

Apprvd. 12.13.2021

TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING MINUTES
Tuesday November 23, 2021
7:00 P.M

Join Zoom Meeting

<https://us02web.zoom.us/j/89836492926?pwd=cExOZ05TNEExZay9ydVN1a05qQ1RPQT09>

Meeting ID: 898 3649 2926

Passcode: 249821

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For questions contact Lorraine Loudenberg at 908.454.5500 x 348

1. **CALL TO ORDER** - VP Fulper – 7:02 PM

2. **OPEN PUBLIC MEETING ACT STATEMENT:** by Cnclman Randy Piazza

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS LAW. THIS MEETING OF November 23, 2021 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 Cnclman Randy Piazza

4. **ROLL CALL** – VP Fulper, Councilmembers: DeGerolamo, Lutz, Piazza, Wyant Attorney Wenner and BA Benjivenga in attendance.

5. **APPROVAL OF MINUTES** - None

6. BILLS LIST -

Passed 5-0

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza	X		X			
Councilwoman DeGerolamo			X			
Councilman Lutz		X	X			
Council Vice President Fulper			X			

Discussion

Councilman Wyant abstains from #7014

7. HABITABILITY HEARING – 165 Hudson Street – Block 813 Lot 52

Attorney Wenner stated previously heard in October. Representation of service, Kyle Lacey, TLOA, LLC asking for extension of time, directed to appear tonight.

Kyle Lacey, Real Estate Asset Mgr., TLOA Servicing, LLC.

Attrny Wenner asked Council if any questions.

VP Fulper asked what steps have been taken? Neighbor been dealing with this since May.

KL – Had under Contract twice, fell through. Got quotes for roof moving forward to fix, we will fix.

Cnclman Piazza – understand you are hoping we will give promise not to demo, but this Habitability Hearing is regarding the current condition of the Property. When you sell then you can make the conditions.

KL – Stated, we will handle now.

RF – neighbor been subjected to deteriorating condition, first complaint made in May.

KL – Didn’t know anything about Property in May.

Attrny Wenner stated order given for roof to be replaced within 35 days of October meeting.

Council has right to these options:

Do nothing

Give extension of time to repair

Action due to non compliance – demo

RF – asked if move to demo, could order be rescinded?

Attrny Wenner responded, yes could be done. Demo would be issued/recorded against property – if roof replaced – could be rescinded. Asked Mr. Lacey what timeframe for work to be commenced and then completed.

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KL noted received Quote on Friday; which was accepted and they are moving forward.

RP asked how long Quote good for?

Attrny Wenner stated, Inspections Dept head, Jack Daniels in audience and asked him to weigh in on situation. Attrny Wenner reminded JD he previously took oath and remains sworn in.

Inspector Jack Daniels stated extensive damage to roof, feels sheathing will be necessary – permit needed. Roof rafters may need to be replaced as well. Asked how long before KL pulls permit?

RW – asked is December 7 enough time to pull permit?

JD stated yes, assuming application is complete.

RF – move to demo, unless pull permit and begin before December 7.

JD stated history of Property. Complaint 5/28. August 4, posted unsafe structure. Ordered representatives to address/secure building as whole. No action until recently. No permits have been pulled. The porch must be addressed as well, just plywood over joists. Property is being marketed- people have entered, even though posted as unsafe. Disregarded our orders. Damage continues to increase.

RF continued to remind KL, you don't live there, have not had to endure. Move for demo, with understanding to rescind

Attrny Wenner – stated if the demands can be met – will you rescind.

KL – completed or commenced, what can we do?

JD asked can you make application tomorrow, we can have permit ready in 24 hours

RP added needs to move pretty far along

RF concerned neighbor should weigh in.

JD – went back to unsafe structure notice; which was read in to record previous time, October 19.

Reading in what needs to be met by December 7:

Compromised roof

Front Porch – replace floor boards – unless structural/joists – then would require Permit for Porch also.

RF asked if porch danger to adjacent structure?

JD responded, no but to first responders. Adding there is a separation between the 2 properties.

ROLL CALL

Motion to demo 165 Hudson – will rescind if requirements met

Passed 5-0

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza			X			
Councilwoman DeGerolamo	X		X			
Councilman Lutz		X	X			
Council Vice President Fulper			X			

8. ANNOUNCEMENTS

HAPPY THANKSGIVING – Municipal Bldg. at 120 Filmore Street – CLOSED 11/25 & 11/26
 TREE LIGHTING – Shappell Park – Monday, Nov. 29 – 6PM

9. OLD BUSINESS

O2021-25 SCHOOL BUS PARKING – Tabled – to be heard December 7 Mtg.

10. MAYOR’S AND ADMINISTRATIVE OFFICERS

NONE

11. PUBLIC DISCUSSION ON AGENDA ITEMS

Joe Meyner 392 South Main Street

Stated late addition of Stateliner – information hard to get, much secrecy. Mostly low cost housing Union Square. Spoke to R2021-276, require a permit, have right to inspect. Continued excessive grease is our enemy. O2021-23 need to use space you have between cars. Stop signs tempt people to run them. Also Ecological problem-excessive fuel waste. R2021-287-require permit.

D. Morrisette 5 Fairview Hghts.

Questioned O2021-27 as voting to rezone industrial?

Attrny Wenner stated – redoing previous Ordinance.

DM – noted, no businesses downtown wants warehouse along Delaware River. Please do not rezone.

Lisa DeGerolamo 44 Miller Street

Concerned about all the Stop signs proposed for Hudson/Irwin Sts. Will greatly effect availability of parking spots. Agrees to a 4 way stop at Miller/Hudson, but stated at every block, unnecessary, undue inconvenience to residents of Hudson/Irwin.

12. ORDINANCES – SECOND READING

ORDINANCE 2021-23

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 INTERSECTIONS AT HUDSON STREET (ALL INTERSECTIONS) AND IRWIN STREET (ALL INTERSECTIONS) WITHIN THE TOWN OF PHILLIPSBURG

ROLL CALL

Passed 3-2

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant				X		
Councilman Piazza	X		X			
Councilwoman DeGerolamo				X		
Councilman Lutz			X			
Council Vice President Fulper		X	X			

Public Discussion

Joe Meyner 392 South Main Street

Stated really bad idea. Impatient people rush through, not safer, overly congested. Already lack of parking available.

Discussion

Cnclman Wyant – voting No, overboard – 1 stop sign needed for Hudson and 1 for Irwin.

Cnclwmn DeG – stated did review accident reports. Side swipes/back outs, but no more than 1 accident at intersections. First responders not in favor, they must observe stop signs. Street already tight, stop signs remove parking. Where do residents go, nowhere to park.

VP Fulper noted will support. Police, EMS, never seen Fire Dept stop. Asked Community they welcomed, few in opposition, still support.

O2021-24

ORDINANCE AMENDING CHAPTER 67, *VEHICLES AND TRAFFIC*, SECTION 4, *PARKING PROHIBITED DURING CERTAIN HOURS*, TO ADD A PENALTY PROVISION

ROLL CALL

Passed 4-1

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant				X		
Councilman Piazza		X	X			
Councilwoman DeGerolamo			X			
Councilman Lutz	X		X			
Council Vice President Fulper			X			

Public Discussion-None

Discussion

Cnclman Wyant moved to Table until O2021-25; which works in tandem is ready.
VP Fulper asked for second – none given – motion fails.

13. ORDINANCES — FIRST READING

O2021-26

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING VARIOUS SECTIONS OF CHAPTER 422, *PARKS*, TO PROVIDE FOR AN INCREASE IN FEES REGARDING THE USE OF PARKS AND OTHER FACILITIES

ROLL CALL

Motion to Table

Passed 5-0

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza		X	X			
Councilwoman DeGerolamo			X			
Councilman Lutz			X			
Council Vice President Fulper	X		X			

Discussion

Cnclman Lutz rescinds his motion.

O2021-27

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

ROLL CALL

Passed 4-1

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant				X		
Councilman Piazza	X		X			
Councilwoman DeGerolamo			X			
Councilman Lutz		X	X			
Council Vice President Fulper			X			

Discussion

Attorney Wenner stated due to Ordinance being subject of lawsuit, being reintroduced, adopted anew in light of any alleged irregularities. This will go to Land Use December 16 for Planning Review. December 23 – 2nd Rdg./Final Adoption.

Cnclwmn DeG – Talked with developer, had recent conversations. They listened, spirit of wrong location. Industrial use, but unaware of Redeveloper’s conditions. – would satisfy Rails, Trails, TOP – no cost of road work with understanding – change on that redeveloper conditional on Redevelopment Contract. Feel Public would be satisfied with more information. Crossing fingers – conditional, yes tonight.

VP Fulper – Agree with you, take exception with Howard Street thruway. Spruce up Parks – same page

HW – Still no from me. According to Public Notice from Land Use Mtg. – pulled from Agenda last night, still South Main Street via McKeen – proposing buying property to make turn. I am opposed.

RP – agreed would be hesitant if Howard Street extension not part of plan, but sure the extension will go through.

HW – 560-562 South Main Street are the proposed properties to be purchased. Even though wasn’t heard at Land Use Mtg, have the Public Notice and the Zoom ID is wrong.

ML – Understand opposition for warehouse, but living in the area, something needs to go in there. There is acid, chemicals in the ground, knowing (3) big companies who build houses all said NO. What else can go there, but only if extension goes out to Center Street.

VP Fulper – backed since the beginning/ still glad Councilwoman had conversation with developer.

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.*

R: 2021-276

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY DETERMINING INDUSTRIAL DISCHARGE PERMIT IS NOT REQUIRED FOR NEW SEWER CONNECTION ON DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION PROPERTY AT 76 BROAD STREET AND AUTHORIZING NEW SEWER CONNECTION WITH CONDITIONS

R2021-277

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Broad Street Phase 1 project.

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R2021-278

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

R2021-279

RESOLUTION AUTHORIZING THE PAYMENT OF LEGAL FEES INCURRED BY FRANK MCVEY IN CONNECTION WITH HIS DUTIES AS A COUNCILMAN

R2021-280

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY TO ISSUE A REFUND FOR AN OVERPAYMENT FOR POLICE DEPARTMENT SERVICES TO NORWESCAP

R2021-281

RESOLUTION TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY FOR REIMBURSEMENT TO BE PAID TO DANIEL BARANSKY FOR AN OVERPAYMENT MADE TO THE STATE OF NEW JERSEY

R2021-283

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND IN THE AMOUNT OF \$345.00 TO PHILLIPSBURG DOWNTOWN ASSOCIATION

R2021-284

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

R2021-285

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NO NONSENSE NEUTERING FOR THE PROVISION OF TRAP, NEUTER AND RELEASE SERVICES FOR THE TOWN OF PHILLIPSBURG

R2021-286

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, FINDING AND DECLARING AN EMERGENCY FOR PURPOSES OF N.J.S.A. 40A:11-6 AND N.J.A.C. 5:34-6.1 AND IMPOSING A LIEN FOR MUNICIPAL SERVICES

ROLL CALL

Passed 5-0

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza		X	X			
Councilwoman DeGerolamo			X			
Councilman Lutz	X		X			
Council Vice President Fulper			X			

Discussion

Cnclman Piazza – abstains from voting on R2021-276

R2021-282

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY, AUTHORIZING THE TOWN OF PHILLIPSBURG PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, BLOCK 2805 LOT 13 (1127 SOUTH MAIN STREET) QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

ROLL CALL

PASSED AS AMENDED 5-0

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza	X		X			
Councilwoman DeGerolamo			X			
Councilman Lutz		X	X			
Council Vice President Fulper			X			

Discussion

Councilman Piazza – referred to Agway area, would like to see R2021-282 amended to include Ice House, 1116 South Main Street, B12806 Lot 1.

RF – questioned Attny Wenner as to how to proceed?

Attny Wenner – stated identify Block and Lot.

15. NEW BUSINESS

- HW – None
- DD-None
- RP-None
- ML-None
- RF-None

16. PUBLIC PETITIONS

Joe Meyner – 392 South Main Street

Mercer Street torn up, yet sanitary sewers not inspected. Councilman aware. Stated if you tear up road – must inspect Sanitary Sewer. Continued, Sanitary Sewer System – colossal risk to for TOP to continue to do just minimum. Inspection of sanitary system must be done over next 30 years, cannot ignore. If tear up should inspect.

Mr. Morrisette 5 Fairview Hghts.

State (2) things people of TOP do not want, businesses do not want tractor trailers – industrial district on riverfront – bad for downtown. Noted 150 Fleming Street – do not want an 80 unit housing. This would change the makeup to the single-family homes there. Also, asked, No Pilot-does not add to ratables. Need more single-family homes and extend Recreational Area.

Joan Pierce 111 Sitgreaves Street

Asked about curfew being enforced. Noted greater degree of vandalism apparent, bandshell at Walter’s Park. Wondered aloud why Recreation Director DJ Kophazy no longer an employee of the Town. Disappointed, Mayor not responding to her phone calls and no one answering non-emergency #.

Lori Ciesla – Freeholder

Spoke to Broadband Symposium run by HUD back in October. Attended by Envision, Dr. Troxell among others to address problems regarding Broadband being available to all. Currently, rural areas having trouble, also cost prohibitive to many in TOP. Working to improve Broadband and make devices available to people. Continued, just attended League and noted how many other counties along the Delaware facing same. County Task Force – someone from TOP to address Broadband problem.

Kevin Keyser 563 South Main Street

Spoke to O2021-27 regarding the District 5, Riverfront Redevelopment. Stated lives across from Properties 560/562 McKeen Street. Understands those properties may be demolished to accommodate truck traffic. Stated can’t lose Parking, already not enough. Also, children catch bus on the corner, safety issue. Stated, Say No on Warehouse. Thanked Councilman Wyant for voting no.

Dan Boyce 1526 Warren Street

Spoke to O2021-23 Stop signs needed, 5 episodes of children nearly struck. Solution may be to issue parking permits to park on Hudson Street, lined parking spaces. People don’t know how to Park and take up (3) spaces.

Robyn Coe – on phone – connection difficulties

Asked why voting again on warehouse Project?

Attorney Wenner explained, being re-introduced due to being challenged in Court. Alleging conflicts therefore voting anew.

17. COUNCIL OPEN TIME

Cnclwmn DeGerolamo – Go Liners – Beat Easton! Happy Thanksgiving. Monday, Nov. 29 6-9PM, Tree Lighting

Cnclmn Wyant – Go P’burg!

Cnclmn Lutz – Happy Thanksgiving!

Cnclmn Piazza – Can’t believe Tree Lighting, Christmas almost here. Spoke about Scenic Byway Trail, real Treaty type Map Overview. Separate offshoot through Pohatcong past wineries – to Greensbridge – Agway area. Happy Thanksgiving.

VP Fulper – Stated legitimate concern of children at bus stops on South Main Street. Noted a process in place, must trust Planning Board.

Went on to speak to subject Joan Pierce touched on regarding the absence of Recreation Superintendent. Noted BA Benjivenga informed him 10/27/2021 of DJ Kophazy’s resignation, added asked to reconsider – Mayor said would meet on November 3rd to address. Mayor told individuals he would keep DJ. Said he would meet/speak, but radio silence – then stated resignation would stand. During last (2) years – great strides made – improving quality of life, but very clear Mayor mistreated employees. Mistreatment of female employee, this person’s daughter liked a post; which painted Mayor in negative light, insisted employee’s daughter remove like of post. In CFO’s office – slammed fist- mad about a Petition – claimed employee not on his side. Mayor telling people has just one more employee to get rid of. VP stated simply wrong to mistreat a woman, called for Mayor Todd Tersigni’s resignation. Wanted to log position – pushed out Clerk, DJ and unnamed employee. Told not to fear, will provide his Testimony when the time comes.

18. ADJOURNMENT 8:20 PM

Passed 5-0

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant	X		X			
Councilman Piazza			X			
Councilwoman DeGerolamo			X			
Councilman Lutz		X	X			
Council Vice President Fulper			X			

Waiting Apprvl. 12.07.2021