

TOWN OF PHILLIPSBURG
COUNCIL MEETING MINUTES

December 05, 2023 — 7:00 P.M.

1. **CALL TO ORDER 7:03 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: Business Administrator Hall, Attorney James Moscardiuri,
and Deputy Clerk Turner

6. BILLS LIST

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. APPROVAL OF MINUTES – November 21, 2023 Regular Meeting Minutes

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 –

- McDonald’s Sidewalk Waiver – Cherlynn Walters, Attorney for McDonald’s, stated that over the last several months McDonald’s engineers have met with Town Engineer Tim O’Brien and Town Attorney Rich Wenner to examine options for sidewalks along Memorial Parkway and Marshall Street. McDonald’s will build a sidewalk along Memorial Parkway. They are requesting

a waiver for the sidewalk on Marshall Street. Ms. Walters stated the cost for each ADA compliant walk surpasses 20% of the cost of the underlying project which allows for an exception. McDonald's Engineer, Mike Deitner from Bohler Engineering, was sworn in by Attorney Moscardiuri. Mr. Deitner explained that if a walkway was constructed within the curb line along Marshall Street an extensive retaining wall would be required due to the slope to the street. An alternative plan to bring the sidewalk out into the street would create a safety hazard. Town Engineer Tim O'Brien stated that it is feasible to construct a walkway along Marshall Street. Some of the improvements shown by McDonald's are not within the scope of work. If the walkway were moved into the street the curbs would be realigned to mitigate the safety issues. He noted that regrading the slope along Marshall Street is needed for the entryway in the underlying project. Mr. O'Brien recommended that if the waiver were granted now, no future waivers should be allowed and that any future renovations must include the sidewalk.

CVP Clark asked how far out into Marshall Street would the sidewalk be installed? Mr. O'Brien stated 4 to 5 feet.

Councilman Kennedy asked how a sidewalk on Marshall is a hazard versus walking in the street. Councilman Piazza is concerned that non-resident drivers wouldn't be aware of the curb realignment and the realignment could cause problems with snow plowing. He feels having a sidewalk in the street is dangerous.

Councilman Marino feels drivers will hit the curb

Mr. O'Brien stated that similar realignment has been done to other streets in Phillipsburg.

CP Wyant agrees that drivers will hit the curb.

CP Wyant asked for a **Motion** to grant a temporary waiver for the McDonald's Marshall Street sidewalk.

ROLL CALL

Motion Carries

4-1

| 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 | | | |

9. EXECUTIVE SESSION – Contract Negotiations 7:26 pm

Attorney Moscardiuri stated the reason for Executive Session is Contract Negotiations. No action will be taken.

Councilman Piazza moved to enter Executive Session. Seconded by CVP Clark. Ayes: 5, Nays: 0, Abstain: 0, Absent: 0. Motion passed.

Return from Executive Session, resume Public Session 7:37 pm

ROLL CALL

| Councilmembers | Present | Absent |
|-------------------|---------|--------|
| Councilman Piazza | X | |
| Councilman Marino | X | |

| | | |
|-------------------------|---|--|
| Councilman Kennedy | X | |
| Council VP Clark | X | |
| Council President Wyant | X | |

Attorney Moscardi stated Executive Session was held to discuss a contract to lease vehicles. No action was taken.

Motion to authorize the Business Administrator to sign a non-binding letter of intent with Enterprise Fleet to lease 4 police vehicles.

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 | | | |

ANNOUNCEMENTS/PRESENTATIONS continued

-NJ DCA Resilient Community Projects Grant – Public Meeting & Comment Period

Town Engineer Tim O’Brien stated the Notice of Public Meeting and Comment Period was advertised in the newspaper, posted on the Town website, and posted at the Municipal Building in both English and Spanish. The public can submit comments via email to him at tobrien@vanceleefengineering.com that will be included anonymously with the application. The application is due by December 15, 2023. The grant will award up to \$5,000,000. The town will use their own funds for the project(s) and be reimbursed by the state. Mr. O’Brien stated the list of projects submitted at tonight’s meeting was compiled by the Director of Municipal Services, the Emergency Management Coordinator and himself working with the Town’s Hazard Mitigation Plan and are in order of priority and potential to be funded. He noted that no funds can be used for occupied residential properties. He then listed the potential projects:

- 1.Streambank Restoration & Stabilization of the Lopatcong Creek within/along Town of Phillipsburg to remove storm debris such as fallen trees and remove debris and restore areas disturbed by tree removal/cleanup efforts and repair of outfall stabilization. - Mr. O’Brien noted that the cost is not generally covered by storm recovery grants/funds.
- 2.The Town of Phillipsburg is considering the acquisition of the former Agway Property off south Main Street. The property has been identified in the Master Plan as an “Area in Need of Redevelopment” and is located in a flood hazard area and represent fill within flood hazard area. – Mr. O’Brien noted that a letter from the property owner is required, and any liens must be paid.
- 3.Purchase and installation of generator for emergency shelters and heating/cooling centers in the Town of Phillipsburg and emergency operation centers.
- 4.Reconstruction of the Warren Street Basin to meet the current and future rain events and address water quality issues. – Mr. O’Brien noted this has not been designed yet.
- 5.Replacement of the Mercer Street Culvert to alleviate and reduce flooding in the downtown area. - Mr. O’Brien noted an application for Community funds had been submitted but denied years ago and the cost is \$10,000,000.
- 6.Installation of Backflow Preventors along the Delaware River and Lopatcong Creek.

7. Elimination of cross connections with storm and sanitary sewer that result in additional flows in the storm system and increase the flooding risk downstream. – Mr. O’Brien noted that other funds may be available for this project.

Comments –

Councilman Marino – No comments

Councilman Piazza – Feels generators should be higher on the list than Agway.

Council VP Clark – asked for clarification that up to \$5,000,000 can be used and that the application can be submitted for less than that amount. Mr. O’Brien confirmed. He asked how many warming/cooling centers/ Emergency operation centers do not have back up generators? Mr. O’Brien did not have an exact count but believes it is 3. CVP Clark asked what the cost estimate is for the Warren Street Basin. Mr. O’Brien stated the system would need to be scoped before that number can be determined.

Councilman Kennedy – Feels that the generators and flooding issues are most important.

Council President Wyant – Feels that getting a letter from the owner of the Agway property and handling the liens would take too long and that project should be moved further down the list. He stated the generators and Warren Street Basin are more important.

David Morrisette, 5 Fairview Heights, Phillipsburg – asked where the additional \$5,000,000 for the Mercer Street culvert would come from. CP Wyant stated the town would provide the additional funds.

Randy Piazza, Sr., Phillipsburg, NJ – he agrees that the Agway property should be at the bottom of the list. There is an aquifer in that area.

Comment period closed.

Mr. O’Brien requested a motion authorizing him to submit the grant application.

Motion authorizing the submission of the NJ DCA Resilient Community Projects Grant Application with the list of discussed projects, with project #2 (Agway Property) moved to the bottom of the list.

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 | | | |

10. MAYOR’S REPORT/ADMINISTRATIVE OFFICERS - No reports

11. PUBLIC DISCUSSION ON AGENDA ITEMS –

- Joe Meyner, 392 S Main St, Phillipsburg – Mr. Meyner stated a sidewalk along Memorial Parkway is dangerous due to the number of vehicle entrances and egresses between Miller and Roseberry. Merging traffic, pedestrians and crosswalks are a dangerous mix. There are also no sidewalks on properties neighboring McDonald’s. The sidewalk along Marshall Street should be installed because many students walk there.

12. 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

R2023-235 RESOLUTION DISCHARGING MORTGAGE LIEN OF THE TOWN OF PHILLIPSBURG DIVISION OF COMMUNITY DEVELOPMENT

R2023-236 RESOLUTION AUTHORIZING REFUND OF DUPLICATE PAYMENT

R2023-237 RESOLUTION AUTHORIZING THE TOWN OF PHILLIPSBURG TO APPLY TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (NJCA) FOR AN FY2024 AMERICAN RESCUE PLAN FIREFIGHTER SAFETY PROGRAM GRANT

R2023-238 RESOLUTION APPOINTING SCHOOL RESOURCE OFFICER

R2023-239 RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR HUDSON STREET PHASE I REPAVING TO TILCON

R2023-240 RESOLUTION AUTHORIZING INTERFUND TRANSFERS

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 | | | |

13. OLD BUSINESS – No Old Business

14. NEW BUSINESS –

Best Practices – Administrator Hall explained that the town receives a point for each yes response and if a town drops below a certain point threshold the state can withhold funding. Phillipsburg is above the threshold. He noted that the “No” response for Ordinances posted online will be changed to “Yes”. No additional action is required by Council.

15. MOTIONS – Firefighter Application – Jayden Gilbert

ROLL CALL

Motion Carries

5-0

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

**16. PUBLIC PETITIONS- No Public Petitions
Public Petitions closed.**

17. COUNCIL OPEN TIME

Councilman Piazza – thanked Deputy Clerk Turner for updating the Ordinances on the Town’s website. Councilman Piazza thanked Aaron Coleman for the successful Train Museum opening.

Councilman Marino – No comments

Councilman Kennedy – thanked Aaron Coleman for his work at the Train Museum. With the Museum opening, the Indoor Winter Market, and the Polar Express it was a great weekend for Phillipsburg with lots of activity downtown.

Council Vice President Clark – agreed there were great events in town this past weekend. He welcomed the new café downtown. The first Open Space Committee meeting will be held tomorrow night at 5:30 in the Municipal Building. NPP grant funds will be used to provide year round lighting at Shappell Park.

Council President Wyant – agreed it was a great weekend in Phillipsburg.

18. MOTION – Emergency Waiver – Tim O’Brien received a request from Elizabethtown Gas for a waiver of the moratorium on opening streets. The house at 979 Wilbur Street currently has no heat and is converting to gas heat. Opening the street is needed to install and connect the gas line. Mr. O’Brien stated the line is on the same side of the street and the patch would be treated with infrared. CP Wyant asked for a Motion to grant a waiver for the street opening in front of 979 Wilbur Street.

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 | | | |

19. EXECUTIVE SESSION IF REQUIRED – No Executive Session

20. ADJOURNMENT – 8:15 PM

Councilman Marino moved to adjourn. Seconded by Councilman Piazza.

Ayes: 5

Nays: 0

Absent: 0

Motion passed.