

JANUARY 14, 2008

THE BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD IN THE CONFERENCE ROOM OF THE SCHOOL BOARD ADMINISTRATIVE BUILDING, 225 GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY, JANUARY 14, 2008 AT 6:30 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 Record Breeze and posted on the bulletin board.

All in attendance joined in the Salute to the Flag

ROLL CALL: Present- Councilman McIntosh, Councilman Morris, Council President DiGangi, Mayor Magazzu

Also Present- Mike McGee, Public Works Supervisor; Lori Campisano, CFO; Engineer, Charles Riebel, Jr.; Solicitor, Donafaye Zoll; Michael Hayden, Police Chief; Michael Laginestra, Property Maintenance/Zoning Officer

Absent - Councilman Batten on Vacation

GOOD AND WELFARE #1

Motion by Councilman Morris, second by Council President DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in the affirmative. Mayor Magazzu opened the meeting to the public for comments.

Laura Breinig of 16 Fairfax Avenue said she has been having problems with an odor in her home and outside the home. The odor seems to be a sewer gas leak. She just wanted it to go on record that she has been working on this problem with Mike McGee from the Public Works Department, Charles Riebel the Township Engineer and the building inspector, Mike DePalma. Mike McGee has been doing a good job in trying to help me. He has also contacted Filomena Restaurant on Cross Keys Road to make sure they are doing what they are required to do as far as waste. It was suggested that I have fogging done to find out where the problem is in the house. I think that the State should be called if we can't find the problem and get it fixed.

Motion by Councilman Morris, second by Councilman McIntosh to close the meeting to the public. Motion carried by voice vote, all present voting in the affirmative. Mayor Magazzu closed the meeting to the public.

PUBLIC HEARING ON AMENDMENTS TO SFY 2008 BUDGET

Motion by Councilman Morris, second by Council President DiGangi to open the meeting to the public.

Motion carried by voice vote, all present voting in the affirmative.

There were no comments to be heard.

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Motion by Council President DiGangi, second by Councilman Morris to close the meeting to the public. Motion carried by voice vote, all present voting in the affirmative.

RESOLUTION 2008:53 RESOLUTION TO FINALLY ADOPT THE SFY 2008 BUDGET

BE IT RESOLVED, by the Mayor and Township Council of the Township of Berlin, County of Camden that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes states of the sums therein set forth as appropriations, and authorization of the amount of:

- a) \$3,771,679.37 (Item 2 below) for municipal purposes, and
- d) \$135,816.00 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

1. General Revenues		
Surplus Anticipated	08-100	\$ 650,000.00
Miscellaneous Revenues Anticipated	13-099	2,912,373.59
2. Amount Raised by Taxation for Municipal Purposes (Item 6(a), Sheet 11)	07-190	3,771,679.37
Total Revenues	13-299	\$7,334,052.96
5. General Appropriations:		
Within öCAPSö		
(a & b) Operations Including Contingent	34-201	\$5,318,611.00
(e) Deferred Charges and Statutory Exp	34-209	231,399.71
Excluded from öCAPSö		
(a) Operations ó Total Operations Excluded	34-305	617,723.31
(c) Capital Improvements	44-999	180,000.00
(d) Municipal Debt Service	45-999	872,000.00
(e) Deferred Charges ó Municipal	46-999	50,000.00
(m) RESERVE for Uncollected Taxes	50-899	64,318.94
Total Appropriations	34-499	\$7,334,052.96

Motion by Councilman Morris, second by Council President DiGangi to adopt Resolution 2008-53.

Resolution adopted by call of the roll, four members present voting in the affirmative.

DEPARTMENTAL REPORTS

ENGINEER'S REPORT

A. <u>CHANGE ORDER(S) AND/OR VOUCHER(S)</u>
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- **Cushman Avenue:** We expect to submit Change Order No. 1 and Voucher No. 2 for consideration and approval by the Governing Body at the Council Meeting on January 14, 2008.
- **Grove Avenue:** We expect to submit Voucher No. 2 for consideration and approval by the Governing Body at the Council Meeting on January 14, 2008.

B. ENGINEER'S REPORT

1. 2007 CAPITAL IMPROVEMENTS PROGRAM (KEI #458BT0506):

- a. Krisanna Construction Contract – Veteran's Avenue (N.J.D.O.T. Funding) and Minck Avenue:** The contractor has completed the majority of the projects. We have taken elevations and issued grade sheets for the corrective work to be performed at the intersection of Veteran's Avenue with Thurman and Cleveland Avenues.

We will be issuing the punch list in the near future.

We have requested the testing company to perform asphalt cores tests for Veteran's Avenue, as required by the New Jersey Department of Transportation.

- b. American Asphalt Company, Inc. – Cushman Avenue (C.D.B.G.Funded) and Grove Avenue:**

Cushman Avenue: The contractor has completed construction.

We expect to submit Change Order No. 1 and Voucher No. 2 for consideration and approval by the Governing Body at the Council Meeting on January 14, 2008.

Grove Avenue: The contractor has completed the construction and the roadway has been opened. We have informed the contractor of the ponding areas in the pavement and the unacceptable topsoil.

We will be issuing a punch list, for both streets, in the near future.

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We expect to submit Voucher No. 2 for consideration and approval by the Governing Body at the Council Meeting on January 14, 2008.

2. N.J.D.O.T. FY2008 MUNICIPAL AID APPLICATION:

The New Jersey Department of Transportation has informed Mayor Magazzu that they have allotted \$150,000.00 for the construction of concrete sidewalk along N.J.S.H. Route 73, northbound (Jackson Road to Edgewood Avenue). The estimated construction cost is \$289,000.00 and estimated construction, engineering and inspection cost is \$381,000.00.

It will be necessary to obtain approval from The Pinelands Commission for said construction. The matters of wetlands, in some areas, must also be addressed with The Pinelands Commission. It will also be necessary to obtain the approval from the New Jersey Department of Transportation, to permit the construction within their right-of-way.

If the Governing Body decides to proceed with the project, we will contact the design engineer for the Route 73 project to see if their approval from the New Jersey Department of Transportation and Pinelands Commission included the construction of the sidewalk. If the sidewalk was approved by those agencies, we will discuss the use of the previous approvals with those governing agencies.

The New Jersey Department of Transportation did not fund the following applications:

Priority 1: Improvements to McClellan Avenue
Haddon Avenue to Pine Avenue
\$374,615.00

Priority 2: Improvements to Larch Avenue
Chesilhurst Avenue to Cushman Avenue
\$130,000.00

Priority 4: Traffic Signal and Geometric Improvements
At the Intersection of Cooper Road and Taunton
Avenue \$691,940.00

We will contact the New Jersey Department of Transportation Local Aid Office to obtain the reasons for not funding those projects.

If the Governing Body desires, application(s) could be submitted for the unfunded portion of Route 73 and the other projects.

3. **HADDON AVENUE STREETScape IMPROVEMENTS (KEI #430BT1104 and #431BT1104):**

- a. **Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$200,000.00) (KEI #431BT0105):** Asphalt Paving Systems has completed the project with the exception of punch list items requiring rework and/or correction. We have, again, advised the contractor of the items requiring rework and/or correction. We anticipate this corrective work being completed this month, weather permitting.

Upon completion of the project and final payment, we will assist Ms. Campisano with the reimbursement from the New Jersey Department of Transportation.

- b. **Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (KEI #29-430BT1104):** The N.J.D.O.T., Office of Local Aid recently advised our office that the Earmark Funds are available for authorization from the F.H.W.A. We attended a workshop meeting with the Department, on December 17, 2007, to review the Earmark Funding Process. We have attached a copy of the meeting minutes.

The Department of Transportation anticipates scheduling the kick-off meeting this month. We are currently preparing a Funding/Construction Cost Analysis for review and consideration by the Governing Body.

4. **N.J.D.O.T. MATTERS:**

- a. **Request for Traffic Signal at N.J.S.H. Route 73 and D'Angelo Drive:**

I believe that a meeting with the New Jersey Department of Transportation is being scheduled with the Township Officials.

- b. **Request to N.J.D.O.T. for Payment of Additional Inspection Costs for Sanitary Sewer Work:** It is our understanding that the New

Jersey Department of Transportation has agreed to reimburse the Township for the additional inspection costs, to date, in the amount of \$32,000.00.

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- c. **Sidewalk along Northbound N.J.S.H. Route 73 – Cushman Avenue to Jackson Road:** See Item No. 2 of this report.

5. **REQUEST FOR COUNTY ASSISTANCE FOR IMPROVEMENTS ALONG COUNTY ROADS:**

As requested by Mayor Magazzu, I contacted Freeholder Greco's Office to request for the scheduling of a meeting with the Freeholder. The meeting has been scheduled for January 29, 2008 at 4:30 pm.

I have submitted the following listing of projects, requesting the assistance of the Freeholders:

- a. Traffic signal and geometric improvements at the intersection of Cooper Road and Taunton Avenue.
- b. Traffic signal and geometric improvements at the intersection of Franklin Avenue and Clifton Avenue/Egg Harbor Road.
- c. Traffic signal and geometric improvements for the reconfiguration of the intersection of Haddon/Walker Avenues and Bate/Veteran's Avenues for the town center.
- d. Creation of four lanes of traffic along portions of Haddon Avenue.
- e. Coordination of traffic signals along Haddon Avenue.
- f. Additional upgrades for stormwater management for the southwestern portion of the Township.
- g. Extension of Lafayette Avenue to Egg Harbor Road.
- h. Construction of sidewalks along Haddon and Franklin Avenues (in fill).
- i. Traffic calming measures along Franklin Avenue.
- j. Vehicle Wash Facility.

6. **IMPROVEMENTS TO THE INTERSECTION OF HADDON AND FRANKLIN AVENUES:**

Mr. Kelly, County Engineer has informed me that their consultant would like to meet with the Township Officials, in January, to discuss their latest report. They would like to meet at the County Complex in Lindenwold. I request that the interested Township Officials inform me of their availability. I will, then, pass this information to Mr. Kelly, for the scheduling meeting.

7. **INTERSECTION OF COOPER ROAD AND TAUNTON AVENUE (KEI #393BT0203):**

We have submitted the cost estimate for the improvements, in the amount of \$847,189.00, to the County Engineer for the, hopeful, funding by the Freeholders in 2008. We will be discussing the funding of this project, by the Freeholders, at the meeting with Freeholder Greco.

We are coordinating the construction of the roadway improvements along the proposed self-storage parcels with the design engineer.

We are completing the construction plans and specifications.

8. **AMENDMENTS TO THE STORMWATER MANAGEMENT ORDINANCE:**

We have received a copy of the correspondence from The Pinelands Commission to Ms. Zoll, dated December 20, 2007. The Pinelands Commission has granted the extension of the adoption of the ordinance to February 29, 2008. The Commission is also requiring that the Planning Board adopt a resolution for the amended Stormwater Management Plan (and, I believe the Stormwater Control Ordinance). I have contacted Ms. McCauley and requested that the public hearing and, hopeful, adoption, be held at the Planning Board Meeting on January 15, 2008.

9. **REQUEST FOR ADDITIONAL SANITARY SEWER ALLOCATION (KEI #467BT0407):**

I have contacted Mr. Kricun from the C.C.M.U.A., requesting an update on his discussions with the N.J.D.E.P. He has informed me that he has been waiting for a written response, from the N.J.D.E.P., since October, 2007. He believes that the N.J.D.E.P. will approve the increase in the allocation to 225,000 and, which was the request

made many years ago. It does not include the recent request, which was made to increase it to 1.6 million gallons per day.

10. CAMDEN COUNTY OPEN SPACE, ROUND 9:

I mentioned, last month, that the County is accepting applications for the next round of funding. We have heard that they will be increasing the limit of the grant from \$25,000.00 to \$50,000.00. I had mentioned that the Governing Body discussed, in the past, the irrigation of the multi-purpose field at the Robert T. Clyde Memorial Park. The Governing Body has requested that a listing of potential projects, which are eligible for these funds, be submitted to them for their review and consideration.

11. MONTEBELLO AGE RESTRICTED DEVELOPMENT

Under the initial submission for street lighting, by Atlantic Electric Company, I had recommended several additional street lights. Even though, the electric company was unable to install these additional lights, at that time, they submitted a supplement request for the additional lights. I recommend that the Township authorize the installation of these additional lights.

The developer is responsible for the installation of the street lights and the operation until certificates of occupancy are issued for 50 percent of the homes in that section.

12. EXPANSION OF WAL*MART:

No update to report.

13. IMPROVEMENTS TO KELLEY DRIVE STORMWATER BASIN (KEI #64BT3187):

We are, currently, determining the lots, which drain to the basin and the respective proportion of the contributing stormwater runoff.

14. CAPITAL IMPROVEMENT PROGRAM:

The following projects have been discussed for improvements:

- a. McClellan Avenue (N.J.D.O.T. application – not funded)
- b. The streets within the East Berlin Section (multi-year project)
- c. Clarence Avenue – Haddon Avenue to Veterans Avenue including the reconstruction of the intersections at First and Second Avenue
- d. Intersection of Warren and Lucas Avenue
- e. Intersection of Patton and Warren Avenues

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- f. Briarwood Road – Peppermill Road to Centaurian Drive
- g. Storm drainage at the end of Pine Avenue to the storm drainage at Heights and Atlantic Avenues

We recommend that the Governing Body consider these projects for 2008 and authorize our office to perform the engineering and prepare the bid documents so that bids can be received early in the year.

15. MEETING WITH BERLIN BOROUGH PLANNING BOARD:

The Planning Board Reorganization Meeting is January 14, 2008. I will contact the Planning Board Secretary, after that meeting, to discuss the possibility of scheduling a meeting.

16. REQUEST FOR BOND RELEASE FOR TRI-BOROUGH SAND AND STONE:

Ms. Trout has provided me with a copy of the bond, which was posted in December, 2007.

17. PINELANDS MAINTENANCE AGREEMENT WITH CURRENT DEVELOPERS:

As discussed in November, 2007, I will notify the developers, which have posted cash guarantees to provide them with the opportunity to develop agreements, in lieu of the posted cash. The agreements must be approved by The Pinelands Commission, before the cash guaranty is released

18. COUNCIL ON AFFORDABLE HOUSING, PROPOSED ROUND 3 REGULATION:

On December 17, 2007, COAH issued the revised third round regulations. The regulations will be published on January 22, 2008, with a 60 day comment period to follow. I believe that the feeling is that some type of appeal will be filed.

The new regulations include: a) extension of the period of affordable housing need from 2014 to 2018; b) the number of needed, affordable housing units is more than double the previous figure; c) one affordable housing unit will be required for every four rather than the previous eight market rate residential units; d) one affordable housing unit will be required for every 16 jobs created, rather than the previous requirement of 25 jobs. The new rates are still retroactive to January 1, 2004; e) The age restricted limitation has been reduced from 50 percent to 25 percent; f) expanded compliance options allowing municipalities to use bonus credits for special needs housing and housing in redevelopment areas; g) changing the cost for Regional Contribution Agreement (RCA's), by

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region, ranging from \$67,000.00 to \$80,000.00 from the previous \$35,000.00 (Assembly Speaker Roberts has introduced legislation to eliminate RCA's); h) increasing the developer fee contribution from 1 percent to 1.5 percent for residential development and from 2 percent to 3 percent for non-residential development.

19. PRE-DISASTER MITIGATION – COMPETITIVE GRANT:

Our office attended a meeting conducted by the County of Camden to discuss requirements of the Pre-disaster Mitigation – Competitive Grant that has been received by Camden, Gloucester, Salem and Cumberland Counties.

The grant provides funds for hazardous mitigation planning and the implementation of mitigation projects prior to a disaster event.

The purpose of the meeting was to inform all the municipalities of the importance of preparing individual hazard mitigation plans to be included in the Four County Pre-Disaster Mitigation Plan. By completing a mitigation plan, the Township will be eligible to receive funding in the future for projects that are related to flooding and stormwater repairs.

We will keep the Governing Body informed as more information develops regarding the new program.

SOLICITOR'S REPORT

1. Water Agreement with Berlin Borough
2. Increase in Sewer Allocation/Buildout Analysis ó No update.
3. Vacation of a Portion of Kelley Drive ó No update.
4. Haddon Avenue Redevelopment Plan/New Municipal Building
5. Stormwater Control Ordinance ó Extension was granted until February 28, 2008, to adopt the Ordinance and Plan
6. Kelley Drive Basin ó No update
7. Amendments to Ordinance on Business License and Registration ó Changed expiration date to September 30 of each year to conform to the actual practice of the Township.
8. Tree Removal in Right of Way Areas ó Suggest we amend Ordinance

POLICE DEPARTMENT

Mike Hayden reported that he submitted his year end reports. There was a decrease in the number of accidents for 2007. The Officers that were working on the robbery case, that took place at Burger King on Rt. 73, did a great job and three men were arrested.

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**SECOND READING AND PUBLIC HEARING ORDINANCE 2007-27 AN
ORDINANCE FIXING AND DETERMINING SALARY RANGES FOR THE
OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF
CAMDEN**

BE IT ORDAINED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey as follows:

SECTION 1: That the following named officers and employees of the Township of Berlin, Camden County, New Jersey shall be paid within the following salary ranges for the calendar year 2008 as follows:

POSITIONSALARY RANGE.....	
	FROM	TO
Mayor	\$ 10,000.00	\$ 15,000.00
President of Council	8,000.00	13,000.00
Councilpersons	6,000.00	11,000.00
Office Manager	15,000.00	20,000.00
Chief Financial Officer	63,000.00	68,000.00
Township Clerk	5,000.00	10,000.00
Deputy Township Clerk	32,000.00	37,000.00
Deputy Township Clerk ó Additional	3,000.00	8,000.00
Assistant Township Clerk	26,000.00	31,000.00
Tax Assessor	20,000.00	25,000.00
Tax Collector	50,000.00	55,000.00
Sewer Clerk	3,000.00	8,000.00
Tax/Sewer Clerk	25,000.00	30,000.00
Finance Clerk	33,000.00	38,000.00
Municipal Judge	18,000.00	23,000.00
Municipal Court Administrator	46,000.00	51,000.00
Deputy Court Administrator	29,000.00	34,000.00
Court Recording Operator	0.00	74.00 per court
Prosecutor	11,000.00	16,000.00
Clerk Typist/Part Time	10.10 per hour	13.00 per hour
Student Clerk Typist	0.00	Minimum Wage
Fire Sub Code Official	6,000.00	11,000.00
Const. Code Official/Building Inspector	20,000.00	25,000.00
Plumbing Inspector	9,000.00	14,000.00
Electrical Sub Code Official/ Electrical Inspector	9,000.00	14,000.00
Administrative Secretary, Land Use	40,000.00	45,000.00
Sewer Department Standby	0.00	200.00 per month
Crossing Guards	0.00	10.64 per hour
Secretary to Director of Public Works	42,000.00	47,000.00
Property Maint/Board of Health Zoning Officer	40,000.00	45,000.00
Librarian	13,000.00	18,000.00
Emergency Management Coord.	2,000.00	7,000.00

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Grants Coordinator	18,000.00	23,000.00
Bus Driver	0.00	15.43 per hour
Construction Mechanic	0.00	15.00 per hour
Building Custodian	0.00	12.48 per hour
Chief of Police	97,000.00	102,000.00
Lieutenants of Police	79,000.00	84,000.00
Sergeants of Police	75,000.00	80,000.00
Patrolmen:		
Date of Hire	42,000.00	47,000.00
Beginning of 2 nd year	48,000.00	53,000.00
Beginning of 3 rd year	53,000.00	58,000.00
Beginning of 4 th year	59,000.00	64,000.00
Beginning of 5 th year	64,000.00	69,000.00
Beginning of 6 th year	72,000.00	77,000.00
Clerk Typist, Police Department	36,000.00	41,000.00
Secretary, Police Department	41,000.00	46,000.00
Director of Public Works	80,000.00	85,000.00
Deputy Director of Public Works	48,000.00	53,000.00
Employees of Public Works Department	14.00 per hour	22.77 per hour
Temporary Public Works Employees	0.00 per hour	12.00 per hour

Motion by Council President DiGangi, second by Councilman McIntosh 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 for questions or comments on Ordinance 2007-27. There were no requests to be heard. Motion by Council President DiGangi, second by Councilman McIntosh to close the meeting to the public. Motion carried by voice call vote, all present voting in favor. Motion by Council President DiGangi, second by Councilman McIntosh to adopt Ordinance 2007-27. Ordinance adopted by call of the roll, three members present voting in the affirmative.

**FIRST READING ORDINANCE 2008-1 AN ORDINANCE AMENDING
CHAPTER 79 OF THE CODE OF THE TOWNSHIP OF BERLIN TITLED
“LICENSED OCCUPATIONS”, SECTION 79-9 “TERMINATION OF LICENSE”**

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Ordinance 2008-1 on first reading by title. Ordinance adopted by call of the roll, three members present voting in the affirmative.

**FIRST READING ORDINANCE 2008-2 AN ORDINANCE AMENDING
CHAPTER 79A OF THE CODE OF THE TOWNSHIP OF BERLIN TITLED
“REGISTRATION OF BUSINESSES”, SECTION 79A-5 “EXPIRATION OF
REGISTRATION STATEMENTS”**

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Ordinance 2008-2 on first reading by title. Ordinance adopted by call of the roll, three members present voting in the affirmative.

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FIRST READING ORDINANCE 2008-3 AN ORDINANCE AMENDING CHAPTER 77 OF THE CODE OF THE TOWNSHIP OF BERLIN CAPTIONED "LAND USE AND DEVELOPMENT" AND ADOPTING A NEW STORMWATER CONTROL ORDINANCE

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Ordinance 2008-3 on first reading by title. Ordinance adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2008:54 RESOLUTION AUTHORIZING EXTENSION OF CONTRACT FOR THE PURCHASES OF OFFICE SUPPLIES WITH OFFICE BASICS AS PART OF THE CAMDEN COUNTY COOPERATIVE PRICING SYSTEM

WHEREAS, by resolution adopted on March 27, 2006, the Mayor and Council of the Township of Berlin agreed to take part in the Camden County Cooperative Pricing System and award a contract to Office Basics at a cost of 74 % off catalog prices specified in County Bid A-57 , for a term of two years; and

WHEREAS, the bid provided for a two one year options, said options to be utilized at the sole discretion of the County; and

WHEREAS, because the Camden County Board of Chosen Freeholders agreed to exercise the first of two one year options for a term commencing February 1, 2008 through January 31, 2009, the Township of Berlin agrees as well; and

WHEREAS, funding for this purpose shall not exceed the maximum line items for office supplies in each department line item in the Township's SFY 2008 and/or 2009 temporary and/or permanent budgets and shall be encumbered in accordance with N.J.A.C. 5:30-5.3(b)(2); and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that department heads are hereby authorized to continue purchasing office supplies pursuant to Camden County Bid A-57 from February 1, 2008 through January 31, 2009.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-54. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2008-55 RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT DUE TO SUCCESSFUL TAX APPEAL NJSA 54:49-15, BLOCK 2401, LOT 1 QFARM

WHEREAS, an appeal was submitted to the Camden County Board of Taxation for a reduction of farmland assessment on rollback taxes for 2004/2005/2006 tax years, and

WEHREAS, having a stipulated settlement which reduced the rollback taxes that were billed, and;

WHEREAS, EIL Investments, LP has requested a refund as part of the stipulated agreement, and;

WHERAS, taxes for were paid in full on the original rollback charges, and;

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WHEREAS, an overpayment has been created in the amount of \$140,000.31 and the Stipulation of Settlement requires the overpayment to be refunded, so;

THEREFORE, BE IT RESOLVED that a refund be made in the amount of One hundred, forty thousand dollars and thirty one cents (\$140,000.31) since the Court has entered judgment to:

EIL INVESTMENT, LP

C/O Pinedge Associates

230 Cooper Road

West Berlin, NJ 08091

These funds are in the General Account.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-55. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2008:56 AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT WITH THE COUNTY OF CAMDEN, OFFICE OF COMMUNITY DEVELOPMENT FOR THE "HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS"

WHEREAS, the Township of Berlin desires to apply for and obtain a grant/loan from the Camden County Office of Community Development for approximately \$100,000 for HOME funds for the Township of Berlin, County of Camden,

BE IT RESOLVED, that the Township of Berlin does hereby authorize the application for such a grant/loan; and, upon receipt of the grant/loan agreement from the U. S. Department of Housing and Urban Development, does further authorize the execution of the grant/loan agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Berlin and the County of Camden, Office of Community Development for the "Home Investment Partnerships Program Funds".

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it hereby authorizes to adopt and sign the agreement for "Home Investment Partnerships Program Funds".

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-56. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2008-57 RESOLUTION CREATING A RECORDS INFORMATION MANAGEMENT ADVISORY COMMITTEE (RIMAC) FOR THE TOWNSHIP OF BERLIN

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WHEREAS, the Township of Berlin has agreed to participate in and collaborate with the County of Camden in the performance of the implementation of Records Inventory Management ó Shared Services project, known as PARIS grant program; and

WHEREAS, the Township of Berlin has determined a need for a Records Information Management Advisory Committee (RIMAC) to meet the needs of local, county and state records management programs; and

WHEREAS, the Township of Berlin wishes to create a RIMAC for the purpose of identifying records management problems shared by numerous departments; creating a unified front for seeking records management funding and support from the governing body, and outside the scope of the PARIS program; sharing records management successes and failures, sharing of data and experience; and development of PARIS projects that have government-wide scope which would benefit the most departments within the local government.

NOW, BE IT RESOLVED, that the Records Information Management Advisory Committee of the Township of Berlin, County of Camden, State of New Jersey consist of the following:

County Government: Camden County Liaison, Director of Archives and Records Management

Municipal Government:

Mayor, Township of Berlin
Chief Financial Officer
Municipal Clerk
Deputy Municipal Clerk
Planning/Zoning Board Secretary

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, that a Records Information Management Advisory Committee be created for the Township of Berlin for the purpose set forth above

Motion by, Councilman McIntosh second by Council President DiGangi to adopt Resolution 2008-57. Resolution adopted by call of the roll, three members present voting in the affirmative.

**RESOLUTION 2008-58 RESOLUTION FOR SHARED SERVICES
AGREEMENT WITH THE COUNTY OF CAMDEN FOR THE STATE OF NEW
JERSEY DEPARTMENT OF STATE DIVISION OF ARCHIVES AND RECORDS
MANAGEMENT PARIS GRANT PROGRAM**

BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, **THAT**:

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

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WHEREAS, in the 2008-09 grant cycle, priority funding will be given to shared services projects, including those between a county and its municipalities;

WHEREAS, the **Township of Berlin** desires to collaborate 100% with the County of Camden in the performance of implementation of Records Inventory Management ó Shared Services project; and

WHEREAS, the Township of Berlin is acknowledging that the County of Camden would be both the lead agency and the applicant for such a proposal; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, that the Township of Berlin does 100% support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-58. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2008-59 RESOLUTION TO ADOPT AMENDMENT TO PERSONNEL POLICY MANUAL, SECTION 4, C, ENTITLED “EMPLOYEE BENEFITS, PAID HOLIDAYS – FULL TIME EMPLOYEES”

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that Section 4, C, titled “Paid Holidays ó Full-time Employees” be amended to include the following holidays:

- New Year’s Day
- Martin Luther King’s Birthday
- President’s Day
- Good Friday
- Easter Monday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day
- Day After Christmas

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-59. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2008-60 RESOLUTION FOR CHANGE ORDER NO. 1 FOR 2007 STREET IMPROVEMENTS PROGRAM – MINCK AVENUE

JANUARY 14, 2008

WHEREAS, it was necessary to make changes in the scope of work to be done in completing the 2007 Street Improvements Program ó **Minck Avenue**, in the Township of Berlin, Camden County, New Jersey.

WHEREAS, Change Order No. 1 was developed to itemize and authorize those changes.

WHEREAS, certification has been received by the Treasurer/Finance Director that sufficient funds have been allocated for this Change Order;

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin that Change Order No. 1 is hereby authorized and approval, is hereby granted to amend the contract amount from **\$52,542.05 to \$57,200.50**.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-60. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2008-61 RESOLUTION FOR CHANGE ORDER NO. 2 FOR 2007 STREET IMPROVEMENTS PROGRAM – VETERAN’S AVENUE

WHEREAS, it was necessary to make changes in the scope of work to be done in completing the 2007 Street Improvements Program ó **Veteran’s Avenue**, in the Township of Berlin, Camden County, New Jersey.

WHEREAS, Change Order No. 2 was developed to itemize and authorize those changes.

WHEREAS, certification has been received by the Treasurer/Finance Director that sufficient funds have been allocated for this Change Order;

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin that Change Order No. 2 is hereby authorized and approval, is hereby granted to amend the contract amount from **\$182,423.00 to \$180,244.00**.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-61. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2008-62 RESOLUTION AUTHORIZING MAYOR TO SIGN AGREEMENT WITH ANIMAL WELFARE SOCIETY OF CAMDEN COUNTY

BE IT RESOLVED, that the Mayor and Council of the Township of Berlin hereby authorizes the Mayor to execute an agreement between the Animal Welfare Society and the Township of Berlin.

BE IT FURTHER RESOLVED, that the contract expires on December 31, 2008, and the contract amount is \$440.00 monthly.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-62. Resolution adopted by call of the roll, three members present voting in the affirmative.

JANUARY 14, 2008

RESOLUTION 2008-63 RESOLUTION CONFIRMING APPOINTMENT OF MARGARET MARCHOWSKY AS THE TAX/SEWER CLERK IN THE TAX OFFICE

WHEREAS, a recommendation has been made to the Mayor and Council of the Township of Berlin to appoint, Margaret Marchowsky, as Township Tax/Sewer Clerk for the Tax Office; and

WHEREAS, the Mayor and Council have reviewed the recommendation and found same to be acceptable,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it hereby authorizes and approves the appointment of Margaret Marchowsky as Tax/Sewer Clerk for the Township's Tax Office, effective December 17, 2007.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-63. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2008-64 RESOLUTION FOR CHANGE ORDER NO. 1 FOR 2007 STREET IMPROVEMENTS PROGRAM – CUSHMAN AVENUE

WHEREAS, it was necessary to make changes in the scope of work to be done in completing the 2007 Street Improvements Program ó **Cushman Avenue**, in the Township of Berlin, Camden County, New Jersey.

WHEREAS, Change Order No. 1 was developed to itemize and authorize those changes.

WHEREAS, certification has been received by the Treasurer/Finance Director that sufficient funds have been allocated for this Change Order;

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin that Change Order No. 1 is hereby authorized and approval, is hereby granted to amend the contract amount from **\$116,522.25 to \$111,486.42**.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-64. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2008-65 RESOLUTION APPOINTING PROJECT MANAGER FOR PARIS GRANT PROGRAM

BE IT RESOLVED by the Mayor and Township Council of the Township of Berlin, that the Deputy Municipal Clerk, Mary Trout, be appointed Project Manager for the Public Archives and Records Infrastructure Support (PARIS) grant program.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-65. Resolution adopted by call of the roll, three members present voting in the affirmative.

JANUARY 14, 2008

RESOLUTION 2008:66 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH IKON OFFICE SOLUTIONS FOR LEASING A DIGITAL COPIER MACHINE IN ACCORDANCE WITH STATE CONTRACT

WHEREAS, The State of New Jersey, Division of Purchasing, has awarded a contract to Ikon Office Solutions for leasing of a digital copier machine; and

WHEREAS, the Township of Berlin wishes to lease a digital copier machine for the Tax Office in accordance with the State Contract 64039 awarded to Ikon Office Solutions for a price of \$74.90 per month for 36 months as permitted by N.J.S.A. 40A:11-15; and

WHEREAS, funds are available as set forth on the attached Certification from the Township Chief Financial Officer; and

WHEREAS. In accordance with N.J.S.A. 40A:11-15 the lease agreement contains a clause making it subject to the availability and appropriation made annually of sufficient funds as required to meet the extended obligations as well as an annual cancellation clause; and

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor be and is hereby authorized to sign the lease agreement with Ikon Office Solutions in accordance with State Contract 64039 for \$74.90 per month for 36 months.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-66. Resolution adopted by call of the roll, three members present voting in the affirmative.

BUSINESS LICENSES FOR APPROVAL

a. **Eastern Geosciences, Inc.**, Thomas Dwyer, 420 Commerce Lane, Ste. 9, Office and some warehousing for Geologic Consulting Professional Services

Motion by Council President DiGangi, second by Councilman McIntosh to approve new business license for Eastern Geosciences, Inc. License approved by call of the roll, three members present voting in the affirmative.

b. **Software Online, LLC, DBA MRPIERCING.COM**, George Ter-Saakov, 399 North Rt. 73, Online selling and shipping of jewelry.

Motion by Council President DiGangi, second by Councilman McIntosh to approve new business license for Software Online, LLC. License approved by call of the roll, three members present voting in the affirmative.

c. **Roma's Pizza, Mariellen Stellato**, 840 South Rt. 73, Pizza Shop

Motion by Council President DiGangi, second by Councilman McIntosh to table new business license for Roma's Pizza due to further investigation of owner of business. License tabled by call of the roll, three members present voting in the affirmative.

JANUARY 14, 2008

CONSENT AGENDA

Motion by Council President DiGangi, second by Councilman McIntosh to receive and file the monthly reports on the consent agenda. Motion carried by voice vote, all present in the affirmative.

CORRESPONDENCE CALENDAR FOR DECEMBER

Motion by Council President DiGangi, second by Councilman McIntosh to receive and file the correspondence calendar for December. Motion carried by voice vote, all present in the affirmative.

APPROVAL OF MINUTES

Motion by Council President DiGangi, second by Councilman McIntosh to approve the minutes of December 10, 2007. Motion carried by voice vote, all present voting in the affirmative.

Motion by Council President DiGangi, second by Councilman McIntosh to approve the minutes of Reorganization Meeting, January 3, 2008. Motion carried by voice vote, all present voting in the affirmative.

GOOD AND WELFARE #2

Motion by Council President DiGangi, second by Councilman McIntosh to open the meeting to the public. Motion carried by voice vote, all members present voting in the affirmative. Mayor Magazzu opened the meeting to the public for questions or comments. There were no comments to be heard.

Motion by Council President DiGangi, second by Councilman McIntosh to close the meeting to the public. Motion carried by voice vote, all members present voting in the affirmative.

ALL OTHER BUSINESS ó None

RESOLUTION 2008:67 CLOSED SESSION

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Mayor and Council are now going into closed session to discuss confidential negotiations of the Township.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-67. Resolution adopted by call of the roll, three members present voting in the affirmative.

REOPENED PUBLIC MEETING

Motion by Council President DiGangi second by Councilman McIntosh to Reopen meeting to public. Motion carried by voice vote, five members present in the affirmative.

JANUARY 14, 2008

ADJOURNED

Motion by Council President DiGangi, second by Councilman McIntosh to adjourn meeting at 8:30 p.m. Motion carried by voice vote, all members present voting in the affirmative.

Jamey Eggers
Township Clerk