain from going forward at this time.

David Morrisette – 5 Fairview Heights

Noted wanted to provide information regarding the pending lawsuit. June 2021- filed suit against TOP regarding 2021-14 was a conflict, passed May 2021-14 cleared way for 520k SF warehouse, since that time reduced to 400k SF. Stated not allow Delaware River Park to Peron – 2021-14 should be vacated and rezoned to residential – cannot build the warehouse. Acting on O2022-30 2nd Rdg. prior to decision coming back to O2022-30 will replace and leave the lawsuit moot or irrelevant. Continued, regardless of lawsuit, O2022-30 would function same. Asked Council to refrain from voting yes and wait for Court decision, then able to Vote for or against. Chance to stop sprawl of warehouses, blocking view of Delaware River. Encouraged Council to ask questions.

Sandra Morrisette – 5 Fairview Heights

Spoke to Peron Howard Street warehouse, September 7, 2022 – siting a study of possible warehouse effects on the Environment. Stated, do not put a warehouse in a residential , small area of light industrial. Noted height of 65’ will be seen from the river. Initially expected 80 trucks – 2xs daily is 160 times. New Brunswick Avenue, Pohatcong or Center Street, TOP 160xs per day. Adding Council submitted plan to divert truck traffic from South Main Street to Center Street/New Brunswick Avenue – if rail goes through 20 trucks at 2xs daily 40 trips up Center Street, these are your residents/constituents. Morally wrong to put on our neighbors.

Josh Wanisko – 185 Lewis Street

Believes positives touted from warehouse – jobs, good wages, fictitious. Noted only serves the developer and would be bad decision. Adding warehouse on river a bad idea. Catastrophically bad location for warehouse. Benefits are fiction – costs real. Encouraged Council to vote against O2022-30.

Jen Wanisko – 185 Lewis Street

Residents know they do not want truck traffic. Noted what she does want is forest, green space in her town. Adding forests help prevent floods, habitat for many bird species. Access to connect with nature. Encouraged Mr. Perrucci to redevelop brownfields and he does not need this Project. Asked Council to be environmentally ethical, vote no.

Stuart Ridley – 198 Summit Avenue

Redeveloper providing twisted view – open gun range – undesirable – can only use for warehouse. Developer giving Council view that TOP is doomed is don’t allow Project/jobs. Continued real threat is the cold storage project. If approve warehouse on Riverfront, precedent is being set, where will it end. Please say no.

Nicole Timberman 112 No. Riverview Rd.

Asked if any houses on Howard Street – no houses, correct? Nobody willing to develop as residential, tried for 15 yrs. Noted bring something positive – offer good paying jobs and training program with NORWESCAP. Spoke to quality of life on the flats – employment is most needed. Delaware Park is an old junk yard and nothing can be done there except DPW mows the grass.

Jim Daily – 326 Center Street

Spoke to O2022-28 160 trips – 35k trips in a year – 17,500 trucks up and down Center Street. He complained his family cannot sleep now, more truck traffic will make things worse. Asked Council to imagine trucks on that incline. Who will pay for the new road needed after all that truck traffic.

Randy Piazza, Sr. – 309 Mercer Street

Addressed O2022-30 – audience talking about how 65’ building would look from the River and has not gone to Planning Board, there are not even Site Plans. Noted he visualizes a state of the art – cold storage facility, adding a great need for cold storage as food shortages are predicted in future. Added the history of TOP War/Peace is we

have had industry and played a role in national and global economies. Stated TOP has opportunity again and would like to see activity in that area.

Joe Meyner – 392 South Main Street

Spoke to O2022-30, feels should go back to Industrial not residential, need good paying jobs. Added with railhead – rail barn there – 20 trucks – 40 trips. Also, RR Museum at the site seeing train, grant will allow TOP to get those things.

David Stone – 874 Pursel Street

Asked Joe Meyner where he got his truck trip #s? How many trucks 80 or 20?

Attorney Wenner – responded approximately 80 truck trips, but if rail is made available then only 15-20 trips. Currently, there are 125.

Rob DeBeer – Project Mgr.

80 total trips/day

Attorney Wenner explained there is no Project in front of Council this evening. Council is not granting approval. Continued, entity enters into Redevelopment Agreement – goes to Planning Board.

DS – noted cold storage – long term outdated in 20 years because much more affordable to build new. Rail not – Fed Ex – UPS. Guesses about trucks – there will be considerably more traffic than is being talked about now.

Robyn Coe Donaldson – 44 Hurly, Stewartsville/ Business on SMS

O2022-30, asked if when brought to Council that amendment to 2022-14 – actual Zoning Change.

Attorney Wenner stated amends the Redevelopment Plan – changing bldg.. height from 50' to 65'. Industrial use, 1st changed O2021-14. That plan was 50' max, this allows – 55' and 10' mechanical.

RCD asked if this ordinance was replacing the former.

RW stated original ordinance presented – action part referenced and ratified that Ordinance while under judicial review O2021-14.

RCD again asked if changing the Zoning?

RW noted permit industrial and 65'.

RCD does this negate 2021-14 – is ordinance gone?

RW stated still on books – still challenged changes to use to industrial.

RCD – this stands instead? Zoning change of ordinance.

RW – was always that – Planning Board Consistency Review.

RCD noted not truck route, no protection for residents on Abbott, Center, McKeen Streets and a 200 year old Sewer. No underlying plan.

RW noted not as of right now. We have Redevelopment Plan – has to come before Council – Sewer, Infrastructure and Planning Board take all things into consideration.

BB – 39 SMS

Stated what is the rush, if litigation wait – lack of transparency. Added fascinating cold storage information.

Mike Hinkle – 211 Red School Lane

Asked if knew direction of trains – cold storage – up from South or down from North – cause a hold up in Union Square.

Attorney Wenner repeated, there is no Project in place. Part of conversation with developer.

MH noted should coordinate time, RR does what they want. Asked if cold storage vendor could put boat launch where they are, free parking.

RW stated when developer asks TOP what their needs are in way of improvements, that could be suggestion.

Mary O’Sullivan – 518 Barrymore Street

Asked, why not wait for litigation to be completed.

Phil Mugavero – 599 Corliss Avenue

Noted local economy would benefit from creating jobs – providing living wage.

Dan Boyce – 1526 Warren Street, Alpha

Stated area is undeveloped, should be developed. Added Mr. Perrucci has a good track record. Noted send traffic down to WWTP – they won’t complain.

Keith Swicker – 385 Congress Street

Stated he is a Planning Board member – reviewed as change of use. Added Legal Term, consistent with the review. Noting each time someone comes before the board, try to do their best.

Rob De Beer – Peron Development

Siting study – is in industrial area – waiver. Protected Natural Resources, previously through 400k warehouse – governed cold storage operation. Has not heard of study 20 year life of cold storage. Stated this Project is rail critical. Local rail provided – allow collect from facility to RR. They firmly believe this will reduce truck traffic 15-20/day. Center Street – fine conclusion, right on to South Main Street to Rt 78 – give tickets all day. Opportunity to develop – 150 jobs at 30/hr.

Mike Perrucci – Washington Lane, Bethlehem

Stated, spent most of his life here and would not hurt TOP. Noted he originally asked to change to residential, to no avail, could not sell as residential. Stated has paid 2.5 million in Property Tax, Sewer Tax – even though never used. Lobbied Trenton, purchased house on McKeen to expand intersection. Benefit would be to Atlantic States also. DOT – Howard Street Extension 250k for the design. Added the Ordinance requires connection to rail. Stated Bethlehem Cold Storage uses rail.

PUBLIC COMMENTS CLOSED

11. Ordinance – First Reading

O2022-31

Passed 5-0

AN ORDINANCE AMENDING THE SALARY RANGE FOR CERTAIN OFFICERS AND EMPLOYEES OF THE TOWN OF PHILLIPSBURG

ROLL CALL

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			

Discussion - None

ORDINANCE NUMBER 2022-32

Passed 5-0

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 CAPITAL IMPROVEMENTS TO THE SEWERAGE SYSTEM BY THE SEWER UTILITY OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$725,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

ROLL CALL

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

12. **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

Passed 5-0

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

R2022-228

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

R2022-229

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF PERFORMANCE BOND IN THE AMOUNT OF \$16,932.78 AND SAFETY AND STABILIZATION BOND IN THE AMOUNT OF \$5,000.00

R2022-230

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 National Opioid Settlement

R2022-231

RESOLUTION TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, CANCELLING APPROPRIATIONS FROM 2022 CURRENT FUND BALANCE TO FUND BALANCE

13. NEW BUSINESS

Best Practices will be discussed by Matthew Hall, BA

14. PUBLIC PETITIONS

15. COUNCIL OPEN TIME

Councilman Marino – Saturday, November 12, 393 South Main Street – Drip Lounge – awareness event. Budget – next year. Would like to see additional Officers. Noted shootings and a lot of kids in his neighborhood – need cameras and police officers. Stated we want a safe community and the Phillipsburg Police Department needs our support. Also asking about Narcotic cannines.

Councilman Kennedy – Reiterated Mayor’s positive comments regarding Ole Towne Festival. Thanked all who attended and all the volunteers/vendors that made the Event happen. Noted great music and great atmosphere.

Councilman Piazza – Ole Towne Festival was such a nice weekend. Walked the Halloween Parade and noted very well attended.

VP Clark – stated great weekend Ole Towne Festival – mistake to participate hot dog contest – great turnout. Stated Phillipsburg/Easton Halloween Parade. Upcoming Easton Bacon Festival and get out and enjoy the Autumn.

16. MOTIONS

Passed 5-0

Joseph R. Bayer is seeking membership in the Phillipsburg Fire Department

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

17. ADJOURNMENT - VP Clark moved to adjourn. The motion was seconded