

**BOROUGH OF BERLIN
CAUCUS/COUNCIL MEETING MINUTES
THURSDAY, NOVEMBER 1, 2012
7:00 PM
MUNICIPAL BUILDING
59 SO. WHITE HORSE PIKE
BERLIN NJ**

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 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 was read by the clerk..

Mayor Armano asked all of the council to speak up closer to the microphones so they can be heard when the minutes are being done.

ROLL CALL: Mayor John Armano, Council Members Maccaroni, Chance, Kupchik and Pearce were all present. Council President Scelso and Councilman Bilella were absent.

PRESENT ALSO: Solicitor George Botcheos, Planning Board Solicitor Mark Rinaldi and Councilman Elect Gary Knight.

At this time Solicitor Botcheos explains that issues developed between the borough and the developer in regards to the Nexus Sewer Agreement and final settlement therefore the hearing can not be heard this evening. The hearing will be rescheduled when the settlement and agreement are agreed upon that will probably be in December.

Hearing on the proposed settlement of litigation known as Nexus Properties, Inc. v. The Borough of Berlin and the Planning Board of the Borough of Berlin pending in the Superior Court of New Jersey, Law Division, Camden County.

A motion to postpone the hearing was made by Maccaroni and Bilella. All were in favor.

RESOLUTION R10-10;2012 APPROVING SETTLEMENT OF LITIGATION KNOWN AS NEXUS PROPERTIES V. THE BOROUGH OF BERLIN AND THE PLANNING BOARD OF THE BOROUGH OF BERLIN AND APPROVING AND

A motion was made to table the Resolution, R 10-10; 2012 on agenda by Maccaroni seconded by Kupchik. All were in favor.

EXECUTIVE SESSION:

Motion to go into closed session to discuss personnel matters regarding Acting Chief Michael DeLorenzo by Pearce seconded by Chance. All were in favor. Motion immediately rescinded so Mark Rinaldi could present his information.

PLANNING BOARD SOLICITOR MARK RINALDI Addresses the council in regards to a water utility easement through Block 1108, Lot 28 involving the ARC of Camden County and Kevin Niedoba. Mr. Rinaldi explains that this matter has been long going. In 2003 or 2004 the ARC that owns 215 White Horse Pike was told they needed a fire suppression system. They could have connected with the water main on the White Horse Pike that was costly. At the time they asked for an easement across the vacant lot on Haines Avenue that the borough owned at the time. A resolution was adopted in Feb. 5, 2004 granting an easement across the vacant lot. The resolution was sent to the ARC approving the easement without charge. Solicitor Botcheos prepared the document and it was sent to the ARC, however, the ARC is stating they did not receive the document. In 2007 the lot was sold to Mr. Niedoba. With the new paving of Haines Avenue a house was built by Mr. Niedoba's son at this property. The contractors who were putting in the curve cut was told by Mr. Niedoba that he did not want the curve cut put where they were putting it. Superintendent Mauger advised all that there was a water easement at this property. Mr. Niedoba contacted the construction dept. Larry Longo represents Mr. Niedoba who is asking for \$2500 from the borough for moving the curve cut from one side of his property to the other due to the water line. Mr. Rinaldi wants to get confirmation from the council on whether or not the borough will participate in any of this reimbursement to Mr. Niedoba.

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

A motion was made to appoint Acting Chief Michael DeLorenzo to the position of Chief effective immediately with a pay increase of \$5000. Motion was made by Chance seconded by Pearce. All were in favor.

CAUCUS:

DISCUSSION ITEMS:

MAYOR JOHN ARMANO;

Recent hurricane did not do much damage in Berlin. Two trees went down from the storm./Fire equipment has been dispatched to Ocean County to help in the clean up efforts there./Emergency management was handled out of the fire department. The police, ambulance and fire all worked out together handled by Emergency Coordinator and Fire Chief Bill Behnke. An outstanding job was done. A meeting was held with the department heads on the morning of the storm making sure everyone was coordinating with each other and the plans. Mayor notes that he relayed all information to the council when he had information to relay. He had another phone conference with the Governor today in regards to the storm and clean up efforts and the President of the United States was on the conference call.

BUILDINGS & GROUNDS, Chairman Scott Scelso Absent

STREETS & ROADS, Chairman Jim Bilella Absent

WATER & SEWER, Chairman Lynn Kupchik Thanks the mayor for keeping her informed during the storm. Will give report at council meeting.

HEALTH & RECREATION, Chairman James Pearce Thanks all who participated during the storm. Suggesting the borough purchase cameras at the community center due to recent vandalism. He will look into prices. Councilman Maccaroni would like the light lit on the building when it is dark. Clerk will have the timer changed by the DPW.

PUBLIC SAFETY, Chairman Dennis Chance Compliments all who participated during the storm and praised the steps taken at the fire hall where all departments were staged.

FINANCE, Chairman Nick Maccaroni Thanks all who participated during the storm stating DPW did a great job. County had a back hoe in the park trying to clear a waterway during the storm.

SOLICITOR, George Botcheos Tentative agreement has been struck with General Electric and the State of New Jersey regarding the Buzby Landfill. /He sent a letter to Armstrong Capital in regards to the outstanding taxes that are owed to the borough.

ADMINISTRATOR, Charleen Santora Waiting to get paperwork from the county for deer carcass removal. Spoke with the director at the county and the cost will be the same as last year at \$60.00 for each deer removed. Will put on agenda for the Nov. 5 meeting. /League of Municipalities will be on Nov. 13, 14 and 15. Workers compensation class will be on Wed at 3:45 whereas council members attending and administrator attending receive a \$250.00 credit towards the insurance. The cost of the entrance will be \$60. therefore suggests that anyone not going to the League wait until the classes in December and January come out. These schedules will be forwarded to the council. /RFQ's are being advertised on line and in newspaper. Proposals will be received on 11/29/2012 at 10 am. Bids will be left on the conference room table for all to review. /Reminder that there will be a caucus/council meeting on Dec. 27 at 7 pm.

Mayor Armano brought up the ordinance regarding yard sales in the borough and advised the council that the police department is very concerned about the yard sales that are being taken place on many of the roads in the borough that do not have shoulders. He states that residents are having numerous sales. Suggesting that the ordinance be amended to ban yard sales from certain roads in the borough, namely, Cross Keys, Berlin New Freedom, Berlin Clementon, White Horse Pike and Jackson Road. Solicitor will have an Ordinance for the next council meeting amending the ordinance as the council was in agreement.

A resolution will also be done and added to the next agenda stating the same before the Ordinance can take effect.

ORDINANCES, SECOND READINGS

ORDINANCE NO. 2012-15, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 89 OF THE CODE OF THE BOROUGH OF BERLIN ENTITLED, "ANIMALS"

ORDINANCE NO. 2012-16, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 98 ENTITLED "BOARDINGHOUSES, ROOMING HOUSES AND HOTELS".

ORDINANCE NO. 2012-17, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 335 OF THE CODE OF THE BOROUGH OF BERLIN ENTITLED, ZONING AND LAND USE".

RESOLUTIONS:

RESOLUTION R11-1; 2012, AUTHORIZING 3RD QUARTER 2012 UTILITY BILL ADJUSTMENTS FOR THE FOLLOWING PROPERTIES DUE TO BILLS BEING ESTIMATED;

54 S. Rose Lane	-76.25
184 Tansboro Rd.	-43.70
1 Collings Ave.	-107.25
44 Summit Ave.	-1567.50
188 Heights Ave.	-51.50
181 Haddon Ave.	-151.66
4 Chillemi Ct.	-38.50
61 Haddon Ave.	-79.10

RESOLUTION R11-2;2012, AUTHORIZING THE WAIVER OF WATER USAGE FEES IMPOSED UPON FIRE HYDRANTS WITHIN BERLIN BOROUGH, BERLIN TOWNSHIP, VOORHEES TOWNSHIP AND WINSLOW TOWNSHIP.

RESOLUTION R11-3; 2012, AUTHORIZING TO REFUND \$100.00 FOR APARTMENT LICENSE FOR 56 PARK AVENUE PAID IN ERROR.

RESOLUTION R11-4;2012, AUTHORIZING THE REFUND OF CONSTRUCTION PERMIT # 12-00245 FOR BLOCK 1305 LOT 2 IN THE AMOUNT OF \$196.00.

RESOLUTION R11-5; 2012, AUTHORIZING THE TAX COLLECTOR TO IMPOSE A LIEN ON THE FOLLOWING PROPERTIES DUE TO SERVICE AND EQUIPMENT USED FOR PROPERTY MAINTENANCE;

43 JACKSON ROAD	\$1165.00	8/8 AND 8/30
107 ESTAUGH AVE.	1165.00	8/8 AND 8/30
1 JEFFERSON AVE.	1165.00	8/8 AND 8/30
3 BRIERHILL RD	1165.00	8/8 AND 8/30
10 GARDENS AVE.	1165.00	8/8 AND 8/30

RESOLUTION R11-6;2012, AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FROM LANDBERG CONSTRUCTION LLC PER RECOMMENDATION FROM BIRDSALL ENGINEERING CONTINGENT UPON THE POSTING OF A ONE YEAR MAINTENANCE BOND IN THE AMOUNT OF \$291,685.00.

RESOLUTION R11-7; 2012, APPROVING OF APPROPRIATE TRANSFERS TOTALING \$62,450.00 FROM INSIDE THE CAP TO INSIDE THE CAP AS PER N.J.S.A. 40A:4-58.

RESOLUTION R11-8; 2012, A RESOLUTION AUTHORIZING THE SECURITY DEPOSIT REFUND OF \$342.70 FOR PORTABLE HYDRANT METER RENTAL BY AC SHULTES, INC.

RESOLUTION R11-9; 2012, A RESOLUTION TO ACCEPT THE RESIGNATION OF PATRICIA M. STRONG AS INTERIM DIRECTOR OF MARIE FLECHE MEMORIAL LIBRARY EFFECTIVE JANUARY 1, 2013.

RESOLUTION R11-10; 2012, A RESOLUTION AUTHORIZING THE REFUND OF DEVELOPER ESCROW BALANCE IN THE AMOUNT OF \$5111.77.

RESOLUTION R11-11; 2012, A RESOLUTION IN SUPPORT OF A-3393, LEGISLATION TO PROTECT RESIDENTIAL PROPERTY TAXPAYERS FROM THE LOSS OF TELECOMMUNICATIONS TAX SUPPORT.

Motion to adjourn was made by Chance and seconded by Pearce. All were I favor.

Charleen Santora, RMC

Borough Clerk