

**BOROUGH OF BERLIN
COUNCIL MEETING MINUTES
MONDAY, MAY 2, 2011
MUNICIPAL BUILDING
59 SO. WHITE HORSE PIKE
BERLIN NJ 08009**

MEETING CALLED TO ORDER BY MAYOR ARMANO

FLAG SALUTE LED BY THE MAYOR

SUNSHINE NOTICE: Adequate notice of this meeting has been given in accordance with the Open Public Act, Pursuant to Public Law 1975, Chapter 231. Said meeting has been advertised in the Courier Post and Philadelphia Inquirer showing the date, place and time of said meeting.

ROLL CALL: Mayor John Armano, Council President Scott Scelso, Council members Maccaroni, Chance, Bilella, and Pearce were all present. Councilwoman Kupchik was absent.

PRESENT ALSO: Solicitor George Botcheos, Auditor Joseph Hoffmann and CFO Stephen Miller and Emergency Management Coordinator William Behnke.

APPROVAL OF COUNCIL MINUTES

Monday, April 4, 2011. Motion to approve was made by Chance and seconded by Bilella. All were in favor.

DEPARTMENT HEAD REPORTS FOR THE MONTH OF MARCH, 2011

Municipal Court \$12,709.62

Tax Collector \$345,981.28

Utility \$563,447.15

Construction \$30,097.00

Municipal Clerk \$7398.27

Animals \$1162.00

Motion to approve made by Scelso seconded by Chance. All were in favor.

PRIVILEGE OF FLOOR:

No one addressed the council.

Motion to close privilege of floor made by Scelso seconded by Chance. All were in favor.

COMMITTEE REPORTS:

MAYOR JOHN ARMANO attended conference of Mayors in Atlantic City on Thur. and Fri, April 28 & 29. Talked with members of Governor's cabinet. Passed out information to council and police department.

BUILDING & GROUNDS, Chairman Scott Scelso states that other avenues are being looked into for 16 Haines Avenue per the request of council.

STREETS & ROADS, Chairman Jim Bilella 2010 road program is closing out by end of month. All road work completed with exception of a couple minor items. /2011 road program is moving forward with design work and moving forward with Arlington Avenue along with investigation of other streets. /Working with superintendent regarding streets light repairs in town. We have some parts that we can repair in house but fixtures will have to be purchased that cost about \$1200.

WATER & SEWER, Chairman Lynn Kupchik was absent. Mayor Armano noted that he made contact with the Governor's assistant in regards to the DEP now denying our allocation for well # 10 and she will address a letter from ERI.

HEALTH & RECREATION, Chairman Jim Pearce. Minor repair on a panel was repaired at community center. /Sensor lights will be installed at center by the end of week in the meeting rooms and kitchen holding off on any sensors in the main hallway for now./Glory Day Sports may want to rent field behind center that will bring additional revenue into the borough./Eileen Johnson will purchase 10 wooden tables for Camp Lonaconing and DPW will put together from camp profit money./He is tracking money that is being made on community center at approximately \$2430 to date./He is recommending the ordinance for community center to be amended for the rental for non profit Berlin organizations without food be amended to the first 10 hours no charge and then additional charge would be \$25.00 per hour after 10 hours with food. All directors are in agreement. Also add field rental at 3 hours 25.00 flat fee and \$25.00 each additional hour. All of council were in agreement.

PUBLIC SAFETY, Dennis Chance read police report for the month of March attached to these minutes. Police, 38 accidents, 10 injury accidents, 233 summons issued. Police handled 1871 calls. Total mileage 10,358. Fire company had 15 alarms for month of March, total calls 44.

FINANCE, Chairman Nick Maccaroni thanks CFO and auditor for their work on budget. He stated that Medford with a past zero tax increase over the years took their budget to the voters that did not pass and Gibbsboro took all their surplus, banked it and will increase their taxes .04 cents. He mentioned we have already spent approximately \$15,000. out of this budget that was not anticipated.

EMERGENCY MANAGEMENT COORDINATOR Bill Behnke speaks to the council in regards to the Resolution on agenda R5-8; 2011 recognizing the creation of the Lower Camden County Regional Fire Alliance between the Municipalities of Berlin Borough, Berlin Township and Waterford Township explaining the procedure stating this plan will continue to allow the borough to receive funding on certain disasters.

SOLICITOR, George Botcheos stated that ASCAP licensing agreement is not necessary to execute as Berlin will be deleted from the list. /He reached out to the PNC representatives and is still negotiating. He would like to add litigation matters to the closed session.

ADMINISTRATOR, Charleen Santora states animal census started today with many towns charging more than Berlin Borough at \$25.00. She suggested that the animal census taker go out a little later in the day to catch people home./As of today's date we have saved money by using the Cumberland County SPCA rather than Blackwood./Mercantile licenses renewals and liquor license renewals will be going out in the next two weeks. Mayor Armano would like to raise the animal license fee to a flat 10.00 to avoid making change.

2ND READING OF ORDINANCES

ORDINANCE 2011-04, AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) This ordinance has to be on the agenda prior to adopting the budget.

Motion to open meeting to the public on Ordinance # 2011-04 made by Maccaroni seconded by Chance. All were in favor.

Motion to close public hearing on Ordinance # 2011-04 made by Chance seconded by Scelso. All were in favor.

Motion to adopt Ordinance # 2011-04 made by Scelso seconded by Chance. All were in favor.

RESOLUTION R5-1;2011, AUTHORIZATION PER N.J.S.A.40A:4-78b FROM THE LOCAL FINANCE BOARD TO ADOPT RULES THAT PERMIT MUNICIPALITIES IN SOUND FISCAL CONDITION TO ASSUME THE RESPONSIBILITY, NORMALLY GRANTED TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES OF CONDUCTING THE ANNUAL BUDGET EXAMINATION THEREFORE APPROVING THE SELF-EXAMINATION OF BERLIN BOROUGH OF THE 2011 GENERAL, WATER & SEWER BUDGET.

Motion made by Maccaroni seconded by Bilella. All were in favor.

RESOLUTION R5-2; 2011 A RESOLUTION TO READ BUDGET BY TITLE ONLY THE 2011 GENERAL, WATER & SEWER BUDGET, Whereas, N.J.S.A 40A:4-8, as amended by Chapter 259, P. L. 1995 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection in the free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requesting them; and, WHEREAS, these two conditions have been met; NOW, THEREFORE, BE IT RESOLVED, that the budget shall be read by title only.

Motion made by Maccaroni seconded by Bilella. All were in favor.

2011 GENERAL, WATER & SEWER BUDGET HEARING, APPROPRIATING \$6,998,199.56 FOR GENERAL, \$2,966,101.14 FOR WATER, \$655,498.31 FOR SEWER AND \$155,338.00 FOR OPEN SPACE.

Motion to open Public Hearing on the 2011 General, Water & Sewer Budget made by Maccaroni seconded by Pearce. All were in favor.

Motion to close Public Hearing on the 2011 General, Water & Sewer Budget made by Maccaroni seconded by Chance. All were in favor.

Motion to adopt the 2011 General, Water & Sewer Budget made by Maccaroni seconded by Chance. Ayes, Scelso, Maccaroni, Chance. Bilella votes Nay feeling there is an opportunity to hold fast on our budget without a long term detriment on budget and Pearce is also nay. Solicitor states budget is not passed due to not having a 2/3 majority. There was a discussion between the auditor and the solicitor and it was then felt the budget passed due to a majority only needed to pass on an amended budget.

MOTION TO GO INTO CLOSED SESSION TO DISCUSS PERSONNEL MATTERS AND LITIGATION made by Chance seconded by Pearce. All were in favor.

MOTION TO GO BACK INTO OPEN SESSION made by Chance seconded by Pearce. All were in favor.

At this time a motion was made to promote Patrolman Michael Kernan to the position of Sergeant for the Berlin Borough Police Department effective May 16, 2011 made by Pearce seconded by Chance. All were in favor.

Mayor Armano advised the council that Officer Kernan will be sworn in on May 16, 2011 at 6:00 pm at a special meeting. Interviews for the position of police officer will also be held.

2ND READING OF ORDINANCES

ORDINANCE 2011-03, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 315 OF THE CODE OF THE BOROUGH OF BERLIN ENTITLED "VEHICLES AND T RAFFIC".

Motion to open Ordinance # 2011-03 to the public made by Bilella seconded by Pearce. All were in favor.

Motion to close public hearing on 2011-03 made by Chance seconded by Pearce. All were in favor.

Motion to adopt 2011-03 made by Chance seconded by Bilella. All were in favor.

ORDINANCE NO. 2011-05, BOND ORDINANCE AUTHORIZING VARIOUS ROAD IMPROVEMENTS, THE PURCHASE OF PUBLIC WORKS EQUIPMENT, FIRE DEPARTMENT EQUIPMENT AND GENERAL OPERATIONS EQUIPMENT IN AND FOR THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, APPROPRIATING THE SUM OF \$803,400.

THEREFOR AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$605,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING ORDINANCE.

Motion to open Bond Ordinance No. 2011-05 to the public made by Chance seconded by Pearce. All were in favor.

Motion to close Ordinance No. 2011-05 to the public made by Pearce seconded by Bilella. All were in favor.

Motion to adopt Bond Ordinance No. 2011-05 made by Pearce seconded by Bilella. All were in favor.

ORDINANCE INTRODUCTION:

2011-06, AN ORDINANCE AMENDING SALARY ORDINANCE 2009-22 AND 2009-10 SUPPLEMENTING CHAPTER 62 OF THE CODE OF THE BOROUGH OF BERLIN ENTITLED SALARIES.

Motion to introduce Salary Ordinance No. 2011-06 made by Bilella seconded by Pearce. All were in favor.

RESOLUTIONS:

Meeting open to the public on Resolutions R5-3 to R5-12; 2011.

Motion to close public hearing made by Chance seconded by Pearce. All were in favor.

RESOLUTION R5-3;2011, A RESOLUTION ADOPTING THE 3-YEAR COOPERATION AGREEMENT WITH THE COUNTY OF CAMDEN IN REGARDS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEARS 2012, 2013 AND 2014.

RESOLUTION R5-4;2011, A RESOLUTION OF THE BOROUGH OF BERLIN AUTHORIZING THE CANCELLATION OF FIRE SUPPRESSION SYSTEM ACCOUNT AND CHARGES IN THE AMOUNT OF \$1,683.00 FOR BLOCK 101, LOT 3 DUE TO CONSTRUCTION CODE OFFICIAL RECOMMENDATION.

RESOLUTION R5-5;2011, A RESOLUTION AUTHORIZING THE REFUND OF DEVELOPER ESCROW BALANCES FOR BLOCK 700, LOT 25 IN THE AMOUNT OF \$405.00, BLOCK 1102, LOT 3.01 IN THE AMOUNT OF \$103.18 AND BLOCK 1900, LOT 1 IN THE AMOUNT OF \$500.00.

RESOLUTION R5-6;2011, AUTHORIZATION TO APPROVE MERCANTILE LICENSE FOR WILLIAM J. PALO, T/A CARBONE AUTO SALES FOR THE SELLING OF USED CARS AND DOING CAR SERVICE WITH THE EXCEPTION OF AUTO BODY SERVICE LOCATED AT 94 WEST WHITE HORSE PIKE, BERLIN.

RESOLUTION R5-7;2011, AUTHORIZATION TO APPROVE A MERCANTILE LICENSE FOR VU H NGUYEN, T/A CREATIVE NAILS FOR THE SALE OF NAIL PRODUCTS LOCATED AT 31 WEST WHITE HORSE PIKE, BERLIN.

RESOLUTION R5-8-2011, APPROVAL OF A JOINT RESOLUTION RECOGNIZING THE CREATION OF THE LOWER CAMDEN COUNTY REGIONAL FIRE ALLIANCE BETWEEN THE MUNICIPALITIES OF BERLIN BOROUGH, BERLIN TOWNSHIP AND WATERFORD TOWNSHIP.

RESOLUTION R5-9; 2011, A RESOLUTION FOR SHARED SERVICES AGREEMENT FOR THE PROVISION OF POLICE SERVICES WITH BERLIN TOWNSHIP AND WATERFORD TOWNSHIP.

RESOLUTION R5-10;2011, AUTHORIZATION TO APPROVE A MERCANTILE LICENSE FOR DWAYNE DENNIS JR. T/A CERTIFIED AUTO WORKS FOR AUTO AND TRUCK REPAIRS LOCATED AT 33 SOUTH WHITE HORSE PIKE, BERLIN, NJ.

RESOLUTION R5-11; 2011, AUTHORIZATION TO ADOPT THE CAMDEN COUNTY HAZARD MITIGATION PLAN.

RESOLUTION R5-12;2011 AUTHORIZING THE USAGE OF TOWING COMPANIES LINDEN AUTO BODY OF LINDENWOLD, NJ AND RHP TOWING OF ATCO, NJ FOR THE YEAR 2011 AS PER BOROUGH ORDINANCE REQUIREMENTS.

Motion to adopt Resolutions R5-3 through R5-12; 2011 made by Pearce seconded by Bilella. All were in favor.

PAYMENT OF THE BILLS FOR THE MONTH OF MARCH, 2011 IN THE AMOUNT OF \$3,290,164.47. Motion made by Maccaroni seconded by Bilella. All were in favor.

Motion to adjourn made by Chance seconded by Pearce. All were in favor.

Charleen Santora, RMC