

BOROUGH OF BERLIN
COUNCIL MEETING MINUTES
JANUARY 20, 2015
7:00 PM
COMMUNITY CENTER
250 S. FRANKLIN AVENUE
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 posted on the Bulletin Board at the Berlin Hotel showing the date, place and time of said meeting.

ROLL CALL: Mayor John Armano, Council President Lynn Kupchik, Council members Bilella, Pearce, Knight, Miller and Badolato. Councilman Miller was absent.

PRESENT ALSO: Solicitor Howard Long, Administrator Charleen Santora, Chief of Police Michael DeLorenzo, DPW Superintendent Mark Mauger and Property Maintenance Official Bob Monahan.

GUEST SPEAKER, STUART WALLACE GAVE A PRESENTATION IN REGARD TO AN EMERGENCY MANAGEMENT MITIGATION PLAN. Full presentation is attached to these minutes.

APPROVAL OF MINUTES:

Re-organization meeting minutes from January 3, 2015

Mayor Armano asked that the Library Trustees Appointments be modified as follows:

Tina Hoffman – 5 year term
Nancy Grover – 3 year term
Janet Guerere – 2 year term

Motion to adopt minutes with the changes to the Library Trustees Appointments made by Councilman Pearce, seconded by Councilman Bilella. All members present were in favor.

APPROVAL OF DEPARTMENT HEAD REPORTS FOR THE MONTH OF DECEMBER 2014:

Municipal Court	\$17,195.71
Municipal Clerks report	7,380.25

Construction Fees	3,003.00
Zoning Fees	75.00
Rental Inspection Fees	300.00
Community Center Fees	1125.00
Tax Collectors report	623,906.29
Utility Report	655,344.23

Motion to approve made by Councilman Bilella, seconded by Councilman Badolato. All members present were in favor.

PRIVILEGE OF FLOOR:

There was no public comment.

COMMITTEE REPORTS, DEPARTMENT HEAD REPORTS & DISCUSSIONS:

CHIEF OF POLICE, Michael DeLorenzo reported that at the February meeting he will provide council with an end of year report. On the last 3 pages of the November/December report are some letters from residents who have thanked the police department. Also, as of this Friday the police department is up and running in the new building and they are about 90% functional right now. Next week the cells will be delivered and installed. He thanked everyone for a good 2014 which was a very productive year and is looking forward to 2015.

SUPERINTENDENT, Mark Mauger did not have anything to report.

PROPERTY MAINTENANCE OFFICIAL, Bob Monahan reported on the Armstrong Capital property known as Kmart; there is a new representative by the name of Ian Steighner who took Mark Finklestein's place. Bob spoke with him and was assured that any issues at the property that need to be addressed will be taken care of. Bob informed him of graffiti that was on the front of the windows of the old Acme. Bob and Craig Fallstick, Zoning Official have been out looking at sites around Berlin and the potholes at the Kmart property are a problem; The lights in the parking lot have been taken care of and there has not been a major issue with vehicles parking overnight. Bob suggested that an ordinance be put in place specifically for that property. Also Bob has forwarded an ordinance from Voorhees Twp over to the Solicitor, Howard Long in regard to properties in foreclosure. Howard will work on preparing the ordinance for introduction. On Park Drive there are some trees that are dead and need to come down. Bob has been in touch with John Wallack from the County and suggested that DPW mark the trees and then the county will take care of removing them. Richard Crain asked if Bob can keep an eye on the retention pond at the Armstrong Capital property. Bob suggested that a provision be written in the proposed ordinance relative to this and Solicitor Howard Long explained that depending on who owns the basin they are responsible under the Storm/Sewer Regulations to make repairs to that basin.

BUILDINGS & GROUNDS, Chairman Len Badolato did not have anything to report.

STREETS & ROADS, Chairman Gary Knight discussed the grant for the 2014 Road Program in which the borough received \$198,000.00. He discussed Phase I and Phase II objectives for the Road Program in which the borough will go out to bid sometime in February 2015. Various potholes have been patch up around town and he thanked Mark Mauger and his team for doing an outstanding job. Also, services will be switched over to the new main for Day Avenue. Some street signs have been damaged due to vehicle accidents and they will be replaced as per request from Lt. Beasley.

WATER & SEWER, Chairman Lynn Kupchik will have a full water report at the end of the month.

HEALTH & RECREATION, Chairman Rick Miller was absent.

PUBLIC SAFETY, Chairman Jim Pearce reported that he has spoken with the Chief and the police department has been very busy moving in to their new building. There will be a public safety meeting held next week. Councilman Pearce met with Fire Chief, Bill Behnke and so far everything is going well with the Fire Department as there are no major issues at hand right now. Councilman Pearce let Chief Behnke know that if there is anything that the Fire Department needs to reach out as the governing body is very supportive of the Fire Department. Also, Councilman Pearce will be getting up to speed with the EMS.

FINANCE, Chairman Jim Bilella reported that the tax report for 2014 has been completed and everyone should have received a copy from Lisa Eggert, Tax Collector. The collection rate is high at 98.57%. This percentage is higher than it has been in the previous 10 years. This is a good number and will be helpful when preparing the budget. Public meeting dates for budget workshops need to be determined and Councilman Bilella would like to have them in February. The purpose of the budget workshops is so that the department heads have an opportunity to discuss their needs for 2015 to the governing body and it gives the public an opportunity to learn about the budget process; they are many more needs for services than there are revenues to spend. Councilman Bilella would like to have the budget workshops scheduled separately from the council meeting dates. He attended the planning board meeting last Monday as council representative and said it was good to be back in planning board's company after 5 years. One thing that the governing body needs to recognize is that the planning board's function is to provide relief from our ordinances and as it is the governing body's job to enforce the ordinances. In discussion with the planning board it was mentioned that the planning board have ordinances updated such as the regulations to cell phone towers, solar panel installations, and the influx of temporary storage containers such as PODS. Another discussion took place with the zoning official in regard to ordinance updates as well that need to be addressed. The zoning official will provide Councilman Bilella with a list of conflicts that he has seen in the ordinances as he tried to enforce them. This will allow for continuity in the ordinances which is necessary so that they are enforceable and portray what we want for the town. Also, the police are moved into the new addition and the

renovations on the municipal building will begin. He will have a budget update at the caucus meeting relative to any change orders, etc.

MAYOR, John Armano reported that he and the CFO met with PERMA which is a health program similar to JIF. The representatives from PERMA will give a formal presentation along with a quote once they receive all the necessary medical information that they need from the State Health Plan. Mayor Armano is currently working with a business in town that wishes to purchase a property here in Berlin under a Pilot Program/Tax Abatement Program. Mayor and the Economic Redevelopment chairperson met with this person and had a meeting with the county to see what can be done. The county provided information on how to obtain a low interest loan. Mayor also met with the tax assessor to research what programs are available and they came across a program that Winslow Township has in place. He would like Howard to look at an ordinance for introduction for a Pilot Program/Tax Abatement which will allow for a business to fill a vacant property in town and keep the business that already exists in Berlin. Charleen, Mayor and the CFO met to discuss the maintenance having to do with the library. They looked over the deed from 1957 and in article number 5 it says that the borough is responsible for the maintenance of the building. Solicitor, Howard Long provided an explanation of the conditions in article number 5 of the deed. He also suggested having a meeting to negotiate a lease agreement with the library to make sure that the borough is in compliance. Payment of the employees for the library should be discussed as well in a meeting with council, the administrator and committee.

Millard Wilkinson, Jr. stated that the trustees have been appointed but not sworn in yet. They will be meeting on a monthly basis, but will determine those dates that they are not in conflict with any caucus or council meetings. Also, based on his understanding of the state statute, the library board cannot pay rent to the municipality. He referenced the deed of trust for the library and it does impose certain restrictions on the municipality. Also, he discussed that applications have been submitted for a director and that interviews will take place soon.

Councilman Bilella asked about the employees working in the library as far as their paychecks go and if they are getting paid.

Solicitor, Howard Long will address the library issue relative to paychecks.

SOLICITOR, Howard Long reported that he received a letter from Planning Board Solicitor, Mark Rinaldi in regard to several ordinance modifications. He would like to have a meeting with the planning board chairperson, solicitor and council representative, Jim Bilella to get a better understanding of what type of standards the planning board is looking for before putting an ordinance together. Also, he discussed the short term tax abatement. He discussed the way that it works with the governing body and explained that an ordinance needs to be adopted that allows the borough to enter into short term, 5 year tax abatement pilot programs. An application also needs to be put in place as well which will get approved by ordinance. Howard can put this together and have it ready for introduction at the next council meeting. Also, the ordinance in regard to property

maintenance can be drafted for the next meeting as well. He referenced the ordinance that Evesham Twp has put in place. (Attached to these minutes is the Evesham Twp example.) Howard provided a full explanation of the law having to do with banking facilities and foreclosures. (Public Law 2014-c35)

Councilman Pearce asked if the borough can mandate complaints by having the property maintenance official and zoning official to respond only to those complaints that have been documented and is a formal complaint in writing.

Councilman Bilella spoke about Chapter 299 of the Code and asked for the Solicitor to review it to make sure that the borough is in compliance.

ADMINISTRATOR, Charleen Santora reported that the borough website was temporarily down today, but it is getting taken care of. She asked the governing body about the budget meetings hosted by Bowman and Company so that she can email them and inform them of who is attending and when. The JIF Re-Org meeting is scheduled for January 26, 2015 and will be held in the Berlin Borough Community Center. The borough will provide refreshments for the JIF Re-Org meeting. There are three streets lights that are out on the White Horse Pike and ACE has been notified and will fix them. The bid for a public defender was posted on the borough website and the deadline for RFQ's was due on January 16th at 10:00 am. Two bids were received and will be discussed tonight in closed session. She discussed budget workshop meetings for the department heads and how she would like to have them scheduled. The meetings will be advertised as a special meeting separate from a regular council meeting. February 19, 2015 at 7:00 pm will be the first budget meeting. The police department and DPW will be scheduled on a different date which will be decided at the caucus meeting on February 3rd.

RESOLUTIONS:

Meeting open to the public on Resolutions R1-23 through R1-35;2015

Drew Straubb – 59 Gardens Avenue - Drew expressed his concerns about Resolution R1-30;2015 and provided recommendations for the appointments to the Economic Re-Development Committee for 2015. He ultimately would like to move Mike Latigona to an Alternate in an effort to get to know him better and have him participate. Also, he suggested to place Bob Foster into a 3 year term and move Stephanie Hasbrook into Bob Foster's place. He asked council to reject the resolution on the agenda as currently written and to modify it as he has presented it.

Councilman Bilella discussed that the final determination did not necessarily get on the agenda due to the Administrator being on vacation and it was not a purposeful oversight. Councilman Bilella and Councilman Miller decided to step down so that other residents would have an opportunity to participate making it a full citizen committee. Councilman Miller did speak with Mike Latigona who is a business owner in town and Councilman Bilella suggested that Mike Latigona take his place (Jim Bilella) filling the unexpired

term of Rick Miller and Bob Foster take the place of Rick Miller. The rest of the slate will remain the same.

Meeting closed to the public.

R1-23; 2015, APPROVAL FROM COUNCIL TO AUTHORIZE PAYMENT TO PCS COMPUTER FROM MOORESTOWN NJ THE AMOUNT OF \$20,125.23 FOR THE MOVING AND INSTALLATION OF ALL COMPUTER EQUIPMENT FOR THE POLICE STATION (FUNDS HAVE BEEN CERTIFIED)

R1-24;2015, AUTHORIZATION TO APPROVE CHANGE ORDER # 1 FOR TRICOMM SERVICES CORP OF MOORESTOWN NJ IN THE AMOUNT OF \$774.86 FOR THE RUNNING OF CONDUIT AND DATA WIRE IN THE POLICE STATION (FUNDS CERTIFIED BY THE CFO)

R1-25;2015, APPROVAL FROM COUNCIL PER RECOMMENDATION FROM PENNONI ASSOCIATES TO RELEASE THE PERFORMANCE BOND FOR VIRTUA HEALTH SYSTEM DATING BACK TO 2007 IN THE AMOUNT OF \$46,849.50 AND TO ALSO WAIVE ANY MAINTENANCE BOND AND THEIR LATEST INSPECTION REVEALED NO SIGNIFICANT MAINTENANCE ISSUES ALL SUBJECT TO ALL OUTSTANDING CHARGES AGAINST THE ESCROW ACCOUNT.

R1-26;2015, AUTHORIZATION FROM COUNCIL PER RECOMMENDATION FROM PENNONI TO REDUCE THE PERFORMANCE BOND FOR GATE OF HEAVEN CEMETERY FROM \$2,103,020.28 REDUCING IT BY \$1,502,181.00 MAKING THE NEW AMOUNT \$600,839.28 DUE TO THE LATEST FIELD INSPECTION FINDING ALL BONDED IMPROVEMENTS HAVE BEEN COMPLETED BUT SUBJECT TO PAYMENT OF ANY AND ALL OUTSTANDING CHARGES AGAINST THE ESCROW ACCOUNT.

R1-27; 2015, AUTHORIZING THE REFUND OF SECURITY DEPOSITS TOTALING \$320.80 FOR HYDRANT METER RENTAL BY R. E. PIERSON CONSTRUCTION.

R1-28;2015, AUTHORIZATION TO REFUND DEVELOPER ESCROW BALANCE FOR THE FOLLOWING,

BLOCK1306, LOT 10 IN THE AMOUNT OF \$666.00
BOCK 1306, LOT 3.05 IN THE AMOUNT OF \$225.00
BLOCK 2501, LOT 7 IN THE AMOUNT OF \$400.00 AND
BLOCK 706, LOT 26 IN THE AMOUNT OF \$339.00

R1-29, 2015 AUTHORIZATION FOR THE REFUND OF DEVELOPER'S ESCROW BALANCE FOR BLOCK 307, LOTS 7 & 9 IN THE AMOUNT OF \$1,115.70.

R1-30;2015, AUTHORIZATION TO APPOINT THE FOLLOWING TO THE ECONOMIC RE-DEVELOPMENT FOR THE BOROUGH OF BERLIN EFFECTIVE JANUARY 1, 2015;

MIKE LATIGONA	(TAKING THE PLACE OF RICK MILLER)	3 YEAR
CASEY BUCHNNAN	(FILLING UNEXPIRED TERM OF NICK GUERERE)	
ROBERT FOSTER	(IN PLACE OF JIM BILELLA, FILLING THE UNEXPIRED TERM OF RICK MILLER)	
ROGER STRONG		3 YEAR
CAROLE VITIELLO	ALTERNATE # 1	1 YEAR
PATRICIA CUMMINGS	ALTERNATE # 2	1 YEAR
STEPHANIE HASBROOK	ALTERNATE # 3	1 YEAR

R1-31;2015, AUTHORIZATION TO ENTER INTO THE GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2014 – JUNE 2019 WITH THE BOROUGH OF GIBBSBORO, AND VOORHEES TOWNSHIP FOR A CASH MANAGEMENT FOR BERLIN OF \$9,397.50.

R1-32; 2015, A RESOLUTION APPOINTING TAX ASSESSOR TERRY STAGLIANO TO REPRESENT THE BOROUGH OF BERLIN FOR TAX APPEALS.

R1-33;2015, AUHTORIZATION FOR THE CANCELLATION OF TAXES IN THE AMOUNT OF \$2,676.55 FOR BLOCK 1902 LOT 3 DUE TO THE APPROVAL OF A TOTALLY DISABLED VETERAN.

R1-34;2015, A RESOLUTION OF PARTICIPATION WITH THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE FOR THE SAFE AND SECURE COMMUNITIES PROGRAM FUNDING OF \$60,000.

R1-35;2015, AUHTORIZATION TO APPOINT CRAIG FALLSTICK AS ZONING OFFICIAL FOR THE BOROUGH OF BERLIN EFFECTIVE JANUARY 1, 2015 FOR A 60 DAY PERIOD.

Motion to adopt Resolutions R1-23 through R1-35; 2015 with the changes made to Resolution R1-30;2015 made by Councilman Pearce, seconded by Councilman Badolato.

Questions on the motions:

Councilman Bilella wanted to clarify that Resolution R1-30;2015 was read wrong. Deputy Clerk made the correction and re-read the resolution as it should be. Also, Councilman Bilella said he wanted the wording for Resolution R1-35 to change and say “Authorization to Appoint Craig Fallstick as Zoning Official for the Borough of Berlin Effective January 1, 2015 through March 15, 2015” rather than say a 60 day period.

Councilman Knight doesn't understand why the appointment of Craig Fallstick is temporary. At the re-org meeting Craig's appointment was tabled and since then there has been a subsequent meeting that Councilman Knight was not involved in.

Councilman Bilella said that a few members met with Craig to discuss the role of Zoning Official for the Borough of Berlin. There are a couple of council members who want to see his performance and then make further decision due to the fact that he was not providing reports to council of attending meetings on a regular basis in the past. The appointment effective January 1 to March 15 allows Craig to demonstrate his abilities to the governing body.

Councilman Knight said that if there is a special meeting concerning employment all council members should be included. He said in the future we should take into consideration all of council's input.

Councilman Bilella said in this case, council to vote to extend the appointment, have a closed session meeting to discuss and give notice Craig Fallstick. Mayor Armano agreed that the proper procedure is to have a closed session meeting.

Solicitor Howard Long said that there is a resolution on the agenda in regard to this and it can either be approved or denied. There should not be any more discussion at this time.

Motion to approve resolutions with corrections made to Resolution R1-30;2015 was previously taken and there was a second;

All members present voted in favor with the exception of Councilman Knight who voted no on Resolution R1-35;2015 only.

PAYMENT OF THE BILLS FOR THE MONTH OF DECEMBER 2014 AND SOME OF JANUARY 2015 IN THE AMOUNT OF \$2,473,067.25

Motion to approve made by Council President Kupchik, seconded by Councilman Bilella. All members present were in favor.

Solicitor Howard Long will prepare an agreement for execution between the Borough of Berlin and the Library and the resolution will read as follows:

R1-36;2015 "A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF BERLIN AND THE MARIE FLECHE LIBRARY BOARD OF TRUSTEES FOR THE PURPOSE OF ASSISTING THE TRUSTEES FOR THE PAYMENT OF PAYROLL OBLIGATIONS FOR THE FIRST QUARTER OF 2015"

Motion made by Councilman Bilella, seconded by Councilman Badolato. Under a roll call vote all members present were in favor.

PRIVILEGE OF FLOOR:

George Finley – 1 Mason Drive – First Mr. Finley asked that there be an opaque covering over the window in the meeting room next time. Second, he asked the Mayor about the name of the business in town that was mentioned earlier. Mayor Armano let Mr. Finley know that he cannot disclose that information.

John McCall – 11 Moss Avenue - Mr. McCall, an alternate member of the Planning Board said thank you for re-instating Craig as he does an outstanding job and if he is not re-appointed the council would be doing a huge disservice to the town.

Jack Gangluff- 77 Gardens Avenue - Mr. Gangluff said that there is no one finer for the position of Zoning Official than Craig Fallstick. Craig is giving you more than what he's getting paid for. Secondly, for the last two months he has heard rumors that the Planning Board is not business friendly and that is not true. He would like a commitment from every council member to attend at least one Planning Board Meeting a year. If there is an issue with the Planning Board please reach out to him rather than talk about it with someone else.

Joe Adolf – 8 Laurel Hill Court – Mr. Adolf said this is the first time that he has heard that the Planning Board is business unfriendly. He has spent a lot of time with the Planning Board, has talked to other towns and Berlin has a reputation in south jersey for being friendly with businesses.

Mike Latigona – 48 East Taunton Avenue – Mr. Latigona thanked Mayor and Council, Councilman Bilella and Councilman Miller (who was not present) for the opportunity to be a part of the Economic Re-Development Committee. He would also like to say to the Chair (Mr. Straubb) that he is going to do the very best he can and you will find that he has a lot of experience. As far as the Zoning Board goes, they have been very helpful especially with his business that he has in town. The Zoning Board is responsive; they listen and certainly should be commended. Also, he would like to commend Charleen because through his seven years here if he has had an issue he has come to the clerk's office and it has been resolved in a timely manner. Mr. Latigona has lived in other towns such as Voorhees and Marlton and he ran for Governor of NJ; has spoken to a lot of people and by far Berlin is the friendliest town with the friendliest Zoning Board.

Millard Wilkinson – 9 Tavistock Drive – Millard would like to thank on the behalf of the Board of The Library Trustees Mayor and Council for approving the resolution in regard to the Library. Moving forward he is looking forward to the board having a very workable relationship with the Mayor and Council because he thinks it works to the benefit of everyone in town including the patrons. He would like to continue to build on the good reputation that already exists. Second, in regard to Park Drive, the county has been derelict to their duties with the park in town. Millard made a suggestion relative to Emergency Management; cabinet that has portable computers in it for when the power goes out that would be useful for the police department, etc.

Nick Maccaroni – 67 Gardens Avenue – Mr. Maccaroni said that we have four police squads in the town and there's supposed to be four officers on each. At the present time, we are down two sergeants and there is a squad that is running sometimes just the two. His concern is not only for those officers, but for the people of Berlin given the heightened security throughout the country and the world. Council did approve moving another sergeant up to make sure that we don't get those squads under three; for the safety of those officers you cannot patrol the town of Berlin with two officers. We have those officers on the squad less than ten years and they need supervision. He thinks we need to get a plan in place to make sure that we are protecting the people of the town and those officers.

Richard Crain – 113 Estaugh Avenue – Mr. Crain said that he has known Craig Fallstick for a long time and he thinks that this whole incident with his appointment has been disgraceful. The way that the resolution was worded was completely insulting. He does an honorable job and does what council wants; he enforces the rules and if you don't like the rules, then change the rules.

Craig Fallstick – 15 Leroy Avenue – Craig thanked everyone for their support. In the meeting with council it was discussed that there is an obvious goal of enforcement; the bottom line is safety and to be in compliance and that is what he will continue to do until March. He will do what is required of him to do; expect no more, expect no less. If council is not appreciative of that, then we can move on to different times of our lives. As for the certifications that he has obtained through Rutgers for enforcement as well as the zoning administration it was greatly supported by Mr. Gangluff, the board, Debbie Simone and council because you allowed him to go under the borough's expense. There is not any favoritism; there is an even keel all across. He spent about three hours today with property maintenance so that both angles can be seen and he does that about every two weeks. There have been concerns about some of the meetings that he does not attend, but unfortunately he works at night and took off tonight to be here. If he has to take another night off to speak with council in a closed session he will do so. He enjoys what he does for the borough; he's been here in town for 40 years and has been a member of many different organizations in the town. If council or any resident has a question or concern please contact him. He is willing and open.

CLOSED SESSION:

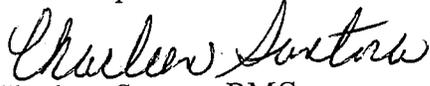
Motion made by Councilman Bilella to go into closed session to discuss a personnel issue, police negotiations and to discuss the public defender bids received, seconded by Councilman Knight. All members present were in favor.

Motion to come out of closed session made by Councilman Pearce, seconded by Councilman Knight. All members present were in favor.

Motion to appoint Kimberly Garrigues, Esq as the Public Defender for the Borough of Berlin Year 2015 with a salary cap of \$7,000.00 made by Councilman Bilella, seconded by Councilman Pearce. All members present were in favor.

Next caucus meeting will be held on Tuesday, February 3, 2015 at 7 pm in the Community Center on Franklin Avenue

Motion to adjourn made by Councilman Knight, seconded by Councilman Pearce. All members present were in favor.



Charleen Santora, RMC
Borough Clerk