

**JANUARY 23, 2012**

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL JANUARY 23, 2012 AT 5:00 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, Councilwoman Bodanza, Councilman Epifanio, Mayor Magazzu

Councilman McIntosh arrived 5:15 pm

**Also Present-** Stuart Platt, Solicitor, Chuck Riebel, Engineer/ Director Public Works, Lori Campisano, CFO, Chief of Police J.Jackson

**Absent-**

**DEPARTMENTAL REPORTS**

**ENGINEER'S AND DIRECTOR'S REPORT**

**A. CHANGE ORDERS AND VOUCHERS**

None at this time.

**B. ENGINEER'S REPORT**

1. CONSTRUCTION OF POROUS CONCRETE SIDEWALK ALONG N.J.S.H. ROUTE 73 NORTHBOUND- JACKSON ROAD TO EDGEWOOD AVENUE (N.J.D.O.T. FY 2008 AND 2009 FUNDING - \$320,000) (PROJECT NO. E-10-0004)

The contractor has completed the project. I have met with a representative from the concrete association regarding the quality of the material. I will be meeting with the contractor to discuss this

**JANUARY 23, 2012**

matter. Once I meet with the contractor, I will update the Governing Body

Therefore, I recommend that the Township not release the retainage until the above mentioned matter has been resolved.

2. 2011 STREET IMPROVEMENT PROGRAM

The Governing Body has authorized the funding for the various projects, previously and with the adoption of Ordinance 2011-26

We are, currently, performing the design and preparing the bid documents for the following projects.

a. Base Bid

- 1) Mt. Vernon Avenue: Minck Avenue to Franklin Avenue *Partial N.J.D.O.T Funding*
- 2) Edgewood Avenue: Cooper Road to limit of N.J.D.O.T. Project Near Rt. 73  
*Partial N.J.D.O.T. Funding*  
Reconstruction of the Intersection of Grove Avenue and Cleveland Avenue  
*Funded in Bond Ordinance No. 2011-26*
- 3) Trench pavement improvements along Krumm Avenue from McClellan Avenue to Franklin Avenue  
*Funded in Bond Ordinance No. 2011-26*

b. Alternate Bid No. 1

- 1) Construction of Built up Bituminous Driveway Aprons at 136 and 138 Veterans Avenue  
*Funded in Bond Ordinance No. 2011-26*

c. Alternate Bid No. 2

Street Improvements at Storm Inlet, Along Mt. Vernon Avenue, at the School Property  
*Funded in Bond Ordinance No. 2011-26*

d. Alternate Bid No. 3

Grade and Construct Stone Surface-  
McClellan Avenue Dead End  
*Funded in Bond Ordinance No. 2011-26*

We expect to receive bids in February, 2012.

**JANUARY 23, 2012**

3. HADDON AVENUE STREESCAPE, PHASES 1 AND 3  
(FEDERAL AND STATE AID - \$677,000)

We have received a letter from the N.J.D.O.T. noting that the funding is \$555,420 (reduced from the original anticipated amount of \$677,000), which, reflects the reduced scope of construction. The Township is authorized to proceed with the advertisement for the receipt of bids. The advertisement must be published by February 27, 2012.

Therefore, I recommend that the Governing Body authorize the advertisement of the receipt of bids at the Council Meeting on January 23, 2012.

4. CAMDEN COUNTY OPEN SPACE- RECREATION ENHANCEMENT PROGRAM

The County has signed the Agreement for the following projects:

- a. Surface improvements to the basketball and tennis courts at the Spruce Avenue Recreation Complex (Round 12 funding) \$25,000
- b. Band shell at Luke Avenue Recreation Complex (Round 10 and 12 funding) \$50,000.00

I anticipate the receipt of the bids, during the Spring of 2012. We will be preparing the bid documents for the concrete foundation and electrical work. We are hopeful that the Public Works staff will be able to construct the band shell structure.

5. N.J.D.O.T. SAFE ROUTES TO SCHOOL APPLICATION

The Governing Body had authorized the submission of an application to the N.J.D.O.T. After reviewing the application requirements for this federally funded program, it became evident that it is necessary to create a "Working Group", consisting of members of the Township, Schools, Police, and public. The Group must develop a Travel Plan.

We have scheduled the Kick-off Meeting for the Working Group for Thursday February 2, 2012 at 2:00 p.m.

I would expect that the Working Group will complete the Plan and other required documentation so that an application can be submitted to the N.J.D.O.T., at the end of 2012, for possibly funding in 2013.

**JANUARY 23, 2012**

6. N.J.D.O.T. FY 2012 MUNICIPAL AID APPLICATION

The following applications were, electronically, submitted to the N.J.D.O.T.

- Priority No. 1 – Street Improvements to Oak Avenue from  
N.J.D.O.T. Ramp to 80 Feet Past Clover Avenue  
\$94,000
- Priority No. 2 – Street Improvements to Hazel Avenue from  
Cushman Avenue to Chestnut Avenue  
\$236,000

The N.J.D.O.T. expects the announcement of the selected projects to be made by the end of January 2012.

7. MUNICIPAL BUILDING

a. HVAC SYSTEM

We will be scheduling a meeting with Tozour Trane to discuss the maintenance of the system.

8. BATE AVENUE PLAYGROUND AND FORMER MUNICIPAL BUILDING SITE

Key Engineers, Inc. has completed the location of the surveying control points. We are finalizing the establishment of the out bounds. I expect to issue the survey in the immediate future.

9. STORM DRAINAGE IMPROVEMENTS

C.D.B.G. YEARS 32 (\$30,257) AND 33 (\$29,200±) FUNDING

Storm Drainage Issues Within the Southwest Portion of the Township

In December 2011, I had walked the storm drainage system from the spillway at Berlin Circle Plaza to the cross drain at Haddon Avenue.

I observed an elevated water level on the downstream side of the spillway. The rise in the water elevations appears to have been caused by a blockage, across the spillway, at the N.J.D.O.T. storm water management facility. I have sent a letter to the N.J.D.O.T. requesting that they take immediate action to eliminate the blockage

a. Lester Avenue Storm Drainage and Stormwater Management

We must, still perform the surveying fieldwork, design and preparation of the construction plans.

**JANUARY 23, 2012**

Once completed we must submit the plans to Public Service Electric and Gas Company for their consideration for the granting of a storm drainage easement, across their property.

We had discussed, as an interim measure, the construction of the storm drainage system on Lester Avenue and stormwater basin at the Luke Avenue Recreation Area to try to alleviate some of the stormwater runoff issues.

At this time, I do not foresee the Public Works Department being able to devote the necessary time to perform the construction of these interim improvements.

b. Mt. Vernon Avenue Storm Drainage at the Elementary School

On occasion, the street has flooded, due to the apparent, limited capacity of the of the drainage system and receiving ditch, which is on the Board of Education property. I have discussed the matter with Mr. Pfluger, School Buildings and Grounds Superintendent. The ditch must be reconstructed to provide additional capacity and a positive outflow.

Mr. Pfluger has provided me with an incomplete version of a topographic map for the school property. I intend to attempt to decipher the contours and perform a preliminary design for said improvements. I intend to present the preliminary proposal to Mr. Betze for his review and consideration for recommendation to the Board of Education.

Prior to any discussions with the Board of Education, I will present the matter to the Governing Body for your review and direction.

d. Maintenance of the Spillway/Outlet Structure at Berlin Circle Plaza

I will perform periodic inspections and notify the property manager of any undesirable storm water outflow conditions.

e. Hill Avenue Storm Drainage Improvements (C.D.G.B.G. Years 32 (\$30,257) and 33 (\$27,900))

We are, currently, performing the design and preparing the bid documents. I expect to receive bids in February 2012 with construction commencing in the Spring of 2012.

The Governing Body has adopted Ordinance No. 2011-26, authorizing the funding for this project

**10. REDISIGNATION OF PINELANDS ZONING AND EXTENSION OF SANITARY SEWER TO EDGEWOOD AVENUE AND ALLIED PARKWAY**

**JANUARY 23, 2012**

The Solicitor's Office and I have discussed the revisions to the ordinance with the Pinelands Commission staff member. I have revised the chart, which list the zoning changes, and have submitted it to the Solicitor's Office. I believe that the Governing Body will introduce the new ordinance at the Council Meeting on January 23, 2012. Once the ordinance is adopted, the Pinelands staff members expect the Commission staff to expedite the review and approval process.

During the course of the process of adopting an ordinance, acceptable to the Pinelands Commission, I have been contacted by parties requesting status of the zoning change and the availability of sanitary sewer. As part of the zoning change, the Pinelands Commission will be requiring the extension of sanitary sewer to the developed properties along Edgewood Avenue and Allied Parkway. I recommend that the Governing Body consider the potential funding source for this improvement. (Township bonding, N.J.E.I.T. funding, special assessment.)

**11. REQUEST FOR ADDITIONAL SEWER ALLOCATION**

I have, recently, received an e-mail from Mr. Andrew Kircun, P.E., C.C.M.U.A. He believes that the N.J.D.E.P. will be approving the increase in allocation by the end of January/beginning of February 2012.

**12. REQUEST FOR ORDINANCE AMENDMENT FOR RESPONSIBILITIES FOR SANITARY SEWER LATERALS**

I recommend that the Governing Body consider amending the regulations to clearly define the responsibilities of the property owner and Township for the maintenance repair and replacement of the segments of the sewer lateral.

**13. NO PASSING ZONE ALONG COOPER ROAD**

I must complete the engineering study and submit my recommendations to the Governing Body.

**C. PUBLIC WORKS DEPARTMENT**

**1. GREASE TRAP MAINTENANCE**

I recommend that the Township inspect and enforce the regulations, as we are experiencing problems with the grease accumulation in the Township sanitary sewer system.

## **JANUARY 23, 2012**

I recommend that the Governing Body consider amending the ordinance to allow for the sewer staff to inspect and enforce the regulations, in addition to the Plumbing Sub-code Official.

### **2. CAPITAL PURCHASES**

The Governing Body has adopted Ordinance No. 2011-26, authorizing the funding for various pieces of equipment. We have recently purchased the leaf and snow blowers and are in the process of obtaining quotes for the snow plows. We are hopeful that the plows will be delivered and installed before the first significant snowfall.

### **3. NO CUT THROUGH TRAFFIC SIGNS**

The signs should be ready, shortly. Once received, we will install the signs, immediately.

### **4. ANNUAL INSPECTIONS**

The fire extinguishers have been inspected by Nat Alexander, Inc. The fire alarm and sprinkler systems have been inspected by James Valentine, Inc.

### **5. FEMA REIMBURSEMENT FOR HURRICANE IRENE**

I will be providing the additional information to the FEMA representative as requested. Once he receives this information, I believe that FEMA will process the payment for reimbursement of costs.

### **6. PERFORMANCE OF TASKS**

The department has completed the collection of leaves from the streets and is removing the leaves from the parks and recreation areas.

The snow removal equipment has been serviced and ready for use, during snow and ice events.

### **7. COLLECTION OF SOLID WASTE**

I recommend that a trash collection vehicle be purchased in the immediate future to allow for the replacement of one of the aged

## **JANUARY 23, 2012**

trash trucks. I would be glad to discuss this matter, with the Governing Body, in further detail.

### **D. SHARED ENGINEERING SERVICES**

#### **1. ENGINEERING SERVICES WITH SOMERDALE BOROUGH**

The Somerdale Governing Body has passed the resolution to continue the arrangements for shared engineering services with the Township for the Borough Engineer. I must prepare a revised Contract/Agreement, which reflects the amendments from last year's Contract.

#### **2. WINSLOW TOWNSHIP CONFLICT PLANNING BOARD ENGINEER**

Mayor Magazzu has informed me that Winslow Township will not be continuing the shared services for the Planning Board Conflict Engineer. The Mayor has informed me that there may be other possibilities for shared engineering services between the two municipalities.

### **SOLICITORS REPORT**

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Oddmund Angel, Block 200, Lot 1
5. Clarification of Lateral Utility Lines
6. Police Operating Procedures
7. Wal-Mart Expansion Project
8. Pine lands Comprehensive Management Plan
9. Berlin Township ADS. Estate of Raj Kumar Chopra
10. Berlin Township ADS. David Carp
11. Berlin Twp.ADS. Linda Fabrico
12. Mustafa Muhammad ADS. Berliin TWP Police Department
13. Berlin Twp. ADS. Abdul Mansary
14. Open Space Camden County Round 12 Enhancement
15. Pineland Zone Changes

### **POLICE DEPARTMENT**

Chief Joseph Jackson stated that the DWI Grant is finished and that the department did a great job they wrote 173 tickets had 4 DWI and had 13 warrants. Chief remarked that the paper work for the class 2 officers has been completed and that the Township Solicitor has reviewed it. Tonight on the agenda we have a resolution regarding that. Chief commented that we are finally get to the end of the FEMA reimbursement money

**JANUARY 23, 2012**

and hopefully we will have a check real soon. Chief Jackson wanted to state for the record that their have been rumors going around Town that Mayor and Council were not going to buy any new vehicles for the Police Department. I am here to set the record straight that this is clearing not the case. Our Department received 4 new vehicles and we thank you for that.

**MAINTENANCE DEPARTMENT**

Josh Shellenberger reported that he has had issues with residents on Haddon Avenue for placing their trash out too early and has sent out the ordinances explaining the times. Josh commented that a vacant house on North Rose pumps and frozen and burst and that the property is now cleaned up. Josh reported for the year 2011 he issued 40 violations and collected about \$2000.00 dollars in fines. Josh also said that the Rabies Clinic this past weekend had a good turn out considering the weather. Dr. Ruggiero performed 128 vaccinations and only 2 were non-residents and 144 dogs and cats were licensed that day.

**FIRST READING ORDINANCE 2012-1 REPEALING ORDINANCE 2011-12 AND REPEALING ORDINANCE 2010-6 AND AMENDING CHAPTER 129 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ZONING" AND AMENDING THE BERLIN TOWNSHIP ZONING MAP TO REDESIGNATE A PORTION OF THE PINELANDS RURAL DEVELOPMENT AREA TO THE PINELANDS REGIONAL GROWTH AREA**

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Ordinance 2012-1 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-56 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body

**JANUARY 23, 2012**

have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the Mayor and Council of the Township of Berlin hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-56. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-57      RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH EDMUNDS AND ASSOCIATES, INC. TO PROVIDE VARIOUS ADMINISTRATIVE COMPUTER APPLICATION SOFTWARE AND SERVICES INCLUDING INSTALLATION AND TRAINING**

**WHEREAS**, the Township of Berlin has been notified, in writing, by its current computer software and support company, United Computer, that their programs have reached a maturation point and that beginning January 2012 they will no longer be providing software changes to their application packages, as may be required by State Law; and

**JANUARY 23, 2012**

**WHEREAS**, due to the notification by United Computer, the Township of Berlin has a need to contract for various administrative computer application software and services including Financial Accounting, Purchasing, Payroll, Tax Collection, Utility Collection, Mercantile Collection, Animal Licensing, Web Account Inquiry and Online Payment Capabilities; and

**WHEREAS**, in accordance with N.J.S.A. 40A:11-5(1) (dd), the selection and purchase of proprietary software can be made using price and other factors as a basis for purchase; and

**WHEREAS**, Edmunds and Associates, Inc. has submitted a proposal dated October 27, 2011 in the amount of \$53,651.00; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the Mayor be and is hereby authorized to sign a contract with Edmunds and Associates, Inc. for the purchase of various administrative application software and services including the installation and training as per their proposal dated October 27, 2011 for an amount not to exceed \$53,651.00.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-57. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-58 RESOLUTION AUTHORIZING THE PURCHASE OF ITEMS FROM VENDOR WITH STATE CONTRACT IN EXCESS OF BID THRESHOLD DURING SFY 2012**

**WHEREAS**, the Township of Berlin may, pursuant to N.J.S.A.40A:11-12, purchase materials, supplies and equipment under contracts entered into on behalf of the State of New Jersey by the Division of Purchases and Property in the Department of the Treasury; and

**WHEREAS**, purchases under the aforesaid State Contract may be made by the Township without the necessity of advertising for bids or may be made in cases where advertisements for bids have produced either no bids or have produced rejected bids; and

**WHEREAS**, the following purchases will be made during SFY2012 in excess of the bid threshold:

<b>CONTRACT</b>	<b>VENDOR</b>	<b>ITEM</b>	<b>DATE OF EXPIRATION</b>
<b>1. 79010</b>	<b>Day Chevrolet Inc.</b>	<b>(2) 2012Chevy Tahoes</b>	<b>6/9/12</b>

**JANUARY 23, 2012**

**WHEREAS,** the Mayor of the Township of Berlin be and is hereby authorized and instructed to sign and execute any necessary legal instruments in connection with the purchases; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Township of Berlin hereby formally authorize the above purchases be available under State Contract, to the Township pursuant to N.J.S.A. 40A:11-12.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-58. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-59 RESOLUTION REQUESTING THE ISSUANCE OF RAFFLE LICENSES**

**WHEREAS,** Contact Community Helplines of 100 West Gate Drive, Cherry Hill, New Jersey has requested the issuances of license by the Township of Berlin for;

**Event March 30, 2012**

**On- Premises Draw Raffle (Basket/ Auction)  
On- Premises 50/50 Cash Raffle**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of licenses to the Contact Community Helplines of 100 West Gate Drive, Cherry Hill New Jersey for the Date of March 30, 2012

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-59. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-60 LIST OF UNCOLLECTIBLE TAXES**

**To the Mayor and Council to the Township of Berlin:**

**I hereby submit to you a list of taxes, which in my opinion are uncollectible. I give the reasons why I deem them uncollectible, and I request that same be remitted and that I be relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4.**

**Dated: January 10, 2012**

**Diane Zoppel, CTC - Tax Collector**

<b>NAME</b>	<b>YEAR</b>	<b>BLOCK/LOT</b>	<b>AMOUNT</b>	<b>REASON</b>
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**JANUARY 23, 2012**

<b>Paul Canfield</b>	<b>2012</b>	<b>821-11</b>	<b>250.00</b>	<b>Veteran – A/N 2012</b>
<b>Alfred Iacono</b>	<b>2011</b>	<b>2201-2</b>	<b>250.00</b>	<b>Veteran – May 2012</b>
<b>Alfred Iacono</b>	<b>2012</b>	<b>2201-2</b>	<b>250.00</b>	<b>Veteran – A/N 2012</b>
			<b>\$ 250.00</b>	<b>TOTAL to May 2012</b>
			<b>\$ 500.00</b>	<b>TOTAL to Aug/Nov 2012</b>
			<b>\$ 750.00</b>	<b>GRAND</b>

**TOTAL**

**By resolution of the Mayor and Council of the Township of Berlin, the taxes listed above have been ordered remitted and the Collector relieved thereof.**

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-60. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012- 61 RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE CAMDEN COUNTY MUNICIPAL JOINT INSURANCE FUND**

**WHEREAS**, the Township of Berlin is a member of the Camden County Municipal Joint Insurance Fund; and

**WHEREAS**, said renewed membership terminates as of December 31, 2011 unless earlier renewed by agreement between the Municipality and the Fund; and

**WHEREAS**, the Municipality desires to renew said membership;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Township of Berlin agrees to renew its membership in the Camden County Municipal Joint Insurance Fund and to be subject to the bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Camden County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2012-61. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012- 62 RESOLUTION TO RELEASE BALANCES ON ESCROW ACCOUNTS**



**JANUARY 23, 2012**

	Planning Board Escrow #370	405.97
	Planning Board Escrow #371	189.45
MGL Printing Solutions	Dog Trust	446.00

**CONFIRMING**

Various Current Fund Checks	(See Scheduled Payment Report Dated 1/4/12)	\$	21,296.01
Various Sewer Operating Fund Checks	(See Scheduled Payment Report Dated 1/4/12)		2,336.58
America on Line	01-201-31-443-2077		32.90
Kristy Cryan	01-201-30-420-2105		62.06
Sleepy Hollow Farm	01-201-30-420-2105		895.00
Verizon Communications	01-201-31-443-2077		99.99
Marrazzo & Platt, PC	01-201-20-155-2020		3,027.00
S & H Electric	04-215-55-860-09021		860.00
Kristy Cryan	01-201-30-420-2105		70.18
Majestic Oil Company, Inc.	01-201-31-447-2074		16,900.04
State of NJ Health Benefits	01-201-23-220-2092		49,577.35
State of NJ Health Benefits	01-201-23-220-2092		22,212.62
Verizon Communications	01-201-31-443-2077		106.99
TD Wealth Management	01-201-45-920-2105		200,000.00
	01-201-45-960-2105		243,637.50
TD Wealth Management	07-201-55-520-2105		200,000.00
	07-201-55-522-2105		83,158.30
	07-240-55-540-3000		23,649.20
	07-168-05-540-3000		89,931.25
Gordon Companies Inc.	04-215-55-860-09021		769.97
Verizon Communications	01-201-31-443-2077		99.99
Payroll, Current Fund	12/1/2011		150,305.76
Payroll, Sewer Operating Fund	12/1/2011		3,358.69
Payroll, Current Fund	12/8/2011		60,588.77
Payroll, Sewer Operating Fund	12/8/2011		4,556.84
Payroll, Current Fund	12/15/2011		56,344.11
Payroll, Sewer Operating Fund	12/15/2011		3,488.74
Payroll, Current Fund	12/22/2011		58,717.26
Payroll, Sewer Operating Fund	12/22/2011		4,005.80
Payroll, Current Fund	12/29/2011		69,718.51
Payroll, Sewer Operating Fund	12/29/2011		3,143.39

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2012-63. Resolution adopted by call of the roll, five members present voting in the affirmative.

**JANUARY 23, 2012**

**RESOLUTION 2012-64 AUTHORIZING THE ADOPTION OF A REVISED CAFETERIA PLAN AND SUMMARY PLAN DESCRIPTION, DESIGNATING A PLAN ADMINISTRATOR AND ESTABLISHING THE BERLIN TOWNSHIP CAFETERIA PLAN BENEFITS COMMITTEE**

**WHEREAS**, on March 22, 2010, the State of New Jersey adopted P.L. 2010, C.2, which amended, in part, N.J.S.A. 52:14-17.25, et seq., and required, inter alia, that public employees begin to contribute a minimum amount towards the costs of their medical health insurance benefits; and

**WHEREAS**, on June 28, 2011, the State of New Jersey adopted P.L. 2011, c.78 which amended, in part, N.J.S.A. 40A:10-16, et seq., and amended, inter alia, the minimum amount public employees are required to contribute towards the costs of their medical health insurance benefits; and

**WHEREAS**, the Township has reviewed and considered the implementation of these required amendments to the type of insurance plan offered to its employees, including the Cafeteria Plan which it currently offers to its employees as authorized under Section 125 of the Internal Revenue Code of 1986; and

**WHEREAS**, the Township agrees that it should implement certain modifications and/or additions to the Cafeteria Plan options currently offered by the Township to its employees, pursuant to Internal Revenue Code Section 125, for the purpose of complying with the above-referenced amendments to the New Jersey State Health Benefits Program Act, N.J.S.A. 52:14-17.25, et seq., and amendments to N.J.S.A. 40A:10-16, et seq., relating to medical health insurance benefits and employee contributions thereto; and

**WHEREAS**, the Township further agrees that it should implement a revised cafeteria plan to be effective January 1, 2012, in order to implement the required amendments; and

**WHEREAS**, in furtherance thereof, and in accordance with the requirements established by the statutory amendments referenced above, the Township desires to implement the "Berlin Township Cafeteria Plan" document in the form attached hereto as *Exhibit "A"*, as underwritten and produced by AmeriFlex, Inc.; and

**WHEREAS**, the Township further desires to adopt and approve for distribution to its employees the "Summary Plan Description" document in the form attached hereto as *Exhibit "B"*, as underwritten and produced by AmeriFlex, Inc.; and

**WHEREAS**, in accordance with the Berlin Township Cafeteria Plan document, the Township further desires to designate a Plan Administrator to be responsible for administering the Berlin Township Cafeteria Plan in accordance with the Berlin Township Cafeteria Plan document; and

**JANUARY 23, 2012**

**WHEREAS**, in accordance with the Berlin Township Cafeteria Plan document, the Township further desires to create a committee, to be known as the Berlin Township Cafeteria Plan Benefits Committee, for the purpose of accepting, hearing and considering appeals of decisions made by the Plan Administrator in accordance with and pursuant to the Berlin Township Cafeteria Plan document;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, as follows:

1. The Township of Berlin, as the “Employer”, hereby approves and adopts the form of Cafeteria Plan attached hereto as Exhibit “A”; and

2. The initial Plan Year shall run for the period beginning on January 1st and ending December 31<sup>st</sup> of the year 2012; and

3. The Township, as the Employer under the Cafeteria Plan, shall contribute to the Plan amounts sufficient to meet its obligation under the Cafeteria Plan, in accordance with the terms of the Plan Document, and shall notify the Plan Administrator to which periods said contributions shall be applied; and

4. The Chief Financial Officer is hereby designated as the Plan Administrator as defined in the Cafeteria Plan; and

5. The proper officers of the Township are hereby authorized and directed to execute and deliver to the Plan Administrator one or more copies of the attached Cafeteria Plan; and

6. The Township, as the Employer, further approves and adopts the Summary Plan Description, attached hereto as Exhibit “B”, which is to be distributed to the Township’s Employees as contemplated below; and

7. The Township hereby creates the Berlin Township Cafeteria Plan Benefits Committee, for the purposes set forth in the Cafeteria Plan attached hereto, which Committee shall consist of the following Township representatives:

- Mayor, Phyllis Magazzu
- and-
- Chief Financial Officer, Lori Campisano
- and-
- Township Clerk, Catherine Underwood; and

**JANUARY 23, 2012**

9. The proper officers of the Township, as the Employer, shall act as soon as possible to notify employees of the adoption of the Cafeteria Plan by delivering to each Employee a copy of said Summary Plan Description.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2012-64. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012- 65 RESOLUTION ADOPTING THE AMENDMENTS TO THE BERLIN TOWNSHIP POLICE DEPARTMENT POLICY AND PROCEDURES FOR SPECIAL LAW ENFORCEMENT OFFICERS "SLEO"**

**WHEREAS**, the Mayor and Council of the Township of Berlin, with the recommendation from the Berlin Township Police Department has reviewed the amendments to the Police Department Policy Procedure 2012-1 entitled Special Law Enforcement Officers; and

**WHEREAS**, the purpose of this policy is to provide guidelines for the hiring, training and duties of class two special law enforcement officers (SLEO II); and

**WHEREAS**, the policy is also intended to establish guidelines for the use of SLEO II's by the Berlin Township Police department.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the amendments to the Police Department Policy and Procedures for Special Law Enforcement Officers are hereby adopted and that each employee will be distributed with the newly adopted personnel policy manual.

Motion by Council President Morris, second by Councilwoman Bondanza to adopt Resolution 2012-65. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-66 AUTHORIZATION TO SIGN CONTRACT AGREEMENT FOR SHARED SERVICES BY AND BETWEEN THE BERLIN TOWNSHIP AND THE BOROUGH OF SOMERDALE FOR PROFESSIONAL ENGINEERING AND ENGINEERING SUPPORT SERVICES**

**WHEREAS**, the Township of Berlin desires to Share Services by and between the Berlin Township and the borough of Somerdale for Professional Engineering and Engineering support services; and

**WHEREAS**, the Township Of Berlin has determined that proceeding a shared service agreement would be beneficial to Berlin Township; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the shared services by and between the Berlin Township and the Borough of Somerdale is hereby authorized.

**JANUARY 23, 2012**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Township of Berlin, County of Camden and State of New Jersey, that the Mayor is hereby authorized to sign the contract for shared services by and between the Township of Berlin and the Borough of Somerdale for Professional Engineering and Engineering Support Services on contingent of review and approval of the contract from Township Solicitor.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-66. Resolution adopted by call of the roll, five members present voting in the affirmative.

**BUSINESS LICENSES**

- 1) Glenview Construction Inc., Michael Ferenz**, 430 Commerce Lane, Unit F, Construction Company .
- 2) R.T. Holding LLC., Paul E. Ralston**, 151 A. Haddon Avenue. Office and apartment rentals.
- 3) Daaveedee LLC., Alexander Litvak**, 428 Kelly Drive Suite A&B. Selling DVD Blue Ray Movies.
- 4) Custom Air Concept LLC., Jeffery R Luthe**, 223 Haddon Avenue. Serve and installation of HVAC
- 5) Popeyes Restaurant, Ali S. Butt**, 188 Route 73 North. Popeyes Chicken & fast food restaurant with drive through.
- 6) Advance Performance Solar, John Hooper**, 432 Kelly Drive Suite E. Sales Coordination for Solar Electric Systems

Motion by Councilman McIntosh, second by Councilman Epifanio to approve business license. License approved by call of the roll, five members present voting in the affirmative.

**APPROVAL OF CORRESPONDENCE CALENDAR FOR DECEMBER 2011**

Motion carried by Councilwoman Bodanza, second by Council President Morris to receive and file the correspondence calendar for December 2011. Motion carried by voice vote, all present voting in the affirmative.

**CONSENT AGENDA**

Motion by Council President Morris, second by Councilwoman Bodanza to receive and file the monthly reports on the consent agenda. Motion carried by voice vote, five present voting in the affirmative.

**APPROVAL OF MEETING MINUTES FROM DECEMBER 12, 2011**

**JANUARY 23, 2012**

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve the minutes for December 12, 2011. Motion carried by voice vote, five present voting in the affirmative.

**APPROVAL OF MEETING MINUTES FROM JANUARY 3, 2012**

Motion by Councilman McIntosh, second by Council President Morris to approve the minutes for January 3, 2012. Motion carried by voice vote, five present voting in the affirmative.

**ALL OTHER BUSINESS**

**RESOLUTION 2012-67 REQUEST FOR REDUCTION OF PERFORMANCE GUARANTEE FOR AT&T RETAIL BUSINESS , 330 ROUTE 73 NORTH, BLOCK 810, LOT 1.04**

**WHEREAS**, Anthony Pinto, AT & T Retail 330 Route 73 North, Block 810, lot 1.04 , Camden, New Jersey, has requested a reduction of Performance Guarantee; and

**WHEREAS**, the Engineer has recommended that the Township grant the following bond reduction:

**Bond No. 1059749  
Bond Amount of \$36,276.00 to \$11,718.00**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the request for reduction for Anthony Pinto, AT&T retail business be reduced as stated above.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-67. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-68 RESOLUTION AUTHORIZING ENGINEER TO PROCEED WITH THE ADVERTISEMENT FOR THE RECEIPT OF BIDS FOR THE HADDON AVENUE STREETScape, PHASES 1 AND 3**

WHEREAS, the Engineer has received notification from the NJDOT that the funding has been reduced from \$677,000.00 to \$555,420.00 from the anticipated amount which reflects the reduced scope of construction for Haddon Avenue Streetscape; and

WHEREAS the Engineer recommends that the Governing Body proceeds with the advertisement of bids for the Haddon Avenue Streetscape Phase1 and 3.

## **JANUARY 23, 2012**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Engineer is hereby authorized to advertise for the receipt of bids for Haddon Avenue Streetscape, Phase 1 and 3.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-68. Resolution adopted by call of the roll, five members present voting in the affirmative.

Council President Morris stated that there will be a benefit for a Berlin Township Resident Chris Mohrmann who we have helped in the past. This individual is truly inspirational with what he has overcome. Council President will let everyone know the detail when he gets the dates.

Mayor Magazzu stated the Historical Society will be holding the Black History Event on February 25, 2012 here at the Municipal Building

### **PUBLIC PORTION**

Motion by Councilman McIntosh, 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.

Alberto Silva reported that the BTAA soccer banquet was held on January 8<sup>th</sup> and that there are presently 4 basketball teams playing at this time. He noted that the baseball registrations are now being held at this time. Al stated that there are 3 indoor soccer teams from BTAA that are also doing well.

Al Silva spoke about the Park and Recreation Ordinances that were revised to charge non residents a fee of \$100.00. Al commented that the revised ordinance was prepared by the Solicitor and submitted to the Governing Body for approval. The ordinance was in clear violation to the Green Acre Rules. Al stated that now the ordinance will once again be revised at the cost of the Township since the Solicitor did not research the law. Al remarked that he had asked back then for the Mayor and Council to table this ordinance and sit down and talk with BTAA in trying to help with the cost of maintaining the fields. Al asked once again to sit down and talk with the Governing Body since the current fee schedule is inappropriate and in violation to the New Jersey Administration Code. Its intended to drive away sports from our town. My question tonight is, "has the Township received a letter from the Green Acres Program in regards to the fees" and "what is going to be done with this from now on".

No more comments were to be heard

Motion by Council President Morris, 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.

Stuart Platt Township Solicitor responded to the question that the Township did receive a letter from Green Acres on this issue. And in the letter Green Acres stated that all the

**JANUARY 23, 2012**

regulation were complied on except for one, the opinion of one person at Green Acres that you may not charge residents and non residents different fees. Our opinion on that is that this regulation they reference too does not apply to us because we are not charging our residents any fee at all. So there is no fee structure and this is our legal opinion on that issue and I have notified Green Acres as well. Stuart noted that not all the parcel or fields of the Township apply with Green Acres.

Mayor Magazzu stated that the reason why we came up with the fee was because of the waivers we have been granting. The Mayor commented that we have always had a certain percentage on the team had to keep.

**ADJOURN**

Motion by Council President Morris, second by Councilwoman Bodanza to adjourn the meeting at 5:41 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 5:41 pm

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Catherine Underwood, Township Clerk