

**TOWN OF PHILLIPSBURG**  
**COUNCIL MEETING MINUTES**

**June 6<sup>TH</sup>, 2023 — 7:00 P.M.**

1. **CALL TO ORDER 7:01 pm** **By CP Wyant**
2. **OPEN PUBLIC MEETING ACT STATEMENT** **Read by CVP Clark**
3. **PLEDGE OF ALLEGIANCE** **All**
4. **INVOCATION** **Led by Councilman Piazza**
5. **ROLL CALL** – Present - Wyant, Clark, Piazza, Kennedy  
Absent - Marino  
-Also in attendance: Mayor Tersigni (departed at 7:20 PM), Attorney Wenner,  
Deputy Clerk Turner.
6. **APPROVAL OF MINUTES** – May 2, 2023 and May 16, 2023 Public Session Minutes  
May 2, 2023 and May 16, 2023 Executive Session Minutes

**ROLL CALL**

**Motion Carries 4-0**

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			

**7. BILLS LIST**

**ROLL CALL**

**Motion Carries 4-0**

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			

**8. ANNOUNCEMENTS/PRESENTATIONS**

Mayor Tersigni read a Proclamation (attached) for Tim Berger, Jr.

CP Wyant announced that a change was made to Resolution 2023-94 regarding the auction time. The start time of the Public Auction to be held June 24, 2023 has been changed from 9:00 am to 8:00 am.

**9. MAYOR’S REPORT/ADMINISTRATIVE OFFICERS**

**MAYOR'S REPORT**

I’d like to begin by thanking all of those who came out to support our annual Memorial Day Parade honoring those we have lost in service to our country. It was my honor to participate in the day’s events. As you know we also recently dedicated the newly constructed Walters Park Pool which will provide many years of fun and affordable recreation for the children and families of the Town of Phillipsburg. I would like to thank my entire administration for their diligent work to keep this project on track and ensuring that the pool was open for the 2023 season. I look forward to a safe and fun summer season at Walters Park. Also, with regard to Walters Park, I had the distinct honor to accept on behalf of the Town of Phillipsburg an extremely generous donation of \$1,000,000 from McWaine Ductile toward the Cal Ripken turf field. I cannot thank McWaine Ductile enough for their continued partnership with the Town of Phillipsburg and their unwavering support of our community.

My Administration continues to work on a number of grant opportunities including NJDOT Local aid, US forestry and USDA with the most significant achievement to date being the \$1.3 million received from the NJDOT Transportation Alternatives Program which will fund our planned Rails to Trails project, interconnecting various parks and points of interest within the Town of Phillipsburg as well as connecting Phillipsburg to trail systems across our state and into the State of Pennsylvania. Tonight, I am also asking that Council support the pursuit of additional grant funding from Warren County to further develop this much needed trail system.

Recently the UEZ hosted a webinar with NJEDA representatives regarding a significant amount of funding available for business that operate within New Jersey including funds for expenses such as lease payments, ecommerce marketing/support, physical improvements and capital improvements. Phase one of our road paving continues as we begin to coordinate striping. Lead Water Service Replacement by Aqua and their contractor Roman is ongoing. Work also continues on restoration of roads, sidewalks and lawn areas. Elizabethtown Gas and their contractor are continuing to work on replacement of antiquated gas mains through the Town and are currently working on the Sitgreaves portion of the main replacement which will include service line upgrades.

Finally, I’d like to take a moment to recognize the efforts of one our own this evening, Officer Timothy Berger, Jr. with a Proclamation.

Respectfully Submitted, Todd M. Tersigni, Mayor

**10. EXECUTIVE SESSION**

Topics to be discussed as stated by Attorney Wenner are Contractual and Property Acquisition – No action will be taken.

**Motion to enter Executive Session 7:11 PM**

**ROLL CALL**

**Motion Carries**

**4-0**

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			

**Motion to resume Open Public Session 7:22 PM**  
**ROLL CALL**

**Motion Carries 4-0**

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			

**11. PUBLIC DISCUSSION ON AGENDA ITEMS**

Joe Meyner, 392 South Main Street, Phillipsburg – Mr. Meyner asked where the property Block 1005, Lot 3 referenced in Resolution 2023-99 was located. Mr. Wenner stated it is at 540 Marshall St, the Norton Complex.

Meliss Paulus, 26A Glenn Ave, Phillipsburg – Ms. Paulus asked if the garbage truck on the public auction list was the one that caught fire, if it was covered by insurance, and how much did the insurance company pay? CP Wyant stated she can contact Business Administrator Hall for that information. Ms. Paulus asked why the town was not selling it for scrap metal. CP Wyant stated by selling it at auction the town is getting money and not having to pay to haul it to a scrap metal location.

**Public Discussion Session closed.**

**12. ORDINANCES FOR 2<sup>ND</sup> READING**

**ORDINANCE 2023-07 AMENDING AND SUPPLEMENTING ARTICLE VIII – PAYMENT BY CREDIT CARD – OF CHAPTER 290 ENTITLED “FEES” TO AUTHORIZE CERTAIN FEE COLLECTION VIA THE MUNICIPAL PAY PROGRAM**

**ROLL CALL**

**Motion Carries 4-0**

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			

Public Discussion – none

Council Discussion - none

**ORDINANCE 2023-08** ORDINANCE AMENDING THE SALARY ORDINANCE OF THE TOWN OF PHILLIPSBURG IN ACCORDANCE WITH THE MOU WITH PBA LOCAL 56 AUTHORIZED BY RESOLUTION 2023-79

**ROLL CALL**

**Motion Carries**

**4-0**

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			

Public Discussion – none

Council Discussion - none

**ORDINANCE 2023-09** ORDINANCE AMENDING § 105-1 OF THE CODE OF THE TOWN OF PHILLIPSBURG

**ROLL CALL**

**Motion Carries**

**4-0**

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

Public Discussion – Joe Meyner, 392 South Main Street, Phillipsburg - Mr. Meyner read the following statement: “Town council, Others - O-2023-09 - Section one as contained in the agenda of June 6 is acceptable in content. It does not give the chief of police the authority to exceed the fiscal boundaries rightly established by the town council and the mayor. The path to get this second reading was atrocious. The agenda of public record for May 16 listed as a first reading was changed by affirmation of the council attorney rather than by amendment. It was not new business so the jurisdiction of first reading which requires public notice was not met. The inappropriately altered motion as first reading That was stated and passed is not the same as that which is published as a second reading on the June 6 agenda. This was a pragmatic change because the May 16 reading gave the chief of police the right to hire without boundaries. This would violate state strong mayor municipal government regulation. Though not exactly so, this is a good save of a bad beginning.”

Council Discussion - none

**ORDINANCE 2023-10** BOND ORDINANCE PROVIDING FOR VARIOUS 2023 CAPITAL IMPROVEMENTS BY AND FOR THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$1,994,425 THEREFOR AND

AUTHORIZING THE ISSUANCE OF \$1,894,704 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

**ROLL CALL**

**Motion Carries**

**4-0**

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			

Public Discussion – none

Council Discussion - none

**13. ORDINANCES FOR 1<sup>ST</sup> READING – No Ordinances for 1<sup>st</sup> Reading**

**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.*

**Resolution 2023-94** RESOLUTION AUTHORIZING THE SALE OF MUNICIPAL PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE

**Resolution 2023-95** RESOLUTION AUTHORIZING REFUND OF TAX OVER PAYMENT DUE

**R2023-96** RESOLUTION APPROVING THE USE OF THE COMPETITIVE CONTRACTING PROCESS FOR THE PROCUREMENT OF THE SERVICES OF AN INDEPENDENT FINANCIAL ADVISOR

**R2023-98** RESOLUTION AUTHORIZING APPLICATION FOR A GRANT FROM THE WARREN COUNTY MUNICIPAL AND CHARITABLE CONSERVANCY TRUST FUND SUPPLEMENTING THE RIVERFRONT HERITAGE TRAIL PHASE I PROJECT

**R2023-99** DIRECTING THE TOWN OF PHILLIPSBURG COMBINED PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, BLOCK 1005 LOT 3 QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

**ROLL CALL**

**Motion Carries**

**4-0**

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			

**\*\* Pulled from the agenda by CP Wyant because of errors\*\* R2023-97**

RESOLUTION OF THE TOWN OF PHILLIPSBURG, APPROVING A PAYMENT IN THE AMOUNT OF \$497,475.00 TO ALL STATE TECHNOLOGY, INC FOR THE WALTERS PARK POOL PROJECT

**15. OLD BUSINESS – No Old Business**

**16. NEW BUSINESS**

NJDOT grant applications – Tim O’Brien, Van Cleef Engineering, stated NJDOT Municipal Aid applications are due by July 1, 2023 and must be accompanied by Resolutions. He had emailed a list of five potential projects, 2 of which can be applied for. CP Wyant polled council members for their top two projects. All council members agreed that continuing Hudson Street was important and several stated that ADA curb ramps were their second choice. Tim will draft Resolutions for the next meeting.

McDonald’s request for sidewalk waiver – Tim O’Brien, Van Cleef Engineering, stated that the McDonald’s on Route 22 has requested a waiver regarding installation of sidewalks along Route 22 and Marshall Street. Mr. O’Brien cited several reasons to deny the request for a waiver: other establishments in the immediate area have installed sidewalks, the Route 22 study identified the need for sidewalks, the Town of Phillipsburg would not be in compliance with the NJDOT Grant’s Complete Street Policy, the Town of Phillipsburg’s Master Plan includes the improvements of installing sidewalks and landscaping, a well-worn path through the grass along Route 22 indicates pedestrians are using the area regularly, and the engineering schematic showed sidewalks. Ms. CherylLynn Walters, of Nehmad Davis & Goldstein, Counselors at Law spoke on behalf of McDonald’s. She stated that the sidewalk regulation is applied to new construction, but this project is not new construction; it is a restriping of the parking area to accommodate an additional drive through lane, an alteration to an existing establishment. Ms. Walters also cited several reasons to grant the waiver: Establishments to the north do not have sidewalks, the slope/grading along Marshall St. where their sidewalk would connect with the one along the Popeye’s and Arby’s properties is a safety and ADA issue, the engineering schematics were put together before the grading of the property was known, grading issues would require installation of a retaining wall, there is a sewer clean out at the top of the hill, there are two water meters in the sidewalk area, there are two trees near the sidewalk area, she saw no well-worn path along the Route 22 side showing it is not as well travelled as implied, and the sidewalk installation would cost the franchisee an additional \$40,000 to \$50,000. Ms. Walters stated that an alternative plan for Marshall St would include a striped pedestrian pathway through the parking area to the building’s entry. Mr. O’Brien stated that the grading along Marshall St can be done in compliance with ADA regulations, with the sewer clean out sunk into the ground. He also stated that Popeye’s has to provide information regarding the sidewalk connectivity. Ms. Walters stated McDonald’s should not be forced to install the sidewalk until the grading issue is completed. Councilman Piazza has concerns for the safety of pedestrians crossing the drive through outlet along Route 22. CVP Clark agrees with the safety/ ADA concerns, but the town engineer stated the grading level is workable. He noted there is a path along Route 22 and that is the area that concerns him the most. Councilman Kennedy stated that Council did a “walkability” tour through the town and if a waiver is granted here, it opens the door for many additional requests. CP Wyant stated that a sidewalk is needed along Route 22 and the grading/slope along Marshall St is more concerning. Mr. O’Brien is

working with the engineering firm of the Popeye’s and Arby’s projects regarding the grading. The engineer for McDonald’s stated that with a proper survey and grading they could work out a plan in two weeks. The request for a sidewalk waiver along Marshall Street will be continued at the July 18, 2023 meeting.

**Motion to deny sidewalk waiver along Route 22 for McDonald’s**

**ROLL CALL**

**Motion Carries**

**4-0**

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. MOTIONS – No Motions**

**18. PUBLIC PETITIONS**

Alan Amey, 71 Lewis St, Phillipsburg – Mr. Moody stated that e-bike, dirt bikes, e-scooters and other small vehicles are being driven on the streets by minors. These vehicles are not licensed or insured and due to their size and speed are a threat to other drivers and to those operating them. An ordinance is required to regulate them. Mr. Moody asked who owns the Housing Authority property and was told it is owned by the Federal Government. He stated the Mayor and Council need to work with the Federal Government to get the buildings changed so they are not an eyesore.

Bill Bennett, 39 South Main St, Phillipsburg – The weekend of June 17<sup>th</sup> is the Ole Town Festival during which there will be an abbreviated walking tour starting at Jimmy’s at 4:30 and finishing at the Train Station where an event will take place at 5:30. On June 18<sup>th</sup> the Open Air Market opening will be held. He invited Council Members and the Mayor to come out and enjoy these activities.

Dan Boyce, 1526 Warren St, Alpha – He attended a public hearing in April in Somerset regarding the town. He stated the Mayor had sent over 160 text messages and hundreds of emails not related to town business and asked if something can be done about the Mayor using town time to send the texts and emails. Attorney Wenner interjected and asked if he had a question related to the town or council or a concern or was this an attack on a member. Mr. Boyce stated “somebody who works for the town” told him the Mayor had used over 80 gallons of gas over a 3 to 4 day period. Attorney Wenner stated the Public Petitions time is not to be used to accuse the Mayor. The Council has been working to keep their meetings focused on Council business.

Dan Syler, 22 N Main St, Phillipsburg – Mr. Tyler challenged Councilman Piazza to compete in the hot dog eating contest at the Ole Town Festival.

**Public Petitions closed.**

**19. COUNCIL OPEN TIME**

Councilman Piazza – Father’s Day is coming up and he wished all a nice day. There are openings on the County Municipal and Charitable Grant Board for which he has been nominated. He hopes to become a member and help bring some of that money to Phillipsburg.

Councilman Kennedy – The new manager of the Open Air Market, Elizabeth Judge Wyant, worked with the Emmaus Farmers Market, the Nazareth Farmers Market and the Easton Farmers Market and helped launch the Easton Bacon Fest. She has set up a Facebook page for the market with lots of information. The Open Air Market in Shappell Park will run from June 18 to October 29, 10:00 am to 2:00 pm on Sundays.

Council Vice President Clark – A Pie Plate fundraiser will be held at the Ole Town Festival. Several Council members will participate in the fun.

**20. ADJOURNMENT - 8:22 PM**

Councilman Piazza moved to adjourn. Seconded by Councilman Kennedy.

Ayes: 4

Nays: 0

Absent: 1

**PROCLAMATION**

**Whereas:** **Tim Burger, Jr.** was born and raised in Phillipsburg where he resides today with his family.

**Whereas:** Tim served the town of Phillipsburg as a volunteer with the Phillipsburg Emergency Squad and as a member of the Phillipsburg Fire Department.

**Whereas:** Tim served his country in the Army National Guard from 2007 to 2013, serving a tour in Iraq from 2008 to 2009.

**Whereas:** He has continued to serve the community of Phillipsburg, joining the Warren County Sheriff's Office in 2014 and the Phillipsburg Police Department in 2015, where he currently works.

**Whereas:** Tim continues to be active with the fire department as the Assistant Chief of Jersey Hose Fire Company.

**Whereas:** Tim has participated in, and will continue to participate in, the Police Unity Tour, a 4-day 300-mile bicycle trip to the National Law Enforcement Officers Memorial in Washington, D.C.

**Whereas:** The primary purpose of the Police Unity Tour is to raise awareness of Law Enforcement Officers killed in the line of duty.

**Whereas:** The secondary purpose of the Police Unity Tour is to raise funds for the National Law Enforcement Officers Memorial and Museum

**LET IT BE KNOWN,** On Tuesday, June 6, 2023 the Governing Body of the Town of Phillipsburg recognizes Tim Burger, Jr. for his dedication to the Town of Phillipsburg and for his dedication to the Law Enforcement Officers of our nation who have been killed in the line of duty.