

**BOROUGH OF BERLIN
COUNCIL MEETING MINUTES
MONDAY, AUGUST 1, 2011
MUNICIPAL BUILDING
59 SO. WHITE HORSE PIKE
BERLIN NJ**

MEETING CALLED TO ORDER BY MAYOR ARMANO.

FLAG SALUTE LED BY MAYOR ARMANO.

SUNSHINE NOTICE: Adequate notice of this meeting has been given in accordance with the Open Public Meeting Act, Pursuant to Public Law 1975, Chapter 231. Said notice 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 members Maccaroni, Chance, Bilella, Kupchik and Pearce were all present. Council President Scott Scelso arrived a few minutes late and was acknowledged by Mayor Armano.

PRESENT ALSO: Solicitor George Botcheos and Special Counsel Stuart Platt.

A motion was made to go into executive session to discuss Armstrong Capital and Nexus litigation by Maccaroni seconded by Bilella. All were in favor.

A Motion was made to go back into open session by Pearce seconded by Maccaroni. All were in favor.

APPROVAL OF MINUTES

Council meeting of June 6, 2011.

Caucus meeting of June 28, 2011.

Council meeting of July 5, 2011.

Closed session minutes of July 5, 2011.

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

APPROVAL OF DEPARTMENT HEAD REPORTS FOR THE MONTH OF JUNE, 2011.

Tax Collector's report \$200,899.23.

Water & Sewer \$484,269.76.

Construction report \$7,013.00.

Municipal Court \$11,663.59

Municipal Clerk's \$19,538.02

Animal Collections \$7247.60.

Motion to approve was made by Maccaroni seconded by Bilella. All were in favor.

PRIVILEGE OF FLOOR:

Tom Little, 4 Thackara Avenue, Berlin, N. J.

Asks if his business is next to a home in Berlin, how far a fence, building or parking lot has to be away from the house. Solicitor states it depends on the zone and he has to speak with the zoning officer who will tell him the requirements. If a violation is being done it can be stopped per Bilella.

Mayor Armano sends condolences to Councilman Chance on the passing away of his mother.

Solicitor has not heard back from PNC bank in regards to rental.

COMMITTEE REPORTS:

BUILDINGS & GROUNDS, Chairman Scott Scelso. No asbestos at 131 So. White Horse Pike. Demo is being done by the DPW for a potential future rental. /Parking lot at borough has been paved.

STREETS & ROADS, Chairman Jim Bilella Engineer will be ready to go out to bid for the 2011 road project around 8/8/2011.

WATER & SEWER, Chairman Lynn Kupchik Water main break on West Taunton has been repaired. No recent new meters have needed to be installed.

HEALTH & RECREATION, Chairman Jim Pearce Admin. working on basketball nets for the community center. /Issue for organizations using our fields illegally has been resolved. /Life Line Screening would like to hold a health day at the community center paying full rental and if they run over an extra hour they would like the hour rental waived. They will provide two health screens at no charge for possibly seniors. This health screen will be advertised to all borough residents. No one on council objected to waiving the last hour. /Attended Camp Lonaconing's final celebration closing ceremony. Camp received \$500. donation from local PBA. Camp came in under budget for this year's expenses with an approximate amount of \$700. left in the budget that she will probably want to spend at the beginning of next year. She would like to charge a late fee for late comers rather than raise camp fees.

PUBLIC SAFETY, Chairman Dennis Chance was absent.

FINANCE, Chairman Nick Maccaroni. Fire report given for Councilman Chance. There were 70 calls for the month of July for the fire department.

Mayor Armano mentions the bill list is high due to the County payment and the school therefore cash flow being tight. Administrator has frozen all expenditures for at least two weeks.

SOLICITOR, George Botcheos He will have two ordinances for the next caucus meeting for the community center and the increase for animal license fees. / Negotiations are ongoing in regards to the Buzby Landfill. State looking for replacement acres and not money which is the issue at this time. He will report back to the council when this is resolved.

Jim Pearce. Makes sure the hours of usage for the community center is a maximum of 10 hours free as a combination for both.

ADMINISTRATOR, Charleen Santora Will be advertising for the basketball hoops and padding shortly. /Tax bills have gone out. /Finance meeting will be scheduled for next week according to the two Chairmen.

The mayor states the breakdown on the tax bills is 22.2%, county share if 27.49% and the school is 50.49%.

ORDINANCES:

2ND. READING

ORDINANCE 2011-08, AN ORDINANCE ESTABLISHING A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM.

Motion to open public hearing on Ordinance no. 2011-08, Bilella, seconded by Kupchik. All were in favor.

Motion to close public hearing Pearce, seconded by Bilella. All were in favor.

Motion to adopt Ordinance No. 2011-08 Bilella seconded by Pearce. All were in favor.

ORDINANCE 2011-09, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 335 OF THE CODE OF THE BOROUGH OF BERLIN ENTITLED, "ZONING AND LAND USE".

Motion to open public hearing on Ordinance No, 2011-09 Bilella seconded by Kupchik. All were in favor.

Motion to close public hearing Bilella seconded by Kupchik. All were in favor.

Motion to adopt Ordinance No. 2011-09 made by Bilella seconded by Scelso. All were in favor.

RESOLUTIONS:

Meeting open to the public on Resolutions R8-1 through R8-15; 2011.

Tom Little, 4 Thackara Avenue, Berlin questions the resolutions on agenda regarding budget insertions. Clerk explains.

Motion to close public hearing on Resolutions by Pearce seconded by Bilella. All were in favor.

RESOLUTION R8-1; 2011, APPROVING THE COMPLIANCE WITH N.J.A.C. 5:30-6.5 COMPLYING WITH THE PERFORMING OF THE ANNUAL AUDIT FOR THE YEAR 2010.

RESOLUTION R8-2; 2011, A RESOLUTION AUTHORIZING THE DUE DATE FOR TAX BILLS TO BE EXTENDED TO AUGUST 23, 2011.

RESOLUTION R8-3; 2011, A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY FOR THE BOROUGH OF BERLIN.

RESOLUTION R8-4; 2011, A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE BOROUGH OF BERLIN AND THE UNITED STATES POSTAL SERVICE ON HARKER AVENUE IN BERLIN NJ EFFECTIVE EFFECT NOVEMBER 1, 2011 THROUGH OCTOBER 31, 2016 AT AN ANNUAL RENTAL FEE OF \$12,000 PAID IN EQUAL MONTHLY INSTALLMENTS WITH RENEWAL OPTIONS FOR TWO ADDITIONAL FIVE YEAR LEASES INCREASING TO \$15,000 FOR THE 2ND. FIVE YEARS AND \$20,000. FOR THE THIRD FIVE YEARS.

RESOLUTION R8-5;2011, AUTHORIZATION FOR BIRDSALL ENGINEERS TO GO OUT TO BID FOR THE SOUTH ARLINGTON ROAD PROJECT FUNDED BY THE DEPARTMENT OF TRANSPORTATION GRANT.

RESOLUTION R8-6; 2011 AUTHORIZATION TO GO OUT TO BID FOR THE 2011 MUNICIPAL ROAD PROGRAM.

RESOLUTION R8-7;2011, APPROVAL TO RELEASE MAINTENANCE BONDS ON HAVERHILL PHASES III, V, AND VI PER RECOMMENDATION FROM BIRDSALL ENGINEERS AS ALL ITEMS LISTED HAVE BEEN ADDRESSED IN A SATISFACTORILY MANNER.

RESOLUTION R8-8; 2011, AUTHORIZATION TO APPROVE A BUDGET INSERTION (CHAPTER 159) INTO THE 2011 BUDGET FOR VOLUNTEER FIRE ASSISTANT GRANT IN THE AMOUNT OF \$7336.00.

RESOLUTION R8-9; 2011, AUTHORIZATION TO APPROVE A BUDGET INSERTION (CHAPTER 159) INTO THE 2011 BUDGET FOR 2010 BODY ARMOR GRANT IN THE AMOUNT OF \$1919.25.

RESOLUTION R8-10; 2011, AUTHORIZATION TO APPROVE A BUDGET INSERTION (CHAPTER 159) INTO THE 2011 BUDGET FOR CLEAN COMMUNITIES GRANT IN THE AMOUNT OF \$12,340.02.

RESOLUTION R8-11;2011, APPROVAL FROM BOROUGH COUNCIL TO PURCHASE A 2012 GMC SIERRA 4WD PICKUP TRUCK, STATE OF NEW JERSEY CONTRACT A78847 T2754 FROM FLEMINGTON CHEVY BUICK GMC, FLEMINGTON, NJ FOR AN AMOUNT NOT TO EXCEED \$30,000. (CFO HAS CERTIFIED THE FUNDS FROM ORDINANCE 2011-05.)

RESOLUTION R8-12; 2011, AUTHORIZATION FOR THE BOROUGH SOLICITOR TO INSTITUTE THE APPROPRIATE LEGAL ACTION TO FORECLOSE IN REM ON THE TAX

SALE CERTIFICATES FOR CERTIFICATE NO. 2006-0013, 10-00029, 10-0030, 10-0031 AND 09-00010.

RESOLUTION R8-13;2011, AUTHORIZATION FROM BOROUGH COUNCIL TO APPROVE CHANGE ORDER REDUCTION # 3 FOR THE 2010 ROAD IMPROVEMENT PROJECT IN THE AMOUNT OF \$14,934.15.

RESOLUTION R8-14; 2011, A RESOLUTION AUTHORIZING THE REFUND OF DEVELOPER ESCROW BALANCE IN THE AMOUNT OF \$2077.25. TO LUCIEN'S DUE TO THE RELEASING OF THE PERFORMANCE BOND AND THE AMOUNT OF ESCROW NEEDED TO COMPLETE THE PROJECT WHILE IN MAINTENANCE FOR \$750.00.

RESOLUTION R8-15; 2011, A RESOLUTION AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS TOTALING \$130.59.

Motion to adopt Resolutions R8-1 through R8-15; 2011 made by Bilella seconded by Pearce. All were in favor.

PAYMENT OF BILLS FOR THE MONTH OF JULY, 2011 IN THE AMOUNT OF \$2,979,163.07. Motion; Maccaroni seconded by Kupchik. All were in favor.

Motion to adjourn, Maccaroni seconded by Bilella. All were in favor.

Charleen Santora, RMC