

TOWN OF PHILLIPSBURG

SPECIAL COUNCIL MEETING MINUTES

January 30, 2024 — 7:00 P.M.

Via Zoom – Meeting ID 880 9909 1929

- 1. CALL TO ORDER**
- 2. OPEN PUBLIC MEETING ACT STATEMENT -** Read by CVP Paulus
- 3. PLEDGE OF ALLEGIANCE**
- 4. INVOCATION –** Led by Councilman Scerbo
- 5. ROLL CALL- Present –** Marino, Paulus Clark, Kennedy, Scerbo

Also in attendance - Business Administrator Matthew Hall, Attorney Rich Wenner, Engineer Tim O'Brien, Recreation Supervisor Matt Noel, and Deputy Clerk Turner

- 6. ANNOUNCEMENTS/PRESENTATIONS -** None
- 7. PUBLIC DISCUSSION ON AGENDA ITEMS**

- Ann Davis – spoke regarding Resolution 2024-19. She asked why the NPP funds were administered by NORWESCAP when the town has a Community Development Office that could do it. This would save \$40,000 over two years that could be used for other programs. Ms. Davis also noted that when she reviewed the NPP fund quarterly report recently there were discrepancies, notably the \$400 reimbursement check she had received was not in the report. CP Marino stated he will meet with the Business Administrator to discuss this.

- Dave Morissette – spoke regarding the Housing Authority appointment. He stated that due to CP Marino having a sister who works with the Housing Authority and CVP Paulus having a “personal vendetta” against an employee of the Housing Authority, neither should vote on the appointment as this would be a conflict of interest. CP Marino asked Attorney Wenner to address this. Mr. Wenner stated that local municipal ethics law states the conflict of interest only applies to an immediate relative, i.e. a spouse or dependent, who resides in the same house. As this does not apply to either CP Marino or CVP Paulus both are able to vote on the appointment. Mr. Wenner cautioned Mr. Morissette about characterizing a person’s motives as a vendetta as it could be construed as character assassination.

- Aaron Coleman – spoke regarding Resolution 2024-19. He stated the questions he asked at the January 16 meeting have not been answered, he has not been reimbursed for \$3700 in receipts, and emails have still not been answered. Mr. Coleman stated that Resolution 2023-24 (referenced in the title of R2024-19) on the town website does not have a description of the agreement. He asked if it is the same agreement as the one in place? He stated it is a conflict of interest for any town employee to receive money from the grant. CP Marino stated that he will be meeting with the Business Administrator and Attorney regarding the NPP grant and will have information for Mr. Coleman by Friday. Mr. Coleman stated he sent his information presented at the January 16th meeting to everyone and he hopes they have taken it into consideration before they vote on R2024-19.

8. GREEN ACRES PUBLIC HEARING

Tim O'Brien, Engineer, Van Cleef Engineering detailed 4 grants available through Green Acres:

Land Acquisition Program

- 100% grant funding
- Bond is available (30 years for 0%)
- Application would be to acquire lands related to Rails to Trails that are currently owned by Norfolk and NJ Transit
- Amount should not exceed appraised value
- Soft costs not to exceed 2% or 20,000 for engineering, legal etc.
- Grant amount \$1,400,000.00

Park Development Program

- Grant up to \$1,400,000.00
- No match required, but bond is available for match
- Total project budget \$1,400,000.00
- Project scope – improvements associated with rails to trails, previously fund \$1.3 million for estimated preliminary scope of \$2.1 million. Additional improvements and needs have been identified to be able to complete addition milage of trail, more extensive modifications to trails such as benches, wayfinding, theming, additional access points, traffic control features, landscaping

Urban Park

- Grant \$500,000
- No Match
- No bond
- Mercer Street park
- Needs of the park overhaul of sports court, new fencing, add accessible route into park, expand play area to be more accessible, inclusive and comprehensive, replace swing structures and consideration for installation of play surfacing. It's anticipated the full scope could require municipal funding support, but scope could be narrowed to accommodate

Jakes Law

- Grant up to \$750,000
- No match, but bond can build out a robust park
 - 20 years at 0% - cost per 100k is \$5K+
- Total project budget \$1,750,000.00
- Brainard's Park
- Inclusive accessible playground equipment including young age and pre-teen age, accessible parking and path to park and play structures. Preliminary estimate.

Mr. O'Brien stated that these grants would improve the quality of outdoor recreation for Phillipsburg residents, provide a positive impact in at-risk areas, and provide greater accessibility to a large part of the population.

Council Comments –

Councilman Clark stated he is excited about this, and it is a great achievement for Phillipsburg Recreation. He will help with Open Space and Park Development.

Councilman Kennedy asked Mr. O’Brien if the Park Development grant could be used to restore the Morris Canal Arch. The arch is not safe but once restored it could be a great attraction. It is part of local history. Mr. O’Brien stated the grant does not provide for restoration.

Councilman Scerbo thanked Mr. O’Brien for the overview. He is excited about the playgrounds being upgraded for the children in Phillipsburg. He will work with Open Space and Council.

Council Vice President Paulus thanked Mr. O’Brien for explaining everything so well. She agrees with the other Council members that this will be a great benefit to the town. She will help with Open Space and Recreation.

Council President Marino thanked Mr. O’Brien for a great job and believes these upgrades will help bring back the downtown area.

Public Comments –

Janelle – asked Mr. O’Brien if there were any overlays or requirements for funding that have to be matched, or any requirements for additional monies beyond the projects themselves. Mr. O’Brien stated there is no additional funding on top of the grant amounts.

Mr. O’Brien stated that Council is required to pass the resolutions to submit the grant applications.

ROLL CALL

Motion Carries

5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Clark	X		X			
Councilman Kennedy		X	X			
Councilman Scerbo			X			
Council VP Paulus			X			
Council President Marino			X			

10. 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.

****Tabled from 1/16/2024****

R2024-19 RESOLUTION AUTHORIZING 18 MONTH EXTENSION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF PHILLIPSBURG AND NORWESCAP PREVIOUSLY AUTHORIZED BY RESOLUTION 2023-24

ROLL CALL

Motion Carries

5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Clark			X			
Councilman Kennedy			X			
Councilman Scerbo		X	X			
Council VP Paulus	X		X			
Council President Marino			X			

11. OLD BUSINESS – No Old Business

12. NEW BUSINESS – No New Business

13. MOTIONS

Housing Authority appointment: Unexpired term ending 8/31/2024

Councilman Scerbo nominated Robert Fulper. No other nominations received.

Motion and Second recorded.

Discussion – Councilman Clark stated that Mr. Fulper has a criminal indictment pending and appointing him is not a good look for the town.

Councilman Kennedy stated he was not aware of Mr. Fulper’s interest in being appointed because he did not receive a copy of his letter of interest, dated January 11th, until today. He feels Council should have been informed earlier. Councilman Kennedy feels Mr. Fulper’s appointment is a bad idea as he has “baggage”.

Councilman Scerbo stated he believes what is happening to Mr. Fulper is a political attack and someone is innocent until proven guilty. He feels Mr. Fulper will handle the responsibility in an honorable way.

Council President Marino stated he doesn’t judge anyone and he doesn’t know of any criminal act he has been arrested for.

ROLL CALL

Motion Carries

3-2

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Clark				X		
Councilman Kennedy				X		
Councilman Scerbo	X		X			
Council VP Paulus		X	X			
Council President Marino			X			

14. PUBLIC PETITIONS - None

15. COUNCIL OPEN TIME

Councilman Clark – he is excited about the Green Acres grants. Regarding the Housing Authority appointment, Councilman Clark stated the original notice had a submission deadline in February, but without notification, that deadline was changed, and the public had no idea. The candidate is questionable and 2 of 5 Council members had issues with the appointment. He feels it is irresponsible.

Councilman Kennedy – is excited about the Green Acres grants and the upgrades to the parks. The Winter Market is held every Sunday from 10 am to 1 pm. The Phillipsburg basketball team and wrestling team are doing very well and he urged the public to attend a game or match and support them.

Councilman Scerbo – questioned if prior appointments to the Housing Authority were advertised to the public. He stated the information was given to the governing body, not the public. Going forward he would like fewer negative comments and attacks as these hurt the town. More level headedness and being a peacemaker are called for.

Council Vice President Paulus – she attended a LEAD, Law Enforcement Assisted Development meeting and encouraged the public to attend the next meeting on Feb 21 at the Envision Center. She also encouraged people to visit the Winter Market and said the vendors and their products are all very good.

Council President Marino – given the volatility of some people these days, he will no longer require people to state their address when they speak at Council meeting. Their personal information should not be available for someone to find easily. He encouraged the Council to work together to move forward. While people may disagree, everyone should strive to tell the truth and work for the better of the community.

16. EXECUTIVE SESSION (IF REQUIRED) – No Executive Session

19. ADJOURNMENT – 7:49 PM

Councilman Kennedy moved to adjourn. Seconded by Councilman Clark.
Ayes: 5, Nays: 0, Abstain: 0, Absent: 0. Motion passed