

TOWN OF PHILLIPSBURG
COUNCIL MEETING MINUTES

February 14, 2024— 6:00 P.M.

- 1. CALL TO ORDER 6:00 pm By CP Marino**
- 2. OPEN PUBLIC MEETING ACT STATEMENT Read by CVP Paulus**
- 3. PLEDGE OF ALLEGIANCE All**
- 4. INVOCATION Led by Councilman Scerbo**
- 5. ROLL CALL – Present - Marino, Paulus, Clark, Kennedy, Scerbo**
 -Also in attendance: Mayor Piazza, Business Administrator Hall, Attorney Rich Wenner, and Deputy Clerk Turner
- 6. APPROVAL OF MINUTES – January 16, 2024 Regular Meeting Minutes
 January 30, 2024 Special Meeting Minutes**

ROLL CALL Motion Carries 5-0

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

7. BILLS LIST

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			

- 8. ANNOUNCEMENTS/PRESENTATIONS –**
675 Corliss Avenue update – Mold Abatement was done first, from October 23, 2023 through November 17, 2023. The final tests are to be run. The Asbestos work began November 20, 2023 and was divided into 8 stages: 3 in the basement, 3 on the main floor and 2 on the 2nd floor. 5 stages are completed with the 3 in the basement to be completed. The exterior will be started after that. 2 additional areas, skylights and structural beams, were found to have mold. The cost to treat

these areas is covered by the previously funded \$50,000 allowance. Due to the additional abatement, the original end date of February 20, 2024 has been extended to March 9, 2024. Matt Hall stated that an evaluation of the roof is scheduled for February 20, 2024. The next step will be to stabilize the roof to prevent any water infiltration.

Public Discussion – Joe Meyner asked how close the project is to being done. Matt Hall explained this was just abatement of the mold and asbestos so that the building could be entered safely. An RFP (Request for Proposal) for Engineering Services will be sent out to evaluate the interior and plan the new layout. The cooling system will need to be re-done. Matt conservatively estimated the project was one quarter done.

9. PUBLIC DISCUSSION ON AGENDA ITEMS –

-David Morrisette asked if a “surprise” item is added to the agenda, will the public have a chance to comment before it is considered? CP Marino stated in that instance the public will be given a copy of the item with the agenda, he will read the document out loud and the public will be allowed to comment on it.

14. RESOLUTIONS –

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.

Resolutions 2024-29 and 2024-25 were pulled from Consent Agenda. Resolution 2024-32 was added and will not be included in the Consent Agenda.

R2024-26 RESOLUTION DESIGNATING HANDICAP PARKING SPACES WITHIN THE TOWN OF PHILLIPSBURG

R2024-27 RESOLUTION AUTHORIZING A CONTRACT WITH CGP&H TO PREPARE AN APPLICATION FOR A 2024 ASSISTANCE TO FIREFIGHTERS GRANT

R2024-28 RESOLUTION AUTHORIZING REFUNDS OF ESCROW FOR VARIOUS COMPLETED LAND USE BOARD PROJECTS

R2024-30 RESOLUTION TO PROVIDE FOR INTERFUND TRANSFERS

R2024-31 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND & LETTER OF CREDIT FOR SHAMMY SHINE

ROLL CALL- Consent Agenda

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			

R2024-29 pulled from Consent Agenda by Councilman Clark

R2024-29 RESOLUTION ESTABLISHING THE SALARY OF THE MAYOR OF PHILLIPSBURG

Discussion – Councilman Clark stated the Resolution shows the Mayor as a full time position. How can one person hold two full time jobs? The Town will be paying a full time salary for part time work. He moved to amend the Resolution making the Mayor position part time and keep the salary at \$20,000.

ROLL CALL Amend R2024-29

Motion Fails 2-3

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		

Discussion – Mayor Piazza stated that the two previous Mayors had full time jobs, one running his own electrical contracting business and the other running a contracting business. Mayor Piazza stated that the \$50,000 full time salary reflects a \$15,000 cut from the previous \$65,000 salary and he has waived Dental benefits of \$1,100 and Health benefits of \$36,000. The Town will be saving \$52,000 per year, paying less than 50% of what had been paid previously. Councilman Clark stated the two previous Mayors were semi-retired. Mayor Piazza stated they were not, and both ran successful full time businesses while in office. CVP Paulus noted that Mayor Piazza does not use the Town provided vehicle which is a substantial savings on gas alone. Councilman Scerbo stated that both previous Mayors did work full time every day at their contracting businesses and the combined savings of waived dental and health benefits, and no vehicle use are huge. CP Marino agreed the savings are substantial, with the vehicle gas and maintenance running around \$1000 per month with the previous Mayor. He also noted that neither of the previous Mayors worked 8 hours a day as full time Mayors.

ROLL CALL R2024-29

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			

R2024-25 pulled from Consent Agenda by Councilman Kennedy

R2024-25 RESOLUTION AUTHORIZING AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF PHILLIPSBURG AND MATTHEW D. NOEL

Discussion – Councilman Kennedy stated that since the Town already has a DPW Supervisor this position of Superintendent is not necessary. Business Administrator Hall stated that the Town already had this position within its Organizational Chart.

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			

R2024-32 CP Marino read the Resolution.

RESOLUTION AUTHORIZING THE APPROVAL OF TREATMENT WORKS APPROVAL PERMIT APPLICATIONS FOR THE 2024 YEAR

WHEREAS, the Town of Phillipsburg is the owner of a wastewater treatment plant and as such is required to issue approvals for Treatment Works Approval applications (“Applications”) submitted to the Town by users of the wastewater treatment plant; and

WHEREAS, the Applications require the consent of the Governing Body and the execution of approval by the Mayor; and

WHEREAS, the approval by the Governing Body and subsequent execution of approval by the Mayor are largely ministerial acts predicated on the recommendation of the Town Sewer Engineer;

WHEREAS, the Town Council desires to authorize the Mayor to execute approvals for applications upon the recommendation of the Town Sewer Engineer without the need for individual governing body approval of same; and

WHEREAS, the Governing Body desires to authorize the Town Sewer Engineer to provide consent to the Application.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, and State of New Jersey, that the Town Sewer Engineer is authorized to consent, on behalf of the Town to a treatment works approval permit application and a statement of consent to the New Jersey Department of Environmental Protection for all 2024 Applications submitted to the Town.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute said approvals upon the recommendation of the Town Sewer Engineer for the year 2024.

BE IT FURTHER RESOLVED that the Town Sewer Engineer shall circulate to the Mayor and Town Council all such applications along with his recommendation letter prior to any such application being approved.

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			

15. OLD BUSINESS –

Open Space & Recreation Committee - Councilman Scerbo stated that the Open Space and Recreation Committee has not met in 2 years and since the previous administration failed to act Council needs to move quickly to re-establish the committee properly. The \$500,000 Open Space Fund should be used for various Recreation projects. Councilman Kennedy stated the Committee should be “re-upped”. There are committee members with unexpired terms and other people who want to serve. Councilman Clark stated everyone on the Open Space Committee wants to serve. The Committee should not be “wiped clean”. The funds are available, and members are willing to serve. CVP Paulus stated that because of the lapse in meetings and the lack of structure the committee is in disarray. She suggested that anyone interested in serving on the committee, including current members, submit a letter of interest to Council. The Committee can be re-established properly. Councilman Scerbo asked Attorney Wenner about the by-laws. Attorney Wenner stated the by-laws allow for removal of members with or without cause. CP Marino suggested Councilman Scerbo work with Administrator Hall and Matt Noel to get this going.

16. NEW BUSINESS –

Councilman Scerbo asked for information or status regarding Cal Ripken Field. Councilman Clark stated donations are still being accepted. They are looking for community input.

CVP Paulus would like to look into what can be done about stray animals. She stated that the bill list contains a \$12,000 payment to Common Sense for Animals. The taxpayers should not be responsible for others’ animals. Administrator Hall stated a large part of that bill is for the detention of a potentially dangerous animal. The outcome of the court case may include restitution of that cost.

17. MOTIONS –

Councilman Scerbo stated that Kneedler Avenue’s name should be changed due to racially offensive comments made by Mr. Kneedler while in office and publication of those comments at the time. These comments have come to light due to the publication of the book “Phorgotten No More, a History of Phillipsburg”. Kneedler’s views are not reflective of the town. He suggested renaming it Duncan Avenue after one of the first African American settlers in the town who served in the Civil War. Discussion included whether the street was owned by the Town or the Housing Authority and required work with the US Post Office. Councilman Clark will work with Councilman Scerbo to draft a resolution condemning Mr. Kneedler’s comments and approving the future street name change. CP Marino asked for a motion to begin the process of changing the name of Kneedler Avenue.

ROLL CALL

Motion Carries

5-0

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

18. PUBLIC PETITIONS –

Joan Pierce – asked if a public donation is voted on and accepted by the council, does it become taxpayer money and if so, why was the \$300,000 Bridge donation spent on the Cal Ripken field? Attorney Wenner stated that yes, the donation becomes taxpayer money. In this case, as per the original Bridge Redevelopment Agreement, the \$300,000 donation was restricted to Recreation use. But last year an amendment to that agreement was approved which directed the donation to the Cal Ripken field. Bridge was aware of the change and agreed to the amendment. Ms. Pierce said it is discouraging because the money could have been used in the parks, at the Youth Center or for many other Recreation projects. She asked how much more money is needed for the field. CP Marino stated he will find out.

David Morissette – asked for the rationale and justification of the structural changes in DPW. Attorney Wenner stated the DPW was supposed to have been set up this way, with an administrator in office, years ago. Administrator Hall stated the position is in the Town’s organizational chart.

Kelly – handles many community events for children in the area but has nowhere to store items for these events. Mayor Piazza said items could be stored in a local garage and she was directed to Pat Kays, Director of Municipal Services.

Dan Boyce – The developer for warehouses on Howard Street sued the town and while a majority of the arguments have been dismissed by the judge, the town has lost revenue due to the suit. He asked if the town could sue to recoup lost revenue. Attorney Wenner stated the town cannot.

Resident asked if Rails to Trails will use Open Space funds. Town Engineer Tim O’Brien stated that Rails to Trails funding is from a state grant.

19. COUNCIL OPEN TIME

Councilman Scerbo – thanked the DPW for their work clearing the roads after the snowstorm. He recognized 3 student athletes: Amanda Rapel, Andrew Martin and Matthew Scerbo Jr. have each scored 1,000 points playing for Phillipsburg High School Basketball.

Councilman Kennedy – asked everyone to step back, realize there will be differences of opinion and said all opinions should be respected. He wished everyone a Happy Valentine’s Day. Councilman Kennedy announced next week will be his one year anniversary since cancer surgery. He recommended cancer screenings and stressed early detection can save lives. Councilman Kennedy congratulated the student athletes.

Councilman Clark – thanked the DPW and First Responders for the way they handled the largest snowfall in years. He attended a Black History Month celebration at the Governor’s Mansion at which he “pushed” Phillipsburg to the Governor.

Council Vice President Paulus – thanked all involved with cleaning up the snow for the amazing job they did. She also thanked Mayor Piazza and Administrator Hall for their communication of road closures, garbage pickups, etc. to town residents.

Council President Marino – thanked the DPW for their work clearing the roads. He congratulated the student athletes and Councilman Scerbo on their great accomplishment. President Marino stated that we have to work together, whether we agree or not, to make a better community. He asked all to avoid arguing or playing politics.

20. EXECUTIVE SESSION (IF REQUIRED) –

Attorney Wenner stated Executive Session topic will be contractual, potential disbursement of public property.

Motion to enter Executive Session at 7:11 PM

ROLL CALL

Motion Carries

5-0

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

Council President Marino			X			
--------------------------	--	--	---	--	--	--

Motion to return to Public Session at 7:25 PM

ROLL CALL

Motion Carries

5-0

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

Attorney Wenner stated Council was in Executive Session for about 15 minutes. No action was taken.

21. ADJOURNMENT – 7:26 PM

Councilman Kennedy moved to adjourn. Seconded by Council VP Paulus.

Ayes: 5

Nays: 0

Absent: 0

Motion passed.