

TOWN OF PHILLIPSBURG
COUNCIL MEETING MINUTES

May 2, 2023 — 7:00 P.M.

- 1. CALL TO ORDER** **By CP Wyant**
- 2. OPEN PUBLIC MEETING ACT STATEMENT** **Read by VCP Clark**
- 3. PLEDGE OF ALLEGIANCE** **All**
- 4. INVOCATION** **Led by Councilman Piazza**
- 5. ROLL CALL** – Present - Wyant, Clark, Piazza, Marino, Kennedy
- Absent - None
-Also in attendance: Attorney Wenner, Business Administrator Hall, Deputy Clerk Turner.
- 6. APPROVAL OF MINUTES** – April 11, 2023 Workshop Meeting

ROLL CALL **Motion Carries** **5-0**

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

7. BILLS LIST

ROLL CALL **Motion Carries** **5-0**

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

8. ANNOUNCEMENTS/PRESENTATIONS

Frolic in the Park 5-7 PM Thursday at Walters Park

9. MAYOR’S REPORT/ADMINISTRATIVE OFFICERS

I want to start by taking a moment to recognize the retirement of Ms. Lori Loudenberry who recently capped off 23 years of dedicated service to the Town of Phillipsburg and to wish her well in her new endeavors. In the coming weeks I would like to offer a more formal commemoration of Ms. Loudenberry's service.

My Administration continues to work closely with the Police Department to enhance the security camera infrastructure in the Town of Phillipsburg. A resolution authorizing the purchase of cameras and other equipment will be forthcoming. Additionally, the Police Department has been walking the beat in known problem areas and keeping our streets safe in response to recent incidents. The Police Department is solving these crimes.

Soon my Administration will authorize the re-bidding of various projects at Walters Park including but not limited to repaving and reconstruction of the existing tennis court area changing to one tennis court striped for pickleball in addition to tennis, the addition of four pickleball courts and the replacement of two basketball goals. On this evening's agenda is also a resolution supporting a grant application to the New Jersey Department of Transportation for the Wawa pedestrian crossing project at Roseberry Street which would include installation of a pedestrian hybrid crossing signal, new marked crosswalks, ADA curb ramps and sidewalk at the intersection of Roseberry Street and Fisher Avenue.

Recently, I along with members of Council participated in a cleanup day with NORWESCAP in which many of the volunteers remarked at the historically low volume of trash which indicates not only more efficient regular maintenance of the Town but also a higher degree of community pride. Finally, this past Friday I took the time along with Councilman Kennedy and Council Vice President Clark to show staffers from Senator Booker's Office some of the pressing issues concerning our town including infrastructure. I thank the Senator for making his staff available for this visit in order to explore easier access to the Riverside Way Parking Lot which would create more redevelopment possibilities.

Respectfully Submitted, Todd M. Tersigni, Mayor

10. HABITABILITY HEARINGS

Motion to open Habitability Hearings

.Motion Carries

5-0

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

77-79 Glen Avenue, Block 812 Lot 14 - Buddy Karam, a managing member of 99 North LLC, which is the property owner, and Patrick Kays, Phillipsburg Director of Municipal Services were sworn in by Attorney Wenner. Mr. Kays stated he met with the property owner. 4 units are being rehabbed. The structure looks bad from the street, but he will clean it up. The owner received a permit to gut the house and the plans are currently under review. Mr. Karam stated he completed gutting the structure in late fall

but has had difficulty obtaining permits. New electric and plumbing have been installed. Mr. Kays stated the electrical inspection was done, the plumbing and fire inspection should be done soon, and the final plans should be ready next week. CP Wyant recommended continuing the habitability hearing in 90 days at the August 1, 2023 Council meeting.

Motion to continue the habitability hearing on August 1, 2023.

ROLL CALL

Motion carries 5-0

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

109 Chambers Street, Block 1404 Lot 9 – Attorney Wenner noted this is a continuation of the habitability hearing. Mr. Wenner reminded Mr. Kays he is still under oath. The property owner, Nelson Trembler, was not in attendance. Mr. Kays stated he viewed the property and had a detailed conversation with the owner. Mr. Kays addressed four items from the Feb 7, 2023 hearing: The roof is water-tight, the basement access (Bilco) door was done, the owner did not provide an estimate from a licensed contractor because he is considering selling the building, the owner and Mr. Kays agreed to have a construction official go through the building the week of May 22nd. Mr. Kays noted that the permit for the roof was obtained after the underlay was installed and a full inspection could not be carried out. A visual inspection will be done during the walk-through. CP Wyant recommended a continuation of the hearing be held in 60 days at the July 18, 2023 Council meeting.

Motion to continue habitability hearing on July 18, 2023

ROLL CALL

Motion carries 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			

17 Union Square, Block 903 Lot 30 – Attorney Wenner noted this is a continuation of the habitability hearing held on February 7, 2023. Mr. Wenner reminded Mr. Kays he is still under oath. The property owner Paul JR Holding, LLC was not present. Mr. Kays stated the loose roof shingles have been removed, the building has been secured, and a fence has been installed. He does not require the hole in the roof to be covered at this time. Mr. Kays stated the plans are in the engineering stage. He also stated that the property owner thought this habitability hearing was to be held next week and that Mr. Wenner had

been advised of this prior to tonight’s meeting. CP Wyant recommended continuing the habitability hearing in 90 days at the August 1, 2023 Council meeting.

Motion to continue the habitability hearing on August 1, 2023.

ROLL CALL

Motion carries 5-0

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

11. PUBLIC DISCUSSION ON AGENDA ITEMS

Joe Meyner, 392 South Main St, Phillipsburg – Mr. Meyner read the following statement and requested it be included in the minutes:

“Town Council, Resolution 2023-73 – I understand there is a pending motion to add three additional police to the budget. We do not need more police. It was inaccurately presented that we only have 4 police 24/7. We have 5.3 patrol persons and 2 officers 24/7. Rather we need police support services that solve our problems. A trauma counselor, an addiction counselor, a domestic dispute counselor, and a psychologist for victim trauma and crazies. I proposed written plans to do this some years ago. We also need civilian oversight because our present ordinances establish no authority over the chief of police (including the mayor). Absolute authority corrupts absolutely. I proposed written plans to do this recently. Resolution 2023-77 – The body is missing from the agenda. As simply as possible, what’s the money for?”

Meliss Paulus, 26A Glen Avenue – Why has the budget not been reviewed again and the “little bit of fat” not trimmed? CP Wyant stated there is only a .24c increase in the budget. No increases in previous years’ budgets will affect us next year. Ms. Paulus stated the low increase is due to the use of surplus. She asked what is in the budget for the payment in lieu of taxes for the sewer utility? Should the \$35,000 increase in sewer salary be a municipal charge? What is in the budget for the part-time Tax Collector? CP Wyant stated that all are concerned about taking money out of the surplus.

Joan Pierce, Prospect Street, Phillipsburg – stated children and cops are in jeopardy and the council is worried about money. They are turning a blind eye. The council didn’t have to vote yes for a library that no one goes to.

Dave Morrisette, 5 Fairview Heights, Phillipsburg – thanked council for their service. He asked how a lawsuit is factored into the budget. CP Wyant stated there is a set amount in the budget for professionals.

Public Discussion of agenda items closed.

12. ORDINANCES FOR 2nd READING

ORDINANCE 2023-05

ORDINANCE AMENDING THE TOWN OF PHILLIPSBURG SALARY ORDINANCE

ROLL CALL

Motion Carries

5-0

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

No Public Discussion
No Council Discussion

13. ORDINANCES FOR 1ST READING

ORDINANCE 2023-06

ORDINANCE AMENDING § 422-14 OF THE CODE OF THE TOWN OF PHILLIPSBURG
POOL RATES

*** Second reading and public hearing will occur on Tuesday, May 16, 2023 at 7:00 p.m. ***

ROLL CALL

Motion Carries

5-0

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

Council Discussion – No discussion

14. RESOLUTIONS ** CONSENT AGENDA **

Matters listed on the Consent Agenda Resolutions 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.

R2023-76

RESOLUTION APPROVING SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NJ DEPT OF TRANSPORTATION FOR THE ROSEBERRY STREET PEDESTRIAN SAFETY PROJECT

R2023-77

AVANTOR PERFORMANCE MATERIALS - CONSENT TO REPLACE AND MAINTAIN FENCE ENCROACHING INTO RIGHT OF WAY

R2023-78**RESOLUTION DESIGNATING HANDICAP PARKING SPACES WITHIN THE TOWN OF PHILLIPSBURG****ROLL CALL****Motion Carries****5-0**

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

R2023-79 Asked to be pulled from the consent agenda by Councilman Marino******RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF PHILLIPSBURG AND PBA LOCAL NO. 56**

Councilman Marino requested a legal ruling from the Attorney because he has nephews on the police force. Attorney Wenner stated that there is no ethical impediment to Councilman Marino voting because they are not immediate family members and do not reside with him.

ROLL CALL**Motion Carries 5-0**

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

R2023-80 ** Asked to be pulled from the consent agenda by Councilman Marino****RESOLUTION RESCINDING R2017-30 COMPLAINT AND NOTICE OF HEARING TO DETERMINE FITNESS OF BUILDING**

Councilman Marino requested a recap of this Resolution because he was not on council when R2017-30 was approved. CP Wyant stated the building at 11 Union Square, Block 903 Lot 28 is up for sale and the complaint needs to be officially removed to give it a clear title.

Roll Call**Motion Carries 5-0**

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza			X			
Councilman Marino	X		X			
Councilman Kennedy		X	X			

Council VP Clark			X			
Council President Wyant			X			

R2023-73 ** Asked to be pulled from the consent agenda by Councilman Piazza**

****Reintroduced** RESOLUTION ADOPTING THE 2023 BUDGET FOR THE TOWN OF PHILLIPSBURG**

Councilman Piazza stated that the last ordinance pertaining to the number of police officers was written in 2006 and allowed for 37 officers plus 1 for the chief. They are currently 2 officers down. Officers’ and Detectives’ time is being used for many additional duties. He would like to see the ordinance changed to 40 plus 1. Reviewing the budget, he found a \$425,000 shared services line with Alpha of which only \$225,000 is being utilized. The \$200,000 would cover the additional officers without affecting the budget. Councilman Piazza would like a letter of commitment from administration stating the \$200,000 would be spent on 3 additional officers. He had requested an amendment to the ordinance from Attorney Wenner adding the 3 additional officers. CFO Robert Merlo (audience) stated the \$200,000 is for vehicle purchases. CVP Clark asked why this is coming up now when council has had the budget for weeks? Councilman Piazza stated the recent crime has prompted this. CVP Clark stated the current budget allocates funds for 39 officers, which the chief said was the ideal ratio and that an additional \$300,000 would only cover 2 officers. CVP Clark cited a 2020 Lehigh Valley Live article regarding the purchase of new surveillance cameras and Councilman Piazza stated new cameras were to be purchased but old ones are not being repaired.

ROLL CALL

Motion Carries

3-2-0

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

15. OLD BUSINESS – No Old Business

16. MOTIONS – No Motions

17. NEW BUSINESS

Councilman Piazza read an ordinance (attached) and moved for its approval. Seconded by Councilman Marino. VCP Clark stated he would like more time to review the ordinance, he would like the recommendation to come from the chief of police and it should be put on the agenda for the next meeting to ensure public transparency. CP Wyant agreed it should be on the agenda for the next meeting. Councilman Piazza withdrew the motion.

18. PUBLIC PETITIONS

Matthew Scerbo, 1072 Pearl Street, Phillipsburg - noted that the Walters Park bids were rejected because they were too high, but a new bid package is going out. CP Wyant stated the bids may have been changed to compensate for rising costs. Mr. Scerbo stated attractions in the park are damaged and possibly not functional. He does not believe the cameras at the Corliss Avenue building are functional.

Elizabeth Ridley, 108 Summit Ave – To introduce legislation to increase the budget and break the mandated cap regulations, just for political purposes, is anxiety-inducing. The Ordinance should be introduced and advertised properly on an agenda.

Stuart Ridley, 108 Summit Avenue, Phillipsburg – Mr. Ridley read from the Open Public Meetings Act regarding adequate advance notice of items to be discussed and voted on at meetings. He stated that to introduce and demand a vote on an item not on the agenda circumvents the Open Public Meetings Act. Mr. Ridley stated there have been previous complaints regarding secrecy. The lawyer should not write an ordinance for one councilman and not share with the others. Mr. Wenner’s request of CP Wyant to respond was granted. Mr. Wenner stated that he has private conversations, written and oral, with council members that are not shared with others since he is approached in confidence. It is not his responsibility to police the council or the administration.

Meliss Paulus, asked how projects in the park are being funded and if they are in compliance with Open Space regulations. Matt Hall stated that the Recreation Director is looking into this. Ms. Paulus stated the meeting minutes on the website have not been updated. She reiterated her request from the last meeting that meetings be covered virtually (via Zoom). Ms. Paulus asked if there is an appointed safety director. Mr. Hall stated he is the safety fund commissioner and we have a Risk Manager. She stated previous meeting minutes indicate the new tax collector will be part time. Ms. Paulus asked where does the budget leave us and how much will it go up next year. CP Wyant stated that cannot be predicted.

Dave Morrisette, 5 Fairview Heights, Phillipsburg, thanked the council for delaying/tabling the vote on the budget and adding police officers. He said a resident asked why changes are being made in the department without the consent of those running that department.

Public Petitions closed.

19. COUNCIL OPEN TIME

Councilman Marino stated he has received complaints of fast traffic and kids being out of control in the Hillcrest area. Residents requested police patrols around Morris Street, Summit Ave, Glen Ave, Hudson St, Filmore St, Davis St and Heckman St. A Facebook post showed kids running across the railroad tracks. He notified the school district and requested CP Wyant make the police chief aware of this behavior. CP Wyant spoke of the safety of kids in these same areas and stated police are stationed in these areas with additional officers patrolling.

Councilman Kennedy stated that, had Councilman Piazza’s proposal passed, there would be 38 policemen. The budget covers 39 police officers. Councilman Kennedy state that cameras are important as they put eyes everywhere and the surveillance is in real time. 19 new cameras are to be installed to add to the existing 30. There is a \$297,000 grant to combat gun violence with gunshot detection technology. We should adequately staff the police force and up the technology. Councilman Kennedy thanked all who attended the Norwescap Community Day and wished all a Happy Mother’s Day on May 14th.

Councilman Clark stated he is glad the budget got through and that it is important to not let fear take over. He thanked all for coming out and participating in democracy. Councilman Clark noted Frolic in the Park Thursday, Saturday May 13 at 321 Market St, and a new business at 369 South Main St, Lit Girls Candles opening May 19th.

Councilman Piazza apologized that the numbers he cited at the last meeting regarding the police force were incorrect. He stated that, regarding the cold storage warehouse contract with Polar Engineering, the amendment for the rail design is being worked on. Councilman Piazza stated that his proposal to use the \$200,000 of shared services money would not affect the appropriations cap because it is already in the budget. Councilman Piazza wished everyone a Happy Mother’s Day.

20. EXECUTIVE SESSION – No Action will be taken. Attorney Wenner stated the topics to be discussed include contractual and defense council

**Motion to go into Executive Session made by Councilman Piazza, Seconded by CVP Clark
Motion Carries 5-0**

Return from Executive Session

ROLL CALL – Present - Wyant, Clark, Piazza, Marino, Kennedy

- Absent - None

-Also in attendance: Attorney Wenner, Business Administrator Hall, Deputy Clerk Turner.

Attorney Wenner stated that the Council was in Executive Session approximately 20 minutes. Matter discussed were ..., Garbage disposal contract, and Defense Council. No action was taken.

21. ADJOURNMENT – 9:08 PM

Councilman moved to adjourn. Seconded by Councilman .

Ayes: 5

Nays: 0

Absent: 0

An Ordinance of the Town of Phillipsburg, County of Warren, State of New Jersey to Amend Chapter 105, Police Department, Section 1, Membership, To increase the number of members of the police department to 37 40.

Be it ordained by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, Chapter 105, Section II, Police Department,

Section 1: Membership. is hereby amended by increasing the number of members of the police department to 37 and 40 to serve under the direction of the chief of police.

Section II: Repealer. All ordinances or part ordinances inconsistent with the ordinance are hereby repealed to the extent of such inconsistencies.

Section III: Severability If any article, section, subsection, paragraph, phrase, or sentence is for any reason inconsistent with the code of the Town of Phillipsburg or is held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase, or sentence shall be deemed severable.

Effective Date: This ordinance shall take effect immediately upon passage and publication as provided by law.

Notice: Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Town Council of the Town of Phillipsburg, held on May 2 and ordered published in accordance with the law and said Ordinance will be considered for final reading and adoption at the regular meeting of the Town Council to be held on May 16 at 7:00 pm or soon after. as the Town Council may hear this ordinance at 120 Filmore Street, Phillipsburg, NJ at which time all persons interested may appear for or against the passage of this ordinance.