

TOWN OF PHILLIPSBURG
COUNCIL MEETING MINUTES

July 18, 2023 — 7:00 P.M.

1. **CALL TO ORDER 7:00 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, Marino, Kennedy**
-Also in attendance: Mayor Tersigni, Business Administrator Hall, Attorney Wenner, Deputy Clerk Turner.
6. **APPROVAL OF MINUTES – June 20, 2023 Public Session Minutes and Executive Session Minutes, June 27, 2023 Special Meeting Minutes.**

ROLL CALL

	Motion Carries				5-0	
	First	Second	Yea	Nay	Abstain	Absent
Councilmembers						
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				5-0	
	First	Second	Yea	Nay	Abstain	Absent
Councilmembers						
Councilman Piazza			X			
Councilman Marino		X	X			
Councilman Kennedy			X			
Council VP Clark	X		X			
Council President Wyant			X			

8. ANNOUNCEMENTS/PRESENTATIONS

Howard Street – Amended Site Plan – Seth Kitchen with Florio & Perucci stated the original contract purchaser has moved on. They currently do not have a contract purchaser or an intended use. Engineer Brad Poler said the amended site plan further reduces the size of the building to 328,000 square feet, from the original 420,000 sq ft. due in part to the reduction of the building’s height from 65 feet to 49 feet. The rail access and grading have reduced the size of the parking area but still allow for industry standards for parking spaces and have reduced the impervious surface coverage. CVP Clark asked if there were any capacity limitations for trucks. Mr. Poler stated that with rail access there will be less truck

traffic/parking. Councilman Kennedy asked about the original variance approving 65 foot height. Mr. Poler stated that was due to the cold storage requirements. They plan to file for a warehouse application.

9. HABITABILITY HEARING - 475 South Main Street, Block 2003 Lot 12

Attorney Wenner noted this a continuation of the habitability hearing from June 18, 2023 and reminded the property owner Muhammed Ghamin and Construction Code Official Patrick Kays they were still under oath. Patrick Kays stated he has not been upstairs for the scheduled demolition inspections and does not know what progress has been made. He has been in the main part of the structure. The biggest holes in the roof have been repaired. Outside issues addressed: the front door has not been secured, the back door has not been secured, reframing and securing of basement door has been done, soffits have been done and vegetation has been cleared. Mr. Ghamin stated he had a building contractor look at the structure who recommended the roof repairs be done from the inside instead of just patching the roof. Mr. Kays clarified that trusses would be put up instead of a flat roof. Mr. Ghamin stated the contractor would not be able to start for 4 months. Several council members stated that roof work cannot be done in the winter and Mr. Ghamin should contact additional contractors. Minimal work has been done since the original hearing in April. CP Wyant recommended that the habitability hearing be continued in 30 days at which time Mr. Ghamin must present a signed contract and permits/permit applications for the roof repair. Mr. Kay stated Mr. Ghamin has a permit for select demolition but his office has not been contacted to do inspections. A meeting date for the inspection was set.

Motion to Continue Habitability Hearing for 475 South Main Street at the August 15, 2023 meeting.

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			

10. MAYOR’S REPORT/ADMINISTRATIVE OFFICERS

MAYOR'S REPORT

I contacted Dan Baransky NSU with CFO Merlo to purchase a pump that would help remediate flooding in the downtown area. Hygrade is so gracious to store the pump at their location. Quality of life is key, and the issue is being addressed. I contacted the Governor regarding the flooding issues in town, and he responded within 5 minutes...I also spoke with his Chief of Staff, Tim Hillman. He has been supportive and has said that he will be connecting the Town with Senior Officials related to problems at the Wastewater Treatment Facility in the Recent Storms. There has been serious damage to the facilities outfall structure on the Lopatcong Creek and Delaware River. The Governor is concerned with the problems of the residents of Phillipsburg and the contributing municipalities. They assured me that they received our photos of the damage and praised the quick work of our OEM to respond.

NSU contract will be settled for sewer utility. This administration negotiated a modest increase, saving our taxpayers money.

Music in the Park has started and will continue until September. Shappell Park is the place to be on Thursdays from 6-9. Come out and enjoy the entertainment.

When coming into office 3 1/2 years ago there were 600 abandoned properties in the town. Currently there are 40. This administration is committed to a better quality of life for everyone.

On July 27th we will dedicate the Senior Center room to William Spencer. He has advised me how he would the room to be named. We have worked out the details and agree. Mr. Spencer has been a longtime representative and friend to many that have attended several functions at the center and deserves to be recognized for his hard work and dedication.

A preconstruction meeting with Dennis Yoder will be held for the pickleball, tennis court and basketball reconstruction at Walters Park. The Administration continues its dedication to improving our facilities for everyone as recreation continues to be at an all-time high. The Cal Ripken Field of Dreams is moving ahead with great excitement. We had a meeting with all the committee members that are helping to make this a reality. This will be the only Cal Ripken fields in the State of New Jersey. The fields will include football, baseball, soccer, lacrosse, and softball. More details will be coming soon.

Demolition of the Warren Lanes bowling alley will begin in September. Quick Chek is moving forward with their plans to build a gas station and store. Administration has talked to the developers of Popeyes, and the next phase will be moving forward with the next phase very soon.

Respectfully Submitted, Todd M. Tersigni Mayor of Phillipsburg

Richard Hay, Phillipsburg Fire Chief / Office of Emergency Management – Chief Hay reported on the storm damage caused by excessive rain on Sunday, July 16th. He stated that over 5 inches of rain fell in 2 ½ hours and an Emergency Declaration was issued. He stressed that residents should call or email his office to report damage. Photos or videos of damage, along with itemized lists and expenses should be taken by residents and they should contact their insurance carriers. If insurance won't cover damage, residents can register with FEMA. OEM/ Fire Department are inspecting properties, but it will take time to get to everyone. His office is compiling accurate numbers of the cost of the damage in order to qualify for FEMA assistance.

Council VP Clark thanked everyone for their quick responses on Sunday.

Council Prs Wyant said Chief Hay's team did a great job and put in countless hours. Phillipsburg is fortunate to have him running this.

Dan Baranksy, NSU (Wastewater Treatment Plant) – Mr. Baransky stated that the storm on Sunday, on top of two other heavy storms in the past week, caused significant overflow out of the Pohatcong main interceptor. The overflow caused turbulence which dug a 40 ft long, 40 ft deep gouge from the Lopatcong Creek banks and broke a storm sewer structure loose which took out an embankment. In addition, a tremendous amount of debris tore out interlocked riprap and picked up a 2 ton pipe and apron. Mr. Baransky stated that the treatment plant never lost capacity or treatability. He met with NJDEP today to discuss compliance alternatives and he will submit a generalized scope of work to NJDEP. The sewer outflow is the most urgent repair needed at this time. Additional discussions included gallons per day during the recent storms, normal daily rates, options for the outflow structure, alternative treatment options, the plant generator, and flow anomalies. Dan thanked everyone for their quick responses on the day of the storm.

11. EXECUTIVE SESSION

Topics to be discussed as stated by Attorney Wenner are the disposition of real property and litigation. No action will be taken.

Motion to enter Executive Session at 7:48 PM Councilman Piazza moved to enter Executive Session. Seconded by Council VP Clark. Ayes: 5, Nays: 0, Abstain: 0, Absent: 0. Motion passed.

Motion to resume Open Public Session at 8:05 PM

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			

Attorney Wenner stated that items discussed were litigation, contractual and disposition of real property. No action was taken.

12. PUBLIC DISCUSSION ON AGENDA ITEMS

Joe Meyner, 392 South Main Street, Phillipsburg – Mr. Meyner stated that Resolution 2023-136 increases the permissible threshold to \$6,000, higher than the state \$4,000 threshold and the Federal Government wants it to stay at \$1,000. He recommended the Resolution be amended to \$1000.00.

Stuart Ridley, Summit Ave, Phillipsburg- Mr. Ridley had questions regarding Resolution 2023-134. The town already has a lawyer for this case, King, Meonch & Collin, which stated “the cause (of Plaintiffs having suffered harm) thereof is beyond the control or responsibility of Town Defendants and is solely the responsibility of Defendant Robert Fulper for acts to which the Town Defendants are not liable”. The law firm to be hired by resolution 2023-134 currently represents Robert Fulper in this same case which presents a conflict of interest. He asked why the original firm hired is not remaining on this case, doesn’t the hiring of Cleary et.al present a conflict of interest and how council can ensure taxpayer dollars won’t be spent on Fulper’s defense?

Attorney Wenner responded that taxpayer dollars are being spent to defend Robert Fulper because he was a councilman and remained a defendant in this lawsuit for acts alleged to have occurred when he was an elected official of the town. There are two law firms because the firm originally hired to provide defense to all three defendants feels they cannot provide the defense of Robert Fulper because it would be a conflict.

Meliss Paulus, 26A Glenn Ave, Phillipsburg – Ms. Paulus questioned aspects of Resolution 2023-135, whether the proper channels were taken, is there a procedure, was the position advertised? CP Wyant stated that as a reappointment, the position does not need to be advertised. Attorney Wenner stated there is no established procedure.

Dave Morrisette – Mr. Morrisette stated that a decision on the Howard Street Amended Site Plan should wait until the court case is decided in August. He asked that no ordinances related to the Howard Street property be passed until after the court case is decided. He has pages of signatures from residents who didn’t want a warehouse with a rail connection.

Elizabeth Ridley, Summit Avenue – Ms. Ridley noted that the company on the Howard Street Site Plan, Peron, is no longer at the address provided on the site plan. Ms. Ridley stated that 2 property owners cited in Resolution 2023-136 are deceased. Peron construction has a lien for \$1300 for debris removal. Their address on the lien list is also incorrect. They seem to own taxes as well. They are not maintaining properties and taking advantage of our goodwill.

Dan Boyce, Alpha – Mr. Boyce stated that money had been secured to extend Howard Street and he asked for status of the project because nothing appears to have been done. Attorney Wenner stated that the grant money received was for design and planning and the project is in the design phase.

Public Discussion Session closed.

13. ORDINANCES FOR 2ND READING –

O2023- 11 ORDINANCE APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF FIRST AMENDMENT TO THE AMENDED FINANCIAL AGREEMENT BETWEEN THE TOWN OF PHILLIPSBURG AND PR BRIDGE I78 PHASE II OWNER URBAN RENWAL, LLC (ASSIGNEE OF I-78 LOGISTICS PARK II PHILLIPSBURG URBAN RENEWAL, LLC)

ROLL CALL

Motion Carries

5-0

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			

14. ORDINANCES FOR 1ST READING – No Ordinances for 1st Reading

15. RESOLUTIONS ** CONSENT AGENDA **

R2023-126 AUTHORIZING ESTABLISHING THRESHOLD FOR RUSSIA/BELARUS CERTIFICATION

R2023-127 AUTHORIZING A REFUND OF PAVILION RENTAL FEES IN THE AMOUNT OF \$160.00 TO CHRIS CAHOON

R2023-128 RESOLUTION AUTHORIZING THE SALE OF PROPERTIES IN CONFORMANCE WITH N.J.S.A. 40A:12-13

R2023-129 APPROVING 2023-2024 LIQUOR LICENSES WITHIN TOWN OF PHILLIPSBURG

R2023-130 PROVIDING FOR RENEWAL OF ENTERTAINMENT LICENSE

R2023-131 PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 FOR GUNSHOT DETECTION

R2023-132 PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 FOR NATIONAL OPIOIDS FUNDS

R2023-133 AUTHORIZING PAYOUT OF ACCRUED SICK, VACATION AND COMPENSATORY LEAVE TO SANDY CALLERY

R2023-134 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR CLEARY, GIACOBBE, ALFIERI AND JACOBS

R2023-136 AUTHORIZING THE PLACEMENT OF CERTAIN MUNICIPAL CHARGES FOR SERVICES AS LIEN

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.

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			

R2023-135 Pulled from the Consent Agenda by Councilman Piazza

R2023-135 AUTHORIZING THE APPOINTMENT OF JAMES SHELLY TO THE PHILLIPSBURG HOUSING AUTHORITY BOARD

Councilman Piazza stated that Board positions should be advertised to allow for other applicants and to keep the public informed. He noted that the letter of intent submitted by Mr. Shelly was dated in May and Council should have received it sooner.

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			

16. EMERGENCY RESOLUTIONS – CP Wyant stated that due to the storm damage incurred over the weekend, several emergency resolutions were drafted after the agenda was posted which need to be passed quickly in order that repairs can be made. Councilman Piazza asked if the purchase of cameras (for sewer lines) could be included in these emergency resolutions. Mr. Hall stated that these resolutions are for actions, not purchasing new equipment. These are for FEMA reimbursement for stabilizing roadways and sewer lines. Funds for equipment may come after the reimbursements.

Business Administrator Hall read the title of each Resolution.

R2023-138 RESOLUTION EMERGENCY APPROPRIATION

Mr. Hall said this resolution states the maximum amount that can be allotted for emergency appropriation, 3% of the total municipal budget: \$659,076.27. It does not mean this entire amount will be spent.

R2023-139 RESOLUTION AWARDDING A CONTRACT TO KDP DEVELOPERS, INC FOR 2023 LOPATCONG CREEK DAMAGE REPAIRS ON AN EMERGENCY BASIS.

Mr. Hall stated this is for repairs to the sewer outfall, estimated at \$500,000.00

R 2023-140 RESOLUTION AWARDDING A CONTRACT TO MONTANA CONSTRUCTION TO REPLACE STORM DAMAGED MANHOLES ON AN EMERGENCY BASIS

Mr. Hall stated these are manholes that surcharged and damaged the manhole structures and pavement at Roseberry and Elder, estimated cost \$175,000.00

R2023-141 RESOLUTION AWARDDING A CONTRACT TO TOP LINE CONSTRUCTION CORP TO REPAIR THE PAVEMENT AT THE INTERSECTION OF ROSEBERRY AND ELDER ON AN EMERGENCY BASIS

Mr. Hall stated this is to finish subsurface repairs conducted by Montana Construction, estimated cost \$53,000.00

R2023-142 RESOLUTION AWARDDING A CONTRACT TO MONTANA CONSTRUCTION TO VIDEO INSPECT SEWER LINES ON AN EMERGENCY BASIS

Mr. Hall stated there was evidence of heaving and depressions along Stockton Street. The video will inspect subsurface conditions which may yield additional repairs. Estimated cost \$15,000.00

R2023-143 RESOLUTION AWARDDING A CONTRACT TO TOP LINE CONSTRUCTION CORP FOR STOCKTON STREET PAVEMENT REPAIRS ON AN EMERGENCY BASIS

Mr. Hall stated this is to finish subsurface repairs on Stockton St. Estimated cost \$90,000.00

R2023-144 RESOLUTION AWARDDING A CONTRACT TO VAN CLEEF ENGINEERING ASSOCIATES FOR PROFESSIONAL ENGINEERING AND SURVEYING SERVICES ON AN EMERGENCY BASIS

Mr. Hall stated this covers all engineering and surveying services for all the above projects. This is outside of their retainer for the town. Estimated cost \$50,000.00

CP Wyant reopened public comment on the Emergency Resolutions.

Joe Meyner – the total estimated cost is about \$875,000.00. Is this the money that could be reimbursed by FEMA? Attorney Wenner stated yes, but the town has to complete and pay for the work before applying to FEMA. Mr. Hall stated most, if not all, of the expenses are expected to be reimbursed, but the process can take 2-3 years.

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			

17. OLD BUSINESS –

McDonald’s Sidewalk waiver – Marshall Street – CP Wyant stated this topic has been moved to the August 1, 2023 Town Council meeting.

18. NEW BUSINESS – No New Business

19. MOTIONS – No motions

20. PUBLIC PETITIONS

Dan, 22 North Main St, Phillipsburg – Dan stated there are rats at 16 North Main Street. He distributed a picture to council members. He spoke with the county in October 2022 and has talked with the town many times. It should not take this long to solve this problem. CP Wyant stated Dan must work with the Warren County Health Department on this issue as the town does not have jurisdiction over health matters.

Stuart Ridley, Summit Avenue, Phillipsburg – Mr. Ridley stated that the meeting minutes are much better than they used to be. The technology (pdf’s) could use improvement.

Joe Meyner, 392 South Main Street, Phillipsburg – Mr. Meyner stated that tax bill and bookkeeping problems have not been resolved. He said the solution is a computer program that could track funds from one department to another. He created a flowchart solving organizational issues from council to administration. A one time expense could solve the problems.

Matt Scerbo, 1073 Pearl St, Phillipsburg – Mr. Scerbo asked what happens to money taken in for Open Space if the Open Space Committee does not meet, which it has not in a year and a half. CP Wyant said the council doesn’t handle the Open Space Committee. Attorney Wenner stated that money collected cannot be spent until the committee meets and advises on projects.

Public Petitions closed.

21. COUNCIL OPEN TIME

Councilman Marino – Councilman Marino read a Proclamation for Brothers Before Others (attached).

Councilman Piazza – Councilman Piazza reminded everyone a Phillipsburg Police Officer is battling a very serious, very sudden illness. A multi-day fundraising event is being held to help the officer. Information can be found on Facebook.

Councilman Kennedy – Councilman Kennedy thanked the volunteers, firemen, DPW staff and first responders for their amazing response during Sunday’s storm. He also thanked JCP&L for restoring power 12 hours earlier than originally estimated. Councilman Kennedy reminded everyone that the Open Air Public Market is held every Sunday from 10 to 2 and will be offering free inline skating classes for children.

Council Vice President Clark – Council VP Clark thanked the first responders, Police, Fire and EMS for their actions during Sunday’s storm. He also thanked the Open Air Market vendors who stayed during the rain.

Council President Wyant – Council Pres Wyant thanked everyone involved in the response to Sunday’s storm for their efforts during the hazardous conditions.

22. ADJOURNMENT - 8:55 PM

Councilman Piazza moved to adjourn. Seconded by Councilman Kennedy.

Ayes: 5

Nays: 0

Absent: 0

A PROCLAMATION OF COUNCILMAN PETER MARINO

WHEREAS, Brothers Before Others has hosted and contributed to the Warren County Chief's Christmas Party and donated over 1,000 masks to township residents, over 100 gallons of hand sanitizer, helping to offset the shortage available to township residents during the COVID-19 pandemic; and

WHEREAS, Brothers Before Others additionally established the "Feed Phillipsburg" program during the COVID-19 pandemic which was made available to all school-aged children and seniors in town and included a \$5,000.00 commitment from Brothers Before Others Inc, in partnership with many area businesses; and

WHEREAS, Brothers Before Others donated and disseminated 200 "Suzie Stateliner Support First Responders & Essential Workers" yard signs to township residents as a way of boosting the sense of community during the COVID-19 pandemic; and

WHEREAS, Brothers Before Others raised \$28,000 for the family of Phillipsburg Police Officer Dominic Belcastro which was presented directly to his widow, Kristen; and

WHEREAS, Brother Before Others also hosts "Winter Wonderland", the "Jingle Brawl", the "Turkey Brawl" and has supported countless other community events;

NOW THEREFORE BE IT RESOLVED, by Councilman Peter Marino that the aforementioned efforts and good works of Brothers Before Others be hereby honored and memorialized.