

SPECIAL MEETING

SPECIAL MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL SEPTEMBER 4, 2012 AT 5:30 P.M.

Mayor Magazzu opened the meeting and stated that pursuant to the requirements of the Open Public Meetings Law, notice of this meeting was advertised in the Courier Post, Record Breeze and posted on the bulletin board.

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Council President Morris, Councilman Epifanio, Councilman McIntosh, Councilwoman Bodanza, Mayor Magazzu

Also Present- Solicitor, Stuart Platt, Lieutenant Lenny Check, CFO, Lori Campisano

Absent-

RESOLUTION 2012-152 RESOLUTION TO INTRODUCE THE 2012 TRANSITION YEAR (7/1/12 – 12/31/12) BUDGET.

BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, New Jersey, that the transition year budget shall constitute appropriations for the purpose stated herein set forth as appropriations and authorization of the amount of \$2,912,058.98 for the local tax to be raised by taxation for Municipal Purposes and \$70,093.00 for the local tax to be raised by taxation for Municipal Open Space, Recreation, Farmland and Historic Preservation and certification to the County Board of Taxation; and

BE IT FURTHER RESOLVED that said transition year budget be published in the Courier Post Newspaper in the issue of September 20, 2012. The Governing Body of the Township of Berlin does hereby approve the following Budget for the 2012 Transition Year (7/1/12 – 12/31/12). Notice is hereby given that the Transition Year Budget and Tax Resolution was approved by the Township Council of the Township of Berlin, County of Camden on September 4, 2012. A hearing on the budget and tax resolution will be held at the Berlin Township Municipal Hall – A Shared Services Center, 135 Route 73 South, West Berlin, NJ 08091 on October 2, 2012 at 5:30 p.m.; at time and place objections to said

budget and tax resolution for the 2012 transition year (7/1/12 – 12/31/12) may be presented by taxpayers or other interested persons.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-152. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-153 RESOLUTION APPROVING AND RATIFYING SUSPENSION.

WHEREAS, Joseph Jackson is the Chief of Police of Berlin Township (“Township”) and holds other positions with the Township as well, such as Emergency Management Coordinator; and

WHEREAS, as result of allegations made by two female employees, Chief Jackson is under criminal investigation by the Camden County Prosecutor’s office; and

WHEREAS, due to his demeanor as observed by certain Township employees, Chief Jackson’s abilities to carry out his duties as head of the Berlin Township Police Department has been called into question; and

WHEREAS, after convening an emergency meeting, the Governing Body, in its capacity as the Appropriate Authority, has determined that it is in the best interests of the public, the Township employees and Chief Jackson that he be suspended with pay from his position as Chief of Police, Emergency Management Coordinator, and any and all other positions/titles held by him; and

WHEREAS, police officers may be suspended pending a hearing pursuant to N.J.S.A. 40A:14-149;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berlin and in cooperation with the Camden County Prosecutor office, that for the reasons set forth in the attached Notice of Suspension and Hearing, the terms and conditions of which are incorporated by reference as though set forth at length herein, Chief Jackson is hereby suspended from his duties as Chief of Police and other positions including Emergency Management Coordinator until further notice.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2012-153. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-154 RESOLUTION APPOINTING ACTING CHIEF OF POLICE.

WHEREAS, effective August 27, 2012, Joseph Jackson was suspended from his position as Chief of Police of Berlin Township (“Township”); and

WHEREAS, as a result of Chief Jackson’s suspension, there is a need to appoint an Acting Chief of Police to discharge temporarily the duties of chief; and

WHEREAS, Lieutenant Leonard Check is the next highest ranking police officer in the Township; and

WHEREAS, during his tenure as a Township police officer, Lieutenant Check has received numerous letters of commendation, as well as several letters of recognition/appreciation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berlin that it hereby temporarily appoints Lieutenant Leonard Check to the position of Acting Chief of Police, effective August 27, 2012, until such time as Chief Jackson resumes his duties and/or a successor is appointed; and

BE IT FURTHER RESOLVED that said appointment is temporary only, such that no rights attendant to permanent appointments shall attach or inure to the benefit of Lieutenant Check.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-154. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-155 RESOLUTION PROVIDING FOR APPOINTMENT OF A HEARING OFFICER.

WHEREAS, pursuant to Section 22-6(E) of the Code of the Township of Berlin (“Township”), an independent hearing officer may be appointed for the purpose of presiding over police disciplinary matters; and

WHEREAS, there exists a need to appoint a Hearing Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berlin that Michael R. Mignogna, Esquire of MATTLEMAN, WEINROTH & MILLER, P.C., 401 Route 70 East, Cherry Hill, New Jersey 08034 is hereby appointed as Hearing Officer for the Township; and

BE IT FURTHER RESOLVED THAT this contract is awarded pursuant to a non-fair and open process as provided for under the Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

BE IT FURTHER RESOLVED THAT the Mayor and Municipal Clerk are hereby authorized and directed to execute an Agreement with Michael R. Mignogna, Esquire to serve as Hearing Officer for the Township at the rate of \$110.00 per hour.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-155. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-156 RESOLUTION APPOINTING ACTING EMERGENCY MANAGEMENT COORDINATOR.

WHEREAS, effective August 27, 2012, the Township's Emergency Management Coordinator, Joseph Jackson, was suspended; and

WHEREAS, as a result of the aforesaid suspension, there is a need to appoint an Acting Emergency Management Coordinator for the Township; and

WHEREAS, John McGee has the experience and training necessary to temporarily fill the position of Emergency Management Coordinator; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berlin that it hereby temporarily appoints John McGee to the position of Acting Emergency Management Coordinator, effective August 27, 2012, until such time as Joseph Jackson resumes his duties and/or a successor is appointed; and

BE IT FURTHER RESOLVED that said appointment is temporary only, such that no rights attendant to permanent appointments shall attach or inure to the benefit of John McGee.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-156. Resolution adopted by call of the roll, five members present voting in the affirmative.

Public Portion

Motion by Council President, second by Councilwoman Bodanza to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public.

Mr. Tentarelli, Harrison Avenue asked when do the resolution become active.

Stuart Platt replied tonight.

Mr. Tentarelli asked if anymore information will be coming out beside what was in the paper.

Mayor Magazzu replied that it is an on going investigation and when the investigation is complete then we will have more information.

Mr. Tentarelli asked where does the Township stand right now with the County Wide Police force.

Mayor Magazzu stated that we are not interested in it.

Motion by Council President, second by Councilwoman Bodanza to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public.

Acting Police Chief Check stated to Mayor and Council as to what has been reported in the media. Acting Chief Check said it is not a reflection on the men in the police department. The Officers did not miss a beat and continue to provide professional service to the residents of Berlin Township.

Councilman McIntosh thanked Chief Financial Officer, Lori Campisano for all of her work on the budget and for all her detail explanation on the budget so that the council could understand.

Adjourn

Motion by Council President Morris, second by Councilman McIntosh to adjourn the meeting at 5:39 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 5:39 pm

Catherine Underwood, Township Clerk