

**Meeting Minutes**

**Approvd. 07.19.2022**

**TOWN OF PHILLIPSBURG  
TOWN COUNCIL MEETING  
TUESDAY, JUNE 7, 2022  
7:00 P.M.**

1. **CALL TO ORDER** - 7:01

2. **OPEN PUBLIC MEETING ACT STATEMENT:** by VP Clark

**THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS LAW. THIS MEETING OF JUNE 7, 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** – by Councilman Piazza

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

Also attended by Attorney Wenner, Mayor Tersigni, BA Bengivenga and AMC Loudenberry

5. **APPROVAL OF MINUTES** - Work Session 05.10.2022  
Town Council Meeting 05.17.2022

Both Sets of Minutes were moved to be approved by VP Clark. Seconded by Councilman Piazza.

Ayes: Clark, Kennedy, Piazza  
Nays: None  
Abstain: Wyant (both)  
Absent: Marino

**6. BILLS LIST –**

**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			

**7.EXECUTIVE SESSION -**

R: 2022- 127

- 7:06 PM

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING (2) Contractual Matters – issuance of a TWA and FYC Shared Service Agreement. No Action to be taken in Executive.

VP Clark moved to go into Executive. Motion was seconded by Councilman Kennedy.

Ayes: Wyant, Clark, Kennedy, Piazza

Nays: None

Absent: Marino

RECONVENE

- 7:33 PM

VP Clark moved to reconvene. The motion was seconded by Councilman Kennedy

Ayes: Wyant, Clark, Kennedy, Piazza

Nays: None

Absent: Marino

**7. ANNOUNCEMENTS/PRESENTATIONS**

Juneteenth – Municipal Bldg. will be closed on Monday, June 20<sup>th</sup>

## **8. 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

## **9. Mayor's and Administrative Officers**

Mayor Tersigni spoke to the Sewer Funding Bill - worked together with Congressman Malinowski – Water Resources Development Grant. The first step for the WRDA bill to authorize 2.6 million, Army Corp has been accomplished.

Met with Burlington City Mayor Barry Conaway regarding Peron Construction project on their waterfront. Similar Project presented by Mike Perrucci on Phillipsburg's waterfront last month.

Ahart's undergoing demolition – Arby's and Popeye's to come.

Along with BA and Engineer preparing NJDOT Grant applications related to roadway and infrastructure. Grants are already being implemented for roadway improvements of Warrant Street. Also progress made to start the 2022 Road Program; which includes Sewer Inspection, Sewer Repairs, milling/paving.

Resolution on Agenda, authorizing shared service agreement with the Firth Youth Center for 5 week summer camp program.

Pride Month Flag raising/ceremony on June 18<sup>th</sup> at 10AM at Shappell Park.

## **10. PUBLIC DISCUSSION ON AGENDA ITEMS**

Nicole Timberman 112 N. Riverview Rd.

Spoke to R2022-123, Shared Service Agreement with Firth Youth Center. Noted playground program in prior years, hours were 9-12 with break for lunch and return 1-3. What is being offered now is only at (2) playgrounds and the ages are 1<sup>st</sup> grade through 5<sup>th</sup> grade. No sidewalks in Delaware Hgts for children to safely get to the Firth Youth Center. Questioned if Resolution could be tabled tonight and discussed, wants to hear the opinion of all of Council.

CP Wyant stated, if pulled tonight the Program won't happen and children won't have any Summer Program. Continued any Councilmember can pull and speak to any

Resolution on Agenda. Added, during his tenure as Mayor the playgrounds were poorly attended.

NT – stated not true, her children attended and asked how he knew poorly attended.

CP Wyant responded as Mayor he received Reports from Recreation regarding attendance of the Program.

Joe Meyner – 392 South Main Street

Questioned if there was any other Programs going on at these other Playgrounds which are not part of the Shared Service Agreement with FYC?

CP Wyant stated there is no other Summer Program other than what is being presented tonight; which is the Shared Service Agreement with FYC.

VP Clark noted he was asked to make statement regarding the Shared Service Agreement by the Phillipsburg Downtown Association as a representative of the PDA was unavailable to attend due to scheduling conflict.

Phillipsburg Downtown Association is representative of Businesses, residents and property owners. They support community activities by our organizations and by being involved with Town Government. They give their unwavering support of the Shared Service Agreement with the Firth Youth Center. Continued FYC has proven commitment to the children of TOP. It is a safe environment for our children. Have talented committed staff and social media in place to keep all informed.

Joan Pierce 351 Prospect Street

Spoke to R2022-123, asked if there is a fee and is there transportation. Continued neighborhoods unsafe for young children to walk.

CP Wyant stated there is no cost for Summer Program and not providing transportation.

**Closed Public Discussion on Agenda items**

**11. ORDINANCES – SECOND READING**

**O2022-20**

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, NEW JERSEY ADOPTING THE DISTRICT 2 (UNION SQUARE), SUB-AREA 3 (MAIN STREET) AMENDMENT - RIVERFRONT REDEVELOPMENT PLAN

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			

**Discussion - Public**

Joe Meyner – 392 South Main Street

Spoke to O2022-20 – Perrucci Plan – good only if more than (1) access to Union Square. Found out Ord regarding former Elk’s Bld. – noted reduce # of apartments so fits existing parking code.

Audra Frank – President of Phillipsburg Historical Preservation Commission

Stated, happy to know architect for that Project (former Elk’s Bldg. is very aware of its historical significance.

**12. ORDINANCES – FIRST READING**

**O:2022-21**

ORDINANCE AUTHORIZING THE PRIVATE SALE OF PUBLIC LANDS NOT NEEDED FOR PUBLIC PURPOSE TO NORWESCAP FOR THE PURPOSE OF BUILDING A RESIDENTIAL HOME PURSUANT TO NJSA 40A:12-21(J)

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			

CP Wyant spoke to O2022-21. Noted TOP was selling 140 Sitgreaves Street; which is a piece of Property acquired by TOP after had to teardown building. Initially Property sold at Auction had 1 bidder and for whatever reason this person backed out. NORWESCAP is willing to pay the asking price and put up a residential.

Councilman Piazza believed building torn down as a result of fire, adding this area of TOP could use some rehabilitation. Stated would be voting for the Project, but wondered if NORWESCAP sells or rents out the building.

Mary Jo Harris - NORWESCAP

Stated the Program is to promote home ownership, adding there is pride in ownership. Stated cannot come in and flip property nor use equity in it.

RP noted, so there is criteria that must be met and asked if he could see the criteria between now and 2<sup>nd</sup> Rdg.

MJH noted would get materials to Councilman Piazza.

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

**R: 2022-118**

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH RK OCCUPATIONAL & ENVIRONMENTAL ANALYSIS, INC FOR RIGHT TO KNOW SERVICES

**R2022-119**

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, ACCEPTING TO PARTICIPATE IN THE MUNICIPAL ALLIANCE PROGRAM FISCAL GRANT CYCLE OCTOBER 2020 THROUGH JUNE 2025

**R2022-120**

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) Clean Communities 2022

**R: 2022-121**

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

**R: 2022-122**

A RESOLUTION OF THE TOWN COUNCIL, TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A PAVING ESCROW AGREEMENT WITH AQUA NEW JERSEY, INC.

**R2022-124**

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AWARDED CONTRACT TO IBN CONSTRUCTION CORP. IN THE AMOUNT OF \$66,243.00 FOR THE DEMOLITION OF 159 MERCER AND 277 WARREN STREETS

**R2022-125**

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, IMPOSING A LIEN FOR MUNICIPAL SERVICES

**R2022-126**

RESOLUTION OF THE TOWN OF PHILLIPSBURG ADOPTING AN AMENDED CASH MANAGEMENT PLAN FOR THE YEAR 2022

**R: 2022-123**

A RESOLUTION OF THE TOWN COUNCIL, TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FIRTH YOUTH CENTER.

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			

Councilman Piazza thanked Firth Youth Center for stepping up. Shared, he attended Summer Playground Program as youth in TOP. Continued, to his understanding – cost is same as Program our Recreation Dept provided last year, but getting less for the money. Noted if planned ahead, waited too long to enact – FYC had to rescue us. Stated feels we have to stop relying on others, and do more ourselves. Continued, losing money, less effective, wasting taxpayers money and not as many being serviced. Feels our dollars would go further if we put on Programs ourselves. Stated still 25k is good money spent regardless of how many served, but

added if Recreation Director is hired soon and there is a savings from that salary, would like to see the savings go to the Senior Center. Senior Center was working with lat Recreation Director and appreciated how frequently he showed up there. Added just the amount of insurance they pay for the Aging Population to have a social gathering place, went up 30%. They also provide the Meals on Wheels Program.

VP Clark noted supporting this Resolution. Great action for children of TOP. Stands out to him as being available to low income neighborhoods, to children who don't often get to have Recreation. Often forgotten, left out. Added spoken to many parents regarding availability of Summer activities for their children. Noted, we are all aware the Pool not being finished on time due to past actions. Continued, Firth Youth Center is a great idea. Noted it is not longterm, but could lead to great things. FYC is a pillar of this community, adding he knows the Director, Kelly Post-Sheedy and holds her in high regard. Had opportunity to speak at FYC during month of February. Summer Program at FYC is great, in addition to the PFPL and Steele Hill there are many activities to keep our children engaged. Noted need to rebuild trust with FYC going forward and great things can happen. Reminded predecessors cut funding to FYC, can't blame them not wanting to commit wholeheartedly. Commended Mayor for getting this done, something for children this Summer, must approve now or won't have anything. Not rescuing us – this is how was in past – in coordination with the FYC. Considers it a trust building exercise to regain relationship and make stronger than ever.

CP Wyant noted when he was a youth attended the Playground Program and it was very well attended. Continued in more recent years, not well attended. Noted maybe we can build on that Program with the FYC. Stated is it the best – don't believe so, but what we have and what we can get done right now. Would like to move forward and he would accept motion to approve.

#### **14. NEW BUSINESS**

Engineer Tim O'Brien speaks to Carpentersville Rd – Delaware Hghts. Full Study conducted regarding Traffic Safety/accidents at curve on approach to Delaware Heights. Has been in communication with Administration, Council President, Police Chief and Fire Department. Will send to Clerk's Office as well. Determined present conditions needing to be addressed; which include Posted speed – what should be vs what is. Safety of curve – found guardrail should be extended. Should install sign advising of curve, sign advisory speed. Reviewed 5 years of data; which showed most accidents occurred during inclement weather, at night. The request for additional stop signs did not meet Federal requirements for 4 way stop. Noted if TOP incorporates Town Park facility on both sides and Pedestrian crossing installed then stop signs would be at the crossing. Also, need to inform surrounding municipalities of drop in speed limit as motor vehicles enter TOP, noting the first posted speed limit sign of 25 is after the Park.

CP Wyant encouraged Engineer O'Brien to contact administration and begin with signage, perhaps solar blinking lights – curve ahead and guardrails to protect Property. Continued, down the road speed bumps – better friction in bad weather.

TOB noted actively working with Police Department – patrolling/enforcing.



Cnclman Kennedy stated Acting Municipal Clerk received a resume from Jennifer Wanisko expressing interest in serving on Recreation Advisory Committee. He continued, reviewed resume, pretty impressive and feels she would be great addition to the Recreation Advisory Committee. Stated he would like to place her name and nomination to serve on this committee.

CP Wyant asked, do you make a Motion.

Cnclman Kennedy responded yes. Motion was seconded by VP Clark.

**MOTION – to add Jennifer Wanisko to the Recreation Advisory Committee Passes 3-0-1-1**

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

VP Clark – Stated Open Space Fund passed in 2017 by Referendum with majority support. Continued this was to have (5) year limit, and this year up against wall by end of year. Noted would like to extend so we can continue to provide Funds to Open Space, Recreation and many wonderful things offered by TOP.

CP Wyant questioned whether this must be done by Referendum or Ordinance?

Attrny Wenner noted he spoke to VP Clark earlier. Noted the current levy is set at 2 cents, continued this can be adjusted downward in order to extend outward. Questioned if VP Clark wanted him to investigate and he responded yes.

## **15. PUBLIC PETITIONS**

### **Alfredo Martinez – 640 Corliss Avenue – Corliss Apartments.**

Addressed Council, spoke to issue of Rent being raised exponentially in the (3) years he has lived at this address. First year – 1130, 2<sup>nd</sup> year – 1150 and third year jumped to 1395, adding they wanted to charge 1995 if paying monthly. Continued many who live there are living paycheck to paycheck and do not have option of receiving discount by paying annually/biannually. Stated this is not fair, new company took over and raised rents without having made any improvements. Added, 3<sup>rd</sup> floor roof fell in, resident had to be housed at motel. Continued if people move out, cannot afford – it will fall to those who remain to pay exorbitant amount. Bringing concern to Council – don't want to leave TOP, but cannot continue to pay increases.

CP Wyant noted in speaking to Attrny Wenner, there is case law and he deferred to him.

Attrny Wenner noted there is a rule of thumb, no actual State Statute that caps it, but Judiciary has adopted question to conscience standard subject to challenge by you in the Courts, if rent increase in excess of 5% is generally looked upon with disdain by the Courts if challenged. There are considerations if major Capital Improvements, but most of time not allowed. Please

reach out to Legal Services of NW New Jersey, 91 Front Street, Belvidere, NJ 908.459.2010 adding they provide representation in tenant/landlord matters.

**Mr. ? (could not hear name) 644 Corliss Avenue – Corliss Apartments**

Noted rents when Salem had it were reasonable – less than 5%. New owners, large rent increase – ceiling falls down – resident living in motel since April. Questioned what Engineer is doing?

CP Wyant/Attorney Wenner encouraged Mr. Martinez to share Legal Aid information with others interested, adding unconscionable anything over 5%.

**Nicole Timberman – Delaware Heights**

Questioned if these are Rental Units should not these be monitored by TOP. Adding why didn't Code Department catch this?

CP Wyant noted possibility when inspected no evidence of ceiling failure. Adding don't know what caused ceiling to fall, could have been undetected roof leak, but yes they do go in and inspect.

NT – asked if drainage would be addressed in regard to Carpentersville Rd, adding there is (2) feet of standing water when rains. Continued has been a problem, but seems worse since sewer line installed. Noted goes all the way into Park – the walkway is being washed out and the kids cannot ride their bikes.

CP Wyant asked Eng. O'Brien if drainage being looked at regarding improvements there?

TOB stated Development not in TOP so drainage not necessarily in our purview, continued they must consider runoff. Only obligated to prevent increases from curb emissions under State Regulations, but can look into.

NT – noted given land from across the street and asked if it could be used to do something. Continued traffic is hydroplaning in the low lying area. Also asked about regulations regarding the boat launch on the Delaware – need better control on the water. People from out of State who don't know river and how dangerous there for recreation, but drinking and unaware of dangers.

**Ray Patt 459 Kneeder Avenue**

Asked if TOP would consider organizing All Star Game, noting other cities districts have been conducting. Continued TOP nothing since 2019.

CP Wyant noted must speak to Mayor/Administration.

Mayor Tersigni stated must go submit paperwork, encouraged him to call Mayor's Office.

**Joe Meyner – 392 South Main Street**

Noted the Delaware River looks safe, but is dangerous. Stated regarding Perrucci – shared his paperwork – suggestions contained with Council. Adding his ideas will not cause congestion in Union Square. Spoke to Rent Control – he had submitted his ideas regarding Rent Control back in 2019. Noted his suggestions alleviate many of problems brought up tonight as :Can't increase Rent without passing Inspection/Registration and improvements. Must publish next years' increase in current lease Agreement and can't increase at all without Inspection.

D Morrisette – 5 Fairview Hghts.

Thanked Council for Shared Service Agreement – FYC – Summer Program. Adding potential for more opportunities once trust rebuilt. Spoke to Truck Traffic in TOP, noting on December 31, 2021 a Traffic Study was Authorized. Continued on January 11, 2022 the initial TS came out and it barred traffic from Union Square to McKeen St. or Union Square to end of Howard Street Extension should it be built. Noted the Jan 11 study potentially had Center Street as exit or Right and go into Pohatcong. An amendment to the State then took out Center Street. Feels TOP has created monster with truck traffic and the Town's solution seems to be sending through Pohatcong. Asked for Council's reaction to statement.

Ms. Campbell 660 Corliss Avenue – Corliss Apts.

Stated single mom-fulltime student, adding when new company took over rent increase exorbitant. Cannot afford.

Heidi Schliker – 57 Bennett Street

Asked if Rent Control in TOP will be re-visited, stated something in place a few years ago.

CP Wyant stated Rent Control was never passed in TOP, adding we don't have the votes for that.

Cnclman Piazza noted Rent Control was discussed at a Work Session where pros/cons were discussed, adding Public Comment was not taken. He continued, he had asked for more of a Town Hall. Stated he can share the audio/video of that meeting and shared his business card.

**Mary Jo Harris – NORWESCAP**

Stated NORWESCAP would be planning several Community meetings regarding Tenants rights beginning end of June beginning of July. Also Landlord rights – there are good Landlords. Will inform Public by sharing information with TOP and hopefully on their Website.

**16. COUNCIL OPEN TIME**

Cnclman Piazza thanked everyone for voicing concerns. Adding sometimes don't agree, but can agree on outcome – FyC. Noted times are difficult and whether for or against all Votes are considered thoughtfully. Noted more work to be done in order to help resident.

Cnclman Kennedy stated this Summer – TOP will be having an Open Air Market – bakers, crafters. Continued every Sunday from July 10 – October 2<sup>nd</sup> from 10AM – 2PM at Shappell Park. Added this is in cooperation with the Chamber of Commerce and NORWESCAP. Noted this will bring in people from out of Town to see what TOP is all about. Still looking for more Vendors, adding hopefully all attend.

VP Clark noted June a busy month. Stated the DEP Commishioner will be holding a Community Event Mtg. on Tuesday, June 14 at 6PM at the SPSJ on South Main Street. Addressing Environmental justice, such things as Air Pollution and TOP role in solutions. Continued on Saturday, June 18 there will be a flag raising and support our own Drip Lounge at 8PM a Paint/Sip. Also, celebrating Junteenth the official end of slavery in our Nation when Union Soldiers liberated those in TX. Continued on June 18, Washington Boro would be having a Juneteenth celebration and also Green Arts Festival. Will be attending to show his support in Blairstown – their own Pride event support the LGBTQ community and businesses.

CP Wyant asked if anything else to add.

**Open Time Closed**

**17. MOTIONS**

Special Event Permit Application – Pork Roll Palooza – October 08, 2022

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			

Councilman Piazza asked if Mary Jo Harris, NORWESCAP, could elaborate on the Program that would be Administered regarding this Property.

Mary Jo Harris noted the NRTC project plan allows Norwescap to apply for State funding to address housing, economic development and community engagement needs. In order to qualify for NRTC funding to build or rehabilitate a home, Norwescap must have site control of the property.

Application for active fire fighter – James E. Smith for Alert Hook & Ladder Co. No. 1

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

**18. ADJOURNMENT**

VP Clark moved to adjourn – 8:43 PM