

Apprvd. 05.17.2022

**TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING
TUESDAY, MAY 03, 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** - 7:01 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 MAY 03, 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 Cnclman Piazza

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

Also in attendance were Attorney Wenner and Acting Municipal Clerk Loudenberg.

5. **EXECUTIVE SESSION -**

R: 2022- 111

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING Personnel Matters, No Action to be Taken

6. **APPROVAL OF MINUTES -** TC Mtg. 04.19.2022-moved to next TC Mtg.
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**7. BILLS LIST –
ROLL CALL**

Passed 5-0

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

Cnclman Piazza questioned Ck# 85469 – light pole accident. Also, Ck#85685 Rodgers Group – Police Accreditation – how far through the Process?

BA Bengivenga responded, Light Pole in Union Square, seeking reimbursement by Insurance of person who caused damage. Regarding Rodgers Group, 75% complete, Security Cages needed. Hopefully completion soon.

8. ANNOUNCEMENTS/PRESENTATIONS

Peron Development - Riverside Way/Union Square Redevelopment Plan Presentation

Mike Perrucci – 2351 Washington Lane, Bethlehem, PA

Presented design idea for Apartment Building on waterfront – 144 Units – 2 story garage. Apartments looking toward old Bridge and waterfall. Encouraged Council to be proactive – noting in order for Project to be successful, cannot have traffic coming in through Union Square.

Continued, TOP must see way to get Railroad and Bridge Commission to work with Town.

Building high quality units with view will bring people with disposable income, 50-60k – within walking of Downtown – restaurants and entertainment – will bring jobs for those businesses too. Noted willing to negotiate for Parking Lot, need to find another entrance. Went to Trenton regarding Howard Street Extension – all State Funds. Added Bridge Commission owes TOP a lot. Willing to help TOP too, but Town Council, Mayor must take the lead and work with entities to make it happen. Added whether you designate me as developer or someone else.

Noted Flood Zone – propose back entrance over Norfolk Southern – Bridge Commission move salt shed. 1st floor garage in flood zone – design to withstand flood – if necessary, walls kick-out.

VP Clark thanked Mr. Perrucci. Noted the concept is something TOP needs. Clean, bold and innovative.

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MP – noted mixed use, even Bethlehem, next to Lehigh. A lot of millennials, but with many colleges in Lehigh Valley, Lafayette, Cedar Crest, DeSales and Lehigh. Allentown – JB 3700 apts.- all leased and 98 on waiting list. Tech people and start -ups. Stated we have enough low income homes, noted that market is covered. By bringing in those with disposable income will result in more jobs, restaurants, shoppes, starts something. More developers will come in. Being off 78 corridor, premier sight for Residential, could be jewel of Town.

VP Clark questioned – Green Space, drainage, environmental impact?

MP noted project in Easton, capturing all the rain, repurpose. Added haven't seen river overflow in quite some time. Bridge Commission threatened to sue because NY was using pre-release in height of storm. Now that is different.

Cnclman Piazza made quick comment. Between Rts. 80 & 78, a lot of people housing market is being driven. Burlington most populated, just 20 minutes to TOP is the area in Warren County; which can be kept green. Adding middle ground could benefit our Town.

MP – added probably work with Jim Petrucci on this Project.

Cnclman Piazza asked if looking to go bigger?

MP – stated if we go higher – steel and concrete – added if we drill down and find it can take it maybe 220 units.

RP – asked about amenities – restaurant – gym.

MP – noted always a gym, dog walks, pool room, poker room and office use. Adding amenities depend on # of units. Residents want walkability and beautiful view.

Cnclman Marino – stated Project could be jewel in the crown. Adding Town of Phillipsburg needs something upscale. We have a great school system.

MP – noted great issue – he always takes people to see PHS – most beautiful school in the State. Roseberry Corridor – very robust. Feels TOP could be as Lambertville to New Hope. Whereas in the past New Hope was the destination and now Lambertville is it's own destination, eventually see their properties be more valuable.

CP Wyant – stated, does not see need for condemnation. Added, talked about 2nd access. During flood of '55 – we had another access over railroad tracks. Adding there is not much railroad traffic now. Noted maybe could help with State/Federal – need push.

MP – stated would help with Trenton, but TOP needs to be leader.

Cnclman Piazza noted will reach out to Norfolk Southern. Adding someone else – Bridge Commission?

Mayor Tersignsni noted IR tract, largest commercial development in the County.

MP – stated that was private developer, keep record straight.

Mayor Tersigni noted – proven yourself with past Projects, adding will work with him in everyway. Continued, last developer – plans mixed. Noted Mr. Perrucci you have my support.

MP – stated, for betterment of Town of Phillipsburg, has to be Town taking lead and get attention of government officials.

CP Wyant stated this is a presentation. Not open to Public.

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

CP Wyant stated O2022-06 remains tabled.

Cnclman Piazza asked if we had a timeline?

CP Wyant asked BA Bengivenga, who deferred to Engineer Tim O'Brien who was in attendance.

Eng O'Brien noted Contract/Purchase Order has been submitted. Added RT has scheduled for appointment, but wants to confirm and will send info to Council President.

10. Mayor's and Administrative Officers

Mayor delivered his report

11. PUBLIC DISCUSSION ON AGENDA ITEMS

None

12. ORDINANCES – SECOND READING -

O2022-14

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY ESTABLISHING 2022-2026 SALARIES FOR AFSCME EMPLOYEES

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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	

CP Wyant noted he would be abstaining during this Vote.

Discussion – Public

None

O2022-15

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 67-3 OF THE TOWN CODE, ENTITLED “PARKING PROHIBITED AT ALL TIMES,” CREATING SECTION 67-3.3 ENTITLED “PARKING; ONE-WAY STREET” AND SECTION 67-3.4 ENTITLED “PLACES WHERE PARKING IS PROHIBITED”

ROLL CALL

Passed 5-0

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

Discussion - Public

None

O2022-16

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
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Councilman Kennedy	X		X			
Councilman Marino			X			
Councilman Piazza			X			
Council VP Clark		X	X			
Council President Wyant			X			

Discussion - Public

None

BOND ORDINANCE NUMBER 2022-17

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF HUDSON STREET, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$550,000 THEREFOR (INCLUSIVE OF A STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$253,184) AND AUTHORIZING THE ISSUANCE OF \$550,000 BONDS OR NOTES OF THE TOWN 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 - Public

None

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O2022-18

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING SECTION 67-23, SCHEDULE VII, STOP INTERSECTIONS, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO ADD STOP INTERSECTION ON HUDSON STREET AT MILLER STREET

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 - Public

None

BOND ORDINANCE NUMBER 2022-19

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 CAPITAL IMPROVEMENTS, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$2,467,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,343,650 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

ROLL CALL

Passed 5-0

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

Discussion - Public

None

13. ORDINANCES – FIRST READING - 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

Passed 5-0

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			

R2022-87

RESOLUTION OF THE TOWN OF PHILLIPSBURG, AWARDDING A CONTRACT FOR THE 2021 ROAD PROGRAM - CHIP SEAL (previously pulled from April 05, 2022 due to non Cert of Funds)

R2022-101

RESOLUTION TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY TO OPT IN TO EXAMINATION EXEMPTION CIVIL SERVICE HIRING PROCEDURES

R: 2022-103

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

R: 2022-104

A RESOLUTION DESIGNATING HANDICAP PARKING SPACES WITHIN THE TOWN OF PHILLIPSBURG

R2022-105

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 Samuel Aggrey

R2022-107

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A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948) Station House Adjustment Program

R2022-108

A RESOLUTION PROVIDING FOR A CHANGE ORDER TO CONTRACT WITH USA GENERAL CONTRACTORS CORP FOR REMOVAL/REPLACEMENT OF EXISTING EPDM ROOF MEMBRANE AT FIRE STATION 94-1 located at 324 Firth Street, Phillipsburg

R2022-109

GRANTING WAIVER TO OPEN, CUT OR EXCAVATE STREET TO PROVIDE UTILITY SERVICE TO PREEXISTING RESIDENCE PURSUANT TO § 545-39

R2022-110

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF PERFORMANCE BOND #015052548 IN THE AMOUNT OF \$784,847.40 AND #015202239 IN THE AMOUNT OF \$52,800.98

R2022-102

A RESOLUTION TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY FOR REIMBURSEMENT TO BE PAID TO PHILLIPSBURG EMERGENCY SQUAD FOR INSURANCE PAYMENT MADE TO TOP

Cnclman Piazza questioned the reimbursement to be paid to the Phillipsburg Emergency Squad and also location of accident being in Philadelphia?

CP Wyant responded the Insurance Company paid and Emergency Squad paid also, we are reimbursing the Squad. Adding they find it difficult to attain recertification and travel to accomplish, Philadelphia was the closest.

CP Clark moved to pass motion. The motion was seconded by Cnclman .

Ayes: Wyant, Clark, Kennedy, Marino, Piazza

Nays: None

R2022-106

A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948) Design of the Howard Street Extension

VP Clark – spoke to R2022-106, Howard Street Ext., stated never one to vote down grant money, can't vote for this, not enough information. Noted the change is under current litigation

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and rather than hold until litigation settled, will Abstain. Noting means 252 additional trucks if warehouse goes through.

Cnclman Piazza – Howard Street Extension can exist w/o Zoning, adding that property – trucks still need to be alleviated. Noted truck traffic 90 degree swings – Atlantic States at McKeen. Or 90 degree left to line up into yard. Need not be contingent upon litigation.

VP Clark – noted major use for warehouse under litigation – 252 additional trucks. Also states, values colleagues opinion.

Cnclman Piazza stated if gets thrown out in Court will still work for the Extension.

Cnclman Marino – noted don't know timeline, money from State. Feels great Plan, added Engineer's opinion is to move forward – can't wait on lawsuit. Keep Property a Tax ratable – in support.

Cnclman Kennedy – stated design goes through Property owned by someone. Added not in favor of Warehouse.

Cnclman Piazza stated just like Red House – Union Square. Noted, State sees enough in Project to grant 250k just for the design – 2 million acquisition/build phase. UP to someone to negotiate with Property owner.

CP Wyant – stated, no secret not in favor of Warehouse – 252 trucks. Adding this extension has been talked about for years. Feels this proposed design should move forward regardless of what is built on Howard Street.

Cnclman Piazza moved to accept Resolution. The motion was seconded by Councilman Marino.

Ayes: Wyant, Marino, Piazza

Nayes: None

Abstain: Clark, Kennedy

15. NEW BUSINESS

Councilman Marino – spoke about Resolution adopted by the Board of County Commissioners at a meeting held April 27, 2022. Parents bill of rights, Guidelines for Legislation regarding the teaching of sensitive issue to K-2nd grade. Noted during 2020-2021, height of Covid – not adequate parental opinion. Noted, should return decisions to the local School Boards to develop framework – parents rights to be notified of curriculum of very sensitive issue. Feels this combats the family unit. Continued, should be Public Forum – Warren County Residents – child's education – exposure to highly sensitive subject matter.

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Cnclman Piazza – in support of the Resolution. Definitely support as Parent, feels responsibility of Parent. Noting if something appropriate or inappropriate – who knows child better than Parent. Parental choice, whether religious or cultural right to teach our children. Meeting to discuss issues to be taught – option to Opt Out other than remove Parent’s Choice.

VP Clark spoke to Resolution, feels this is an anti-gay bill. Noting he supports the LGBTQ community in their struggle. Continued this is crafted carefully – thinks the opt in/opt out – already in place. Does not stand with this Resolution.

Cnclman Piazza – noted has friends in gay community. Feels parental issue – doesn’t want explicit sexual whether gay/hetero. Don’t think should be taught K-2.

CP Wyant – stated if Council chooses can consider Resolution in support of R2022-22.

R2022-112

RESOLUTION AUTHORIZING THE CREATION OF A PARENT’S BILL OF RIGHTS CONCERNING THE PROTECTION AND EDUCATION OF OUR CHILDREN

ROLL CALL

Passed

4-1

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			

R2022-113

Proposed Professional Services Agreement – 2022 New Jersey Department of Environmental Protection (DEP) Clean Fleet EV Incentive and Tourism EV Programs

ROLL CALL

Passed 5-0

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

Cnclman Piazza noted Charlies Bakery on South Main Street inquired about Council consideration for a 15 minute Parking Sign in front of his Business.

CP Wyant asked to hold this request until next meeting in order to request Mayor’s Office find out how many 15 minute parking spaces are currently NOT in use. Next regular meeting would be May 17, 2022.

16. PUBLIC PETITIONS

Sherry Corcoran – 317 Center Street

Questioned whether or not Perrucci Project requested Pilot. If Pilot, urged Council to take long hard look as TOP cannot afford another Pilot.

CP Wyant noted very early – simply Presentation tonight.

Joe Meyner – 392 South Main Street

Spoke to Mike Perrucci’s presentation. Noted MP first try – delivered Warren County Community College. Feels current plan good one if rents of \$2500 and no Pilot.

Concurred must have RR/DRJTBC on board – must have 2nd access. Stated negotiate with State – he will help you, but up to Council to take the lead.

17. COUNCIL OPEN TIME

Cnclman Kennedy – noted past Sunday – VP Clark, Mayor Tersigni, several volunteers and Aaron Coleman, owner of Premier Cleaning – came together to clean out the Union Station Bldg. He continued, floored by the history of the building. Will be having a Train Festival on September 10th – celebrating 170 years of trains in the Town of Phillipsburg. Dates will be given for opportunity for people to volunteer time.

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Cnclman Piazza – thanked Gayle Rodgers for informing him of South Asian Heritage Month. Noted his parents and daughter all had birthdays this month.

Cnclman Marino – stated Relay for Life held at Walter’s Park – excellent job, great event for a great cause. Thanked Reggie Regret for his letter with ideas for the TOP.

VP Clark noted Military Appreciation month. Shared as a Star Wars geek, tomorrow being May 4th, may the fourth be with you.

CP Wyant noted he had nothing to add.

18. ADJOURNMENT - 8:47 PM

VP Clark motioned to adjourn.

Ayes: Wyant, Clark, Kennedy, Marino, Piazza

Nays: None