

**TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING MINUTES
TUESDAY, MARCH 22, 2022
7:00 P.M.**

(Virtual Zoom Code to Join: Meeting ID: 842 4134 9087 – instructions located on Town Website)

(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 MARCH 22, 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 Randy Piazza

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

Also in attendance – Attorney Wenner Acting Clerk Loudenberry

5. APPROVAL OF MINUTES - TC Meeting - March 1, 2022

ROLL CALL

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			

6. BILLS LIST –

ROLL CALL

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			

Discussion

Councilman Marino requested information regarding ck#1340 O’Toole Scribo, LLC. BA Bengivenga stated, Special Counsel – Phoebus.

7. ANNOUNCEMENTS –

CP Wyant stated April is Sexual Assault Awareness Month.

VP Clark noted with April being Sexual Assault Awareness Month, encouraged residents to watch for flyers regarding Victims to Warriors Events.

Cnclman Kennedy – Stated April 23, 2022 is the 4th Annual Community Day of Action. Opportunity to spruce up the TOP, registration check in 8:30am. Kick off 9am and wrap up 11am – Shappell Park, from Union Square, Stockton, Sitgreaves.

8. OLD BUSINESS

O2022-06 – TBLD March 1, 2022

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

CP Wyant stated should leave tabled for now.

Cnclman Piazza stated there are conditions being assessed by RT Environmental-need to wait for report.

R2022-69 Moved from previous meeting – Attorney

Wenner noted needed to be moved back to Consent Agenda

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

Discussion – Public-None

Discussion – Council

Cnclman Piazza – stated feels passing of O2022-04 premature. Noted conflicts with redeveloper and businesses. Continued, haven’t shown we can improve what we already have in place. Read letter from Commishoner Kern, anglers needing to use boat ramp. Mayor should look into – things need to happen first.

Cnclman Marino brought up subject of Stateliner; asked if dead issue, haven’t heard from them.

CP Wyant stated, have reached out, invited to Town Council meeting, received no response whatsoever.

Mayor Tersigni noted Stateliner has not reached out to the Mayor’s office, nor BA.

Cnclman Piazza moved to void redevelopment Agreement with Stateliner.

Attorney Wenner spoke to O2022-09 renaming the Phillipsburg Senior Center Building to be known as Gloria A. Decker Senior Center. He clarified for the record that, this is simply renaming the building itself. This is not a change in the Organizational name in any way.

O2022-09

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY RENAMING THE PHILLIPSBURG SENIOR CENTER TO BE KNOWN AS “GLORIA A. DECKER SENIOR CENTER”

ROLL CALL

Passed 1st Rdg. 5-0

March 1, 2022

ROLL CALL

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			

Discussion - Public

None

O2022-10

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

ROLL CALL

Passed 1st Rdg 5-0

March 1, 2022

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

Discussion - Public

None

12. ORDINANCES – FIRST READING

O2022-11

Anti-Nepotism Policy

ROLL CALL

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			

Discussion-Council

Councilman Kennedy – Section 1, Applicability A-does not apply to Appointments, Boards, Ad Hoc and why exempt.

CP Wyant defers to Attorney Wenner.

Attorney Wenner speaks to the ordinance – purpose of passing Ordinance is to allow wider pool of eligibility for job openings. Continued, recent change in legislation allows by-passing of Civil Service testing. Allows draw from as wide of cross-section, requirement to take advantage-must have Certifications, but doesn't have to sit for exam. In order to do so, must adopt Anti-Nepotism legislation not used improper purpose at practical level.

VP Clark stated, totally understands intention. Noted maybe even the Boards, Commissions should be effected too. Can be difficult to get people to serve.

CP Wyant thanked VP Clark for comments. Agreed, we do rely on volunteers for Commissions and don't want to deter people from serving, need some latitude to function.

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 5-0

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			

Discussion – None

O2022-13

BOND ORDINANCE PROVIDING FOR INSPECTION AND REPAIRS OF SEWER LINES, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

ROLL CALL

Passed 5-0

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			

Discussion

Cnclman Piazza noted help is needed for Sewer – Great Project.

CP Wyant stated, agrees – really needed

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	X		X			
Councilman Piazza			X			
Councilman Marino			X			
Council Vice Clark		X	X			
Council President Wyant			X			

R:2022-70

AUTHORIZING THE AWARD OF A NON-FAIR AND CLOSED CONTRACT FOR TOWN PROSECUTOR

R: 2022-71

A RESOLUTION APPROVING 2020-2021 LIQUOR LICENSE WITHIN TOWN OF PHILLIPSBURG WITH A SPECIAL RULING from ABC Director pursuant to N.J.S.A. 33:1 – 12.18 and 12.39 relief for the license term 2020-2021

R: 2022-72

A RESOLUTION TO PROVIDE FOR RENEWAL OF TAXI OPERATOR’S LICENSE FOR EDDY CHERISME

R2022-73

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH RT ENVIRONMENTAL SERVICES, INC FOR UPDATED ACM/HAZMAT/MOLD INSPECTION AND SPECIFICATIONS FOR REMEDIATION

R2022-74

A RESOLUTION TO PROVIDE FOR INTERFUND TRANSFERS

R2022-75

Willows at Greenwich Residential – TWA Endorsement Project

R: 2022-76

RESOLUTION AUTHORIZING PAYOUT OF ACCRUED SICK, VACATION AND COMPENSATORY LEAVE FOR PAUL SMITH OF INSPECTIONS

R: 2022-77

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2022 SEWER UTILITY IN ACCORDANCE WITH PROVISIONS OF N.J.S.A. 40A:4-20

R: 2022-78

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2022 CURRENT FUND IN ACCORDANCE WITH PROVISIONS OF N.J.S.A. 40A:4-20

SEPARATE FROM CONSENT AGENDA

Pulled from Consent for discussion

R2022-69

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE APPLICATION TO THE NJ CLEAN ENERGY PROGRAM COMMUNITY ENERGY PLANNING GRANT PROGRAM

R2022-79A

AUTHORIZING THE INTRODUCTION OF THE 2022 MUNICIPAL BUDGET

ROLL CALL

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

Discussion

Cnclman Piazza stated for record – Library should be separate from Municipal Budget.

R2022-79B

AUTHORIZING THE ACTING MUNICIPAL CLERK TO READ THE PROPOSED 2022 BUDGET BY TITLE ONLY

ROLL CALL

Passed 5-0

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			

14. NEW BUSINESS

Attorney Wenner putting Library on Referendum on ballot is a process and requires Ordinance, 1st and 2nd reading – Public Hearing.

CP Wyant suggested discuss at Work Session, sooner than later – April 12.

Cnclman Piazza noted Referendum on this came up before. Voted on, end of August, waiting periods. Added if not for Library, put through Budget. Adding Library has tried to reduce their request, still unable to meet.

VP Clark stated, would like to invite members of Library Board to WS, noting it is virtual.

CP Wyant noted it is met with taxpayer dollars regardless if coming out of Municipal Budget or separate.

Cnclman Piazza reiterated, fight always going to be there to take from other departments to satisfy Library. Continued Library Tax should be separate from Municipal Services.

Mayor Tersigni stated discussed with new Councilmembers, came up with compromise this year. April dealine ballot – agrees with Referendum.

Councilman Piazza moved to void agreement with Stateliner regarding Riverfront. Motion was seconded by Councilman Marino.

Attorney Wenner stated would prepare Resolution for next meeting to remove Stateliner as Redeveloper.

15. PUBLIC PETITIONS

Gail Rodgers – 671 Elder Avenue

Questioned any consideration from Council regarding Rent Control being discussed at a Work Session?

CP Wyant stated will be discussed at a future work session.

GR – noted, also on Historic Preservation Board – questioned if any funds for Historic Preservation.

Cnclman Piazza, said yes in Budget.

Mayor Tersigni noted allocated \$2k for Historic Preservation Commission and contact BA Bengivenga with any questions.

Robyn Coe Donaldson 44 Harleman Rd., Stewartsville – Business Owner TOP

Questioned update on former Municipal Building on Corliss Avenue?

CP Wyant stated, waiting for RT Environmental will need to assess condition. Just passed resolution for Contract tonight. Once receive results will take action. Must remediate building regardless.

Closed Public Discussion – 7:52PM

16. DISCUSSION

445 James St. LLC Planning Board Application – requesting waiver from requirement to install curbing.

CP Wyant stated, seeking waiver regarding curbing/sidewalk. Continued, any new construction requires curbing/sidewalk.

Cnclman Piazza – wanted to clarify – asked if originally more unites were intended. Adding would not curbs help keep water from other properties?

Engineer Tim O’Brien wanted to clarify. Applicant – sidewalks on all roads – (3) roads include an alley. Continued as part of Planning Board received – can’t waive , part of Ordinance. Currently there are NO SIDEWALKS. On alleys – side and rear alley. Discussion should be not to install sidewalk on side and rear alley. Currently Mulvay – no sidewalks, Webster-no sidewalks. Seeking relief not to install.

Mayor Tersigni commented, aware of Property. Used to own, 125’ x 127’.

Cnclman Piazza noted, didn’t they want 3rd house – turned down. Curbing, run-off – do need curbing – people on Columbus. A lot of run-off – into James. Believes there should be curbing there.

TO’Brien noted Planning Board would either tell install or seek Council.

CP Wyant stated never required sidewalks on the alley.

TO’Brien – Molevy, Webster off Wilbur, Sayre.

CP Wyant stated curbs, but not sidewalks.

Cnclman Piazza – Planning Board meetings – concerned – too narrow for sidewalks, but curbing necessary.

CP Wyant noted, let’s move forward, but need clarification – required for sidewalks-never alley. Due to water problem, need curbing.

TOB – Webster Street – rear alley and Mulvey – side Alley. Talk with applicant’s attorney.

CP Wyant, straighten out next meeting. Curbing needed – not sidewalks, except James.

17. COUNCIL OPEN TIME

Cnclman Piazza – would like to include in future WS – BID – Melanie Thiel, Business District organization from Washington, NJ. Mary Jo Harris, part of 5 year NPP Plan-will reach out for dates and get back to CP Wyant.

Cnclman Marino – spoke to attending 2 Workshops, February 5 and March 12 was regarding Budget. Found both very informative. Energy Tax to State/to Municipality. Reval/Reassess. Questioned work being done on Heckman as work was done just last year – 5 year Moratorium?

Mayor Tersigni noted, the utility knows they are on the hook to repave entire road. Curb to curb, with no cost to TOP.

Cnclman Marino noted there is often flooding at Wilson/Heckman – feels it should be addressed.

Mayor Tersigni noted, would make Engineer Tim O’Brien aware.

Cnclman Marino asked if an Energy Plan in place if fuel continues to go up?

Mayor Tersigni stated, willing to discuss anytime-Open Door

VP Clark congratulated Phillipsburg Youth Corp – 120k Grant. Climate resiliency Program along the Delaware River. Phillipsburg Youth Corp Director, Mike Muckle, instrumental in running of successful Program. Continued, Downtown Association – new officers, along with Councilman Kennedy and Mayor Tersigni – all working together, new website TapInto former Councilwoman Degerolamo.

Cnclman Piazza – Thanked Administration for honoring Women’s Month. Also congratulated PHS Wrestling Team/Staff.

Cnclman Kennedy – thanked Mayor Tersigni for mentioning St. Patrick’s Day event at Shappell Park – raising of Irish flag. Cnclman Marino, Mayor, town residents and Hibernians present.

CP Wyant – noted Grace Lutheran Church having Yard Sale and asked Council to waive the Permit Fee.

CP Wyant moved to waive the Permit Fee for Grace Lutheran Church to have yard Sale on May 7, 2022. The motion was seconded by Councilman Marino.

Ayes: Wyant, Clark, Kennedy, Marino, Piazza
Nays: None

CP Wyant stated meeting held with the Delaware Joint Toll Bridge Commission regarding severe back-up on SMS due to renovations on Free Bridge. Shared concerns from Fire Chief Hay and Police Chief Stettner should Emergency Vehicles need to get through gridlock. Letter being sent focusing on solutions.

Mayor Tersigni added at meeting presented issues, they listened-should know soon.

18. MOTIONS

SPECIAL EVENT PERMIT APPLICATIONS

Shad Tournament – April 21 daybreak – April 24 9PM

Awards Ceremony April 25 6PM (Mayor/Council invited to hand out prizes.)

VP Clark moved to accept Permit Application for Shad Tournament. The motion was seconded by Councilman Piazza

Ayes: Wyant, Clark, Kennedy, Marino, Piazza
Nays: None

1. Hope Day – June 4 – Community Festival event – Everything is Free
CP Wyant asked to waive fee for the Hope Day Organization.
Cnclman Marino moved to accept Permit Application from Hope Day organization. VP Clark motion to second.

Ayes: Wyant, Clark, Kennedy, Marino, Piazza
Nays: None

19. EXECUTIVE SESSION - None

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 - 8:18 PM

Councilman Marino moved to adjourn. The motion was seconded by Councilman Kennedy.

