

JANUARY 26, 2009

**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 26 JANUARY, 2009 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-** Lori Campisano, CFO; Solicitor, Donafaye Zoll;  
Charles Riebel, Jr., Engineer; Michael Hayden,  
Police Chief; Michael McGee, PW, Director;  
Michael Laginestra, Zoning Officer

**Absent-** Councilman Batten

**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.

Police Chief Michael Hayden presented an award to Police Officer D.J. Steen and Michael Fitzgibbon for their outstanding job on saving a life. The officers responded to a call of a resident in cardiac arrest. The officers administered CPR until paramedics had arrived saving their life.

There were no other requests to be heard.

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

**DEPARTMENTAL REPORTS**

**ENGINEER'S REPORT**

**We would also like to thank the Governing Body for the reappointment as Township Engineer for 2009. We look forward to, again, serving the Governing Body, municipal departments, and residents of Township of Berlin.**

**A. CHANGE ORDER(S) AND/OR VOUCHER(S)**

None at this time.

**B. ENGINEER'S REPORT**

**1. ECONOMIC STIMULUS PROGRAMS**

a. Federal Economic Stimulus Program (KEI#179BT3641):

We had received a copy of a letter from Congressman Andrews, dated November 26, 2008, requesting municipalities to submit a summary report for a project in 2009.

I have discussed the matter with Mayor Magazzu and, as a result, have submitted the Summary Report to Congressman Andrews for the following projects:

- 1) Proposed Municipal Building - \$ 4,993,107.00
- 2) Street Improvements Program-  
(Katherine Avenue, Mt. Vernon Avenue, Hazel Avenue  
and Magnolia Avenue) \$ 1,670,835.00

It is my understanding that President-Elect Obama will be announcing the programs at his Inauguration speech. It is our understanding that the projects must be "construction ready", i.e., a construction contract must be awarded within 60 days of the notification of the allocation of project funding.

Therefore, I recommend that the Governing Body consider authorizing the necessary design work so that the project will be ready, especially since the Governing Body intends to proceed with the building construction, no matter what funding is available.

b. N.J.D.O.T. Local Aid Infrastructure Fund (Discretionary Funds):

We have received a telephone call from a representative of the N.J.D.O.T. Local Aid Office. In anticipation of the allotment of Federal and/or State economic stimulus funds, they have recommended that the Township submit a request for discretionary funds. Since an application was previously submitted for N.J.D.O.T. FY2009 funds for Clarence Avenue, we recommend that a request be submitted for this street. It would also be possible to request discretionary funds for another street, if desired by the Governing Body.

c. N.J.D.E.P. 2009 Economic Recovery Program:

We have received a notice from the N.J.D.E.P. requesting that, in anticipation of the announcement of Federal economic recovery package, interested municipalities, seeking projects to take advantage of these funds, notify the N.J.D.E.P. by January 31, 2009. Eligible projects are wastewater treatment, water systems stormwater management, and non-point source pollution projects. The N.J.D.E.P. expects that the loan rate would be 0% to 1.0% depending upon the date that the project was certified. They note that there may, also, be grants available through this program.

They will also require that the applicant advertise and award a construction contract, representing at least 30% of the project, within 90 days of project certification and issue a notice to proceed within 120 days of project certification.

It may also be possible to include planning and/or design costs in the loan request.

Since the sanitary sewer system is in good condition the only possible sewer projects may be sewer extensions, within the non-Pinelands area. Mr. McGee had suggested, possibly, the storm drainage project on Mr. Vernon Avenue.

**2. SIDEWALK ALONG N.J.S.H. ROUTE 73, PHASE 1, N.J.D.O.T. FY 2008 FUNDING - \$150,000.00:**

We have completed the fieldwork and prepared an existing conditions plan. We will be visiting the project site with Mr. McGee to determine if it would be possible for the Public Works Department to perform any of the work. If this is the case, we must obtain N.J.D.O.T. approval to allow the funds to be utilized, under a force account.

We will be performing the design, in the immediate future, and will then submit the design specifications and plans to the Pinelands Commission and N.J.D.O.T. for approval.

**3. 2008 STREET IMPROVEMENT PROGRAM (KEI# 491BT0308)**

DiMeglio Construction has completed the Punch List with the exception of some minor ponding areas, which cannot be completed until the temperatures are suitable for the performance of corrective pavement work.

Once the weather permits, the Contractor will perform the corrective measures. Upon acceptance of the work, we will process the final voucher and change order.

**4. 2007 STREET IMPROVEMENTS PROGRAM:**

a) Improvements to Veteran's Avenue- Krisanna Construction:

We have forwarded the final payment voucher in the amount of \$38,000.00 to the New Jersey Department of Transportation for their review and approval.

b) Grove Avenue and Mink Avenue- American Asphalt:

The Contractor has satisfactorily completed the project. The Governing Body approved the project at the Council Meeting of December 15, 2008.

c) Cushman Avenue- American Asphalt:

The Contractor has satisfactorily completed the project. The Governing Body approved the project at the Council Meeting of December 15, 2008.

Final payment must not be released until final approval has been received from Mr. John Daley of the C.D.B.G.

**5. IMPROVEMENTS TO KATHERINE AVENUE- N.J.S.H. ROUTE 73 TO THE END:**

The Governing Body has determined that, since Paparone Housing will not be ready until 2010, that the street improvement project will not be considered until 2010.

I would note that an application was submitted for the sidewalk for school children and the street improvements were included in a request for Federal economic stimulus funds.

**6. SAFE ROUTES TO SCHOOLS (KEI# 492BT0408):**

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An application was submitted for the construction of sidewalks along Katherine and Grove Avenues, to the elementary school, requesting \$240,590.00.

It is expected that the announcement of the selected projects will be made, any day. Once we receive notification, we will inform the Governing Body.

7. **HADDON AVENUE STREETScape IMPROVEMENTS (KEI #430BT1104 & #431BT1104):**

a. Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$200,000.00) (KEI #431BT0105):

The Township has received the final reimbursement of funds from the New Jersey Department of Transportation. However, as discussed by Ms. Campisano there was a shortfall of \$3,180.00.

We have prepared and submitted a request to Assistant Commissioner Sharon Shinkle-Gardner, Government/Community Relations and Communications for her assistance in obtaining the \$3,180.00 reimbursement.

b. Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (KEI #29-430BT1104):

We have completed the amendments to the Construction Plans and Specifications and have resubmitted them to the Department, for authorization to schedule the receipt of bids. We have also provided Mayor Magazzu with copies of the manufacturer's information for the selection of the trash receptacle, bench, and bicycle rack for consideration.

8. **LEASE OF SENIORS BUS:**

I believe that this matter is being handled by Mr. McGee.

9. **TRAFFIC SIGNAL AND GEOMETRIC IMPROVEMENTS AT THE INTERSECTION OF COOPER ROAD AND TAUNTON AVENUE (KEI # 393BT0203):**

We anticipate that the Freeholders will be receiving bids, in the near future, for the construction of the project. The County has stated that they will perform the inspection services but the Township will be responsible for all traffic directors costs, which are performed by the Police Department.

10. **IMPROVEMENTS TO THE INTERSECTION OF HADDON AVENUE AND FRANKLIN AVENUE:**

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Last month, I had informed the Governing Body that the concerned property owners have not contacted the County Engineer to discuss the possible property acquisitions. I have, recently e-mailed the County Engineer and requested any comments, which he would like me to forward to the Governing Body. Once I receive his response, I will inform the Governing Body.

**11. MULTI-YEAR CAPITAL IMPROVEMENTS PROGRAM:**

I have received Mr. McGee's comments and will finalize the Engineer's Recommendations Report for issuance to the Governing Body, Ms. Campisano and Mr. McGee for consideration for projects, in the future.

**12. N.J.D.O.T. MATTERS**

- a. Possible Improvements to the Intersections of N.J.S.H. Route 73 with D'Angelo Drive and Franklin Avenue:

The Governing Body has directed me to send a letter to the N.J.D.O.T. Acting Commissioner Dilts, stating that the Governing Body will not support the jughandle concept at the intersection of Franklin Avenue and request that the N.J.D.O.T. reconsider their position for the traffic signal at the intersection of D'Angelo Drive. I will submit a draft version of the letter to Mayor Magazzu for her review, before sending it to the NJ.D.O.T.

- b. Request to the N.J.D.O.T. for Payment of Additional Inspection Costs for the Sanitary Sewer Work Along N.J.S.H. Route 73:

It is my understanding, from the discussions at a meeting with the Commissioner, that the N.J.D.O.T. will consider the request for payment for this additional work. To date, we have not received any further response from the N.J.D.O.T.

- c. Maintenance Along N.J.S.H. Route 73 and the Constructed Wetlands/Stormwater Basin Along Walker Avenue:

The Governing Body determined that the Township would not be willing to perform the cutting of the grass, along the highway. I question if the Governing Body has submitted any correspondence to the New Jersey Department of Transportation, stating this position.

- d. Request for No U-Turn at Median Opening Along Route 73 at the Proposed Driveway for the Golden Corral Restaurant:

I had mentioned to the Governing Body, last month, that I would expect the N.J.D.O.T. to respond to our request, regarding the request for the relocation of the drive for the proposed Golden Corral restaurant or the u-turn movement at the median opening, this month. The N.J.D.O.T. is currently reviewing the application for the proposed restaurant.

**13. DELAWARE VALLEY REGIONAL PLANNING COMMISSION (DVRPC) ROUTE 73 CORRIDOR STUDY:**

No update to report at this time.

**14. PRE-MITIGATION FLOOD CONTROL PROGRAM:**

No update to report at this time.

**15. CAMDEN COUNTY OPEN SPACE, ROUND 9 (KEI #487BT0208):**

The application will be reconsidered, by the County, for Round 10, in 2009.

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

The matters of discussion, at the meeting with Mr. Kricun, were presented at the last Council Meeting. Since that date, Mr. Kricun had submitted a draft version of an agreement for the temporary increase in sewer allocation, based upon the performance of an investigation and implementation of measures for the correction of infiltration/inflow (I/I). I have submitted my comments, regarding this document, to the Governing Body. Ms. Zoll has informed me that she would contact Mr. Kricun to discuss the contents of and possible amendments to the document.

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

No update to report at this time.

**18. WATER USE REGISTRATION FOR TOWNSHIP WELLS:**

On December 16, 2008, the N.J.D.E.P. issued a letter granting the relief for the installation of the meters and commencement of monitoring. Mr. McGee must have the four flow meters installed and begin the required monitoring by April 15, 2009.

**19. BOROUGH WATER ALLOCATION AND CONNECTIONS FOR NEW DEVELOPMENTS:**

I had informed the Governing Body, last month, that I had spoken with the Berlin Borough Utilities Engineer. He informed me that developments will be limited to 15 dwelling units and water main extensions to a maximum of 1,500 linear feet until they can resolve the matter with the N.J.D.E.P. They expect to resolve the matter by placing Well No. 14 back into operation. It is expected that the well will be operational and the matter resolved with the N.J.D.E.P. within, approximately, one year.

**20. CHANGERS TO ZONING AND LAND USE ORDINANCES:**

As discussed at the last Council Meeting, the Planning Board Committee will be reviewing the ordinances, especially sign ordinances, and will submit recommendations to the Planning Board.

There has been some discussion to allow signs, with an area greater than the currently permitted 64 s.f., and allow L.E.D. changeable copy signs, along the corridor of N.J.S.H. Route 73.

**21. TAX MAP REVISIONS:**

We have completed the revisions to the Tax Maps and have provided a full set of prints to Ms. Zoppel, for her review.

There are two outstanding issues that must be resolved. First, it was discovered through revision process to Plate 5 that the execution and recordation of the deeds reflecting the land exchange between the Township and PSEG, at the Luke Avenue Recreation Complex were not completed.

We have met with Ms. Zoll to review the documents and correspondence. Ms. Zoll then contacted the PSEG Real Estate Department, to discuss the matter further. PSEG is reviewing their files to determine what transpired and how to resolve this matter, expeditiously.

Secondly, we discussed that there were inconsistencies in the final recorded deeds for the Tri-Di subdivision. We have contacted Tri-Di's attorney and requested that he contact his clients and prepare the necessary corrective deeds.

Until the above mentioned issues are resolved, and recorded deeds are provided, Plate 5 and Plate 10 cannot be revised.

The current Plate 5 and Plate 10 should not be submitted to any outside agency, for review at this time.

**22. COUNCIL ON AFFORDABLE HOUSING, ROUND 3 RULES:**

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I have mentioned, in past reports, that the municipalities, which are petitioning for substantive certification, must do so by the end of the year.

The Council on Affordable Housing has issued the Round 3 Growth Share Obligation for the Township, which is 228 affordable housing units. The Round 2 obligation, is 109 units for a total obligation of 337 affordable housing units.

I had, previously, mentioned that builders have been encouraged to seek out those municipalities, which have not petitioned for certification, and consider filing a builder's remedy lawsuit to construct the affordable units, within those municipalities.

I recently have spoken to Mr. Conklin. He has informed me that N.J.D.C.A. has informed him that non-certified municipalities will not be eligible for DCA grant programs, for example housing rehabilitation, balanced housing, and redevelopment. This standard will affect the Township for future housing funds.

### **SOLICITOR'S REPORT**

1. Water Agreement with Berlin Borough
2. Increase Sewer Allocation Buildout
3. Vacation Portion Kelley Drive
4. Municipal Building Redevelopment
5. Verizon Peg Channel
6. C & M Auto Repair
7. Richard Winans V. Berlin Township Walt Shendock
8. Salahuddin Smart V. Police Officer
9. Nancy Anderson V. Berlin Township
10. Shehata and Ibrahim V. Berlin Township
11. Tax Foreclosures
12. Pending Tax Appeals
13. Stormwater Maintenance Agreement
14. New Municipal Building
15. Park Use Ordinance

### **DIRECTOR PUBLIC OF WORKS**

Mike McGee spoke about the fees for the Park and Recreation Ordinance and how it was in line with other towns. He also commented about property on Chestnut Avenue and said that public works could be interested in using that property in the near future.

### **POLICE DEPARTMENT**

Chief of Police Michael Hayden spoke about the retirement of Susan Carlino and ask permission to start the process of hiring a new Clerk. The Chief also said that he is still

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receiving Towing Application and asked if we could state next year a cut off date for accepting applications.

**ZONING/ MAINTENANCE DEPARTMENT**

Mike Laginestra noted that the Rabies Clinic was held Saturday January 24, 2009. The total vaccinations given at the clinic were 141.

**ORDINANCE 2008:17 FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY**

**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 2009 as follows:

POSITION	.....SALARY 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	16,000.00	21,000.00
Chief Financial Officer	75,000.00	80,000.00
Township Clerk	5,000.00	10,000.00
Deputy Township Clerk	28,000.00	33,000.00
Deputy Township Clerk – Additional	3,000.00	8,000.00
Assistant Township Clerk	21,000.00	26,000.00
Tax Assessor	22,000.00	27,000.00
Tax Collector	54,000.00	59,000.00
Sewer Clerk	3,000.00	8,000.00
Tax/Sewer Clerk	27,000.00	32,000.00
Finance Clerk	36,000.00	41,000.00
Municipal Judge	19,000.00	24,000.00
Municipal Court Administrator	50,000.00	55,000.00
Deputy Court Administrator	31,000.00	36,000.00
Court Recording Operator	0.00	77.00 per court
Prosecutor	12,000.00	17,000.00
Clerk Typist/Part Time	10.50 per hour	13.50 per hour
Student Clerk Typist	0.00	Minimum Wage
Fire Sub Code Official	7,000.00	12,000.00
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	43,000.00	48,000.00
Sewer Department Standby	0.00	200.00 per month
Crossing Guards	0.00	11.07 per hour

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Secretary to Director of Public Works	44,000.00	49,000.00
Property Maint/Board of Health		
Zoning Officer	44,000.00	49,000.00
Librarian	14,000.00	19,000.00
Emergency Management Coord.	3,000.00	8,000.00
Grants Coordinator	19,000.00	24,000.00
Bus Driver	0.00	16.05 per hour
Construction Mechanic	0.00	15.00 per hour
Building Custodian	0.00	12.98 per hour
Chief of Police	102,000.00	107,000.00
Lieutenants of Police	84,000.00	89,000.00
Sergeants of Police	79,000.00	84,000.00
Patrolmen:		
Date of Hire	43,000.00	48,000.00
Beginning of 2 <sup>nd</sup> year	49,000.00	54,000.00
Beginning of 3 <sup>rd</sup> year	54,000.00	59,000.00
Beginning of 4 <sup>th</sup> year	60,000.00	65,000.00
Beginning of 5 <sup>th</sup> year	66,000.00	71,000.00
Beginning of 6 <sup>th</sup> year	75,000.00	80,000.00
Clerk Typist, Police Department	38,000.00	43,000.00
Secretary, Police Department	42,000.00	47,000.00
Director of Public Works	84,000.00	89,000.00
Deputy Director of Public Works	50,000.00	55,000.00
Employees of Public Works Department	14.50 per hour	23.79 per hour
Temporary Public Works Employees	0.00 per hour	12.00 per hour

Motion by Councilman Morris, second by Council President DiGangi to open the meeting to the public. Motion carried by voice vote, all four present voting in favor. Mayor Magazzu opened the meeting to the public for questions or commented on Ordinance 2008-17. Andrew Tindell from Katherine Avenue spoke about the Salaries Ordinance and asked if he could get names of employees to go with the job positions. Mayor Phyllis Magazzu responded to Andrew that all information is available at the clerks office . There were no other comments to be heard. Motion by Councilman Morris, second by Councilman McIntosh to close the meeting to the public. Motion carried by voice vote, all four present voting in the favor. Motion by Councilman Morris, second by Councilman McIntosh to approve Ordinance 2008-117. Ordinance approved by call of the roll, four of the members present voting in the affirmative.

**RESOLUTION 2009-56 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, 2009, and the contract amount is \$440.00 monthly.

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Motion by Councilman Morris, second by Council President DiGangi to adopt Resolution 2009-56. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2009- 57 AUTHORIZING SHARED SERVICES WITH CAMDEN COUNTY FOR PARIS GRANTS 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

**WHEREAS**, in the 2009-10 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 with the County of Camden in the performance of implementation of Records Inventory Management – Shared Services project; and

**WHEREAS**, the Township of Berlin is acknowledging that their eligible funding of 40,000 will be leveraged with the County of Camden; 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 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.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that this resolution shall take effect immediately upon adoption.

Motion by Councilman Morris, second by Council President DiGangi to adopt Resolution 2009-57. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2009-58 AUTHORIZING THE MAYOR TO SIGN AGREEMENT TO INCREASE SEWER ALLOCATION FROM THE CAMDEN COUNTY MUNICIPAL UTILITY AUTHORITY**

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**WHEREAS**, the Township requires additional sewer allocation from the Camden County Municipal Utility Authority ("CCMUA") in order to permit continued development with sewer service within the Township; and

**WHEREAS**, the CCMUA has agreed to temporarily increase the Township's sewer allocation, pending a permanent increase, upon the condition that the Township conduct an inspection and correction of the sewer system so as to reduce infiltration/inflow from the system; and

**WHEREAS**, the Governing Body of the Township of Berlin has determined that it is in the best interests of the residents to enter into such an agreement with the CCMUA.

**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 execute, on behalf of the Township of Berlin, the attached Intermunicipal Agreement Between the Camden County Municipal Utilities Authority and the Township of Berlin.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-58. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2009-59 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 2006 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 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

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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 DiGangi, second by Councilman McIntosh to adopt Resolution 2009-59. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2009-60 RESOLUTION AUTHORIZING EMERGENCY TEMPORARY 2008/2009 BUDGET APPROPRIATIONS**

**WHEREAS**, an emergency condition has arisen with respect to various budget accounts since the 2008/2009 Budget has not been adopted due to the submission of our application for Extraordinary Municipal Aid and possible filing of a Waiver. The Temporary budget included appropriations for the first three months of 2008/2009 and N.J.S.A 40A-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

**WHEREAS**, the local emergency temporary resolutions adopted in the year 2008/2009 pursuant to the provisions of N.J.S.A. 40A-20 (Chapter 96,P.L. 1951 as amended) including this resolution totaling \$5,823,681.39 for Current Fund, \$997,300.00 for Sewer Utility Fund and \$205,400.00 for Open Space, Recreation, Farmland and Historic Preservation Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin in accordance with N.J.S.A. 40 -20:

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1. An emergency temporary appropriation be and the same is hereby made to provide for operations of the Township of Berlin through March 31, 2009 in the total amount of \$5,823,681.39 for Current Fund, \$997,300.00 for Sewer Utility Fund and \$205,400.00 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund.
2. That said emergency appropriation will be provided for the 2008/2009 budget.
3. That a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

GENERAL GOVERNMENT:

Mayor & Council

Salaries & Wages	\$ 30,000.00
Other Expenses	15,000.00

Township Clerk

Salaries & Wages	80,000.00
Other Expenses	26,000.00

Finance Administration

Salaries & Wages	80,000.00
Other Expenses	10,000.00

Audit Services

Other Expenses	20,000.00
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Revenue Administration

Salaries & Wages	55,000.00
Other Expenses	10,000.00

Tax Assessment Administration

Salaries & Wages	17,000.00
Other Expenses	15,000.00

Legal Services and Costs

Expenses	12,000.00
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Engineering Services and Costs

Other Expenses	9,000.00
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LAND USE ADMINISTRATION

Planning Board

Other Expenses	8,000.00
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CODE ENFORCEMENT AND ADMINISTRATION

Uniform Construction Code

Salaries & Wages	70,000.00
Other Expenses	16,000.00

Other Code Enforcement

Salaries & Wages	27,000.00
Other Expenses	1,000.00

INSURANCE

Liability Insurance

Other Expenses	90,000.00
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Workers Compensation Insurance	
Other Expenses	90,000.00
Employee Group Insurance	
Other Expenses	900,000.00
Unemployment Insurance	
Other Expenses	1,600.00
<b>PUBLIC SAFETY FUNCTIONS</b>	
Police Department	
Salaries & Wages	1,340,000.00
Other Expenses (including vehicles)	105,000.00
Emergency Management	
Salaries & Wages	2,500.00
Other Expenses	650.00
Aid to Volunteer Ambulance Company	
Other Expenses	25,000.00
Municipal Prosecutor	
Salaries & Wages	9,000.00
Other Expenses	800.00
<b>PUBLIC WORKS FUNCTION</b>	
Streets and Road Maintenance	
Salaries & Wages	110,000.00
Other Expenses	8,000.00
Solid Waste Collection	
Salaries & Wages	225,000.00
Other Expenses	12,000.00
Buildings & Grounds	
Salaries & Wages	60,000.00
Other Expenses	34,000.00
Vehicle Maintenance	
Salaries & Wages	75,000.00
Other Expenses	70,000.00
NJPDES-Storm water	
Salaries & Wages	34,000.00
Other Expenses	14,000.00
<b>HEALTH AND HUMAN SERVICES FUNCTIONS</b>	
Public health services	
Salaries & Wages	7,000.00
Other Expenses	500.00
<b>PARKS AND RECREATION</b>	
Recreation Services and Programs	
Other Expenses	8,000.00
Maintenance of Parks	
Salaries & Wages	70,000.00
Other Expenses	10,000.00

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Maintenance of Free Public Library	
Salaries & Wages	22,000.00
Other Expenses	5,500.00
OTHER COMMON OPERATING FUNCTIONS (UNCLASSIFIED)	
Accumulated Leave Compensation	1,000.00
Celebration of Public Events	
Other Expenses	8,000.00
UTILITIES EXPENSES AND BULK PURCHASES	
Electricity & Natural Gas	40,000.00
Street Lighting	70,000.00
Telephone	30,000.00
Water	6,000.00
Petroleum Products (Fuel Oil & Gas)	125,000.00
Sewerage	4,000.00
Landfill/Solid Waste Disposal Costs	145,000.00
STATUTORY EXPENDITURES	
Public Employees Retirement System	0.00
Social Security	190,000.00
Police & Fire Retirement System	0.00
FEDERAL & STATE GRANTS	
Drunk Driving Enforcement Grant	3,719.52
Over the Limit Under Arrest 2008 Grant	5,000.00
Over the Limit Under Arrest Holiday Grant	4,963.16
Body Armor Replacement Grant	1,948.71
NJ Transportation Trust – Mun Aid Program	170,000.00
Neighborhood Housing Rehab Grant	150,000.00
MUNICIPAL COURT	
Municipal Court	
Salaries & Wages	76,000.00
Other Expenses	28,000.00
Public Defender	
Other Expenses	500.00
CAPITAL IMPROVEMENTS (AND CAPITAL IMPROVEMENT FUND)	
Capital Improvement Fund	80,000.00
MUNICIPAL DEBT SERVICE	
Bond Principal	544,000.00
Bond Interest	228,600.00

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Note Interest	42,400.00
Note Principal	39,000.00

TOTAL EMERGENCY TEMPORARY CURRENT FUND  
APPROPRIATIONS

\$ 5,823,681.39

**EMERGENCY TEMPORARY APPROPRIATIONS  
SEWER OPERATING FUND**

OPERATING

Salaries & Wages	180,000.00
Other Expenses	208,000.00

Debt Service

Bond Principal	300,000.00
Bond Interest	295,000.00

STATUTORY EXPENDITURES

Public employees Retirement System	0.00
Social Security	14,000.00
Unemployment Compensation Insurance	300.00

TOTAL EMERGENCY TEMPORARY  
SEWER OPERATING  
FUND APPROPRIATIONS

\$ 997,300.00

**EMERGENCY TEMPORARY APPROPRIATIONS  
OPEN SPACE, RECREATION, FARMLAND AND  
HISTORIC PRESERVATION TRUST FUN**

Salaries & Wages	\$35,000.00
Other Expenses	15,000.00
Bond Principal	97,400.00
Interest on Bonds	58,000.00

TOTAL OPEN SPACE, RECREATION,  
FARMLAND AND HISTORIC PRESERVATION  
FUND APPROPRIATIONS

\$ 205,400.00

Motion by Councilman Morris, second by Councilman McIntosh to adopt Resolution 2009-60. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2009-61 RESOLUTION AUTHORIZING THE TAX COLLECTOR TO  
ISSUE ESTIMATED TAX BILLS FOR THE FIRST QUARTER 2009AS PERMITTED  
BY NEW JERSEY PUBLIC LAW 1994, C.72**

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**WHEREAS**, the SFY 2009 Budget for the Township of Berlin has not yet been adopted due an unprecedented lack of a timely response from the State of New Jersey on our pending application for Extraordinary Aid; and

**WHEREAS**, due to the budget not yet being adopted and as recommended by the State of New Jersey, it is necessary at this time to send out estimated tax bills for the first quarter 2009, as permitted by New Jersey Public Law 1994, c.72, in order to meet our statutory obligations; and

**WHEREAS**, the Tax Collector and Chief Financial Officer have certified the estimated tax levy calculation and it is within the permissive range according to law; and

**WHEREAS**, upon adoption of our SFY 2009 Budget, the final bills for the second quarter 2009 will be adjusted accordingly; and

**WHEREAS**, the estimated tax bills will be sent out as soon as possible by the Tax Collector after adoption of this resolution and as per statute interest will not be charged until the twenty-fifth calendar day after the date that the tax bills are mailed; and

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that due to the lack of response from the State on our pending application for Extraordinary Aid, that the Tax Collector be authorized to issue estimated tax bills for the first quarter 2009 as permitted by law based on the calculations prepared and submitted.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-61. Resolution adopted by call of the roll, four members present voting in the affirmative.

**Resolution 2009-62**

Payment of Bills January 26, 2009

WHEREAS, the Code of the Township of Berlin, Chapter 7-1 et seq., provides payment of claims after certification by the Treasurer and consideration by Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the following claims are hereby approved and the bills be paid.

<b>TO</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
CC Animal Shelter	Dog Trust	440.00
Blackwood Animal Hospital	Dog Trust	328.00
Countywide Animal Control	Dog Trust	50.00

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Camden County Div of Health	Dog Trust	865.73
Robert E DePersia	Municipal Public Defender	150.00
David F. Carlamere	Planning Board Esc #342	110.00
	Planning Board Esc #346	110.00
KEI Associates	Planning Board Esc #286	3,360.00
	Planning Board Esc # 308	2,197.50
	Planning Board Esc # 332	5,222.50

**CONFIRMING**

TD BANK	07-201-55-520-2105	190,000.00
	07-201-55-522-2105	116,952.50
	07-168-05-540-3000	79,051.25
Verizon	07-201-55-502-2076	212.69
American Asphalt Company	04-204-55-868-70806	7,405.53
	04-204-55-866-70805	2,222.60
America On Line	01-201-20-120-2105	32.90
	01-201-20-120-2105	32.90
Atlantic City Electric	01-201-31-435-2075	6,838.15
	01-201-31-435-2071	4,625.08
AT & T Mobility	01-201-31-440-2076	778.91
Nextel	0-201-31-440-2076	48.99
West Berlin Postmaster	01-201-20-110-2120	349.76
Verizon	01-201-31-440-2076	1,117.32
Verizon Wireless	01-201-25-240-2028	280.49
William Austin Builders	01-213-85-029-3000	13,335.00
NJ State Health	01-201-23-220-2092	11,456.79
	01-201-23-220-2092	39,416.03
Payroll, Current Fund	12/4/2008	161,477.99
Payroll, Sewer	12/4/2008	5,929.21
Payroll, Current Fund	12/11/2008	62,883.06
Payroll Sewer	12/11/2008	4,663.63
Payroll, Current Fund	12/18/2008	60,757.63
Payroll, Sewer	12/18/2008	4,637.40
Payroll, Current Fund	12/24/2008	82,527.63
Payroll, Sewer	12/24/2008	4,637.40

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Motion by Councilman Morris, second by Councilman McIntosh to adopt Resolution 2009-62. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2009-63 RESOLUTION AUTHORIZING THE RELEASE OF FUNDS CURRENTLY ON DEPOSIT FOR STORMWATER INSPECTION FEES AND STORMWATER MAINTENANCE GUARANTEES**

**WHEREAS**, beginning in 2005 separate fees were collected and deposited from various property owners of retention basins for Stormwater Inspections and Stormwater Maintenance Guarantee Fees; and

**WHEREAS**, it has recently been determined that it is the property owners' responsibility, rather than the Township's responsibility, to inspect and maintain the stormwater systems on private property; and

**WHEREAS**, the following property owners have on deposit funds, including interest in some cases, which now may be released;

<u>Property Owner</u>	<u>Date of Initial Deposit</u>	<u>Type of Deposit</u>	<u>Amount to be Returned</u>
Meisenzahl Partners	6/29/05	Inspection	10,489.25
Ann S. Ragone – Fireplace People	5/9/06	Maint. Guaran.	6,008.54
	5/9/06	Inspection	3,439.62

And, **WHEREAS**, the aforementioned property owners have entered into amended Agreements for Maintenance and Inspection of Stormwater Management Facility to guarantee inspections and maintenance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the above mentioned amounts on deposit for Stormwater Inspection Fees and Stormwater Maintenance Guarantee be released to the property owners.

Motion by Councilman Morris, second by Councilman McIntosh to adopt Resolution 2009-63. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2009-64 AUTHORIZING MAYOR AND THE GOVERNING BODY TO APPROVE THE FORM OF THE CONTRACT OF SALE FOR GORDON'S FURNITURE.**

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin, that the Mayor and Governing Body approve the form of the contract and the Mayor is hereby authorized to sign the proposed contract for purchase of Gordon's Furniture 135-145 Route 73 South, for the future site of the Municipal Building and provide same to the seller.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-64. Resolution adopted by call of the roll, four members present voting in the affirmative.

**APPROVAL BUSINESS LICENSES**

- 1) **Flooring Associates, Ronald Raeuber**, 228 Pine Edge Drive, Office, Warehouse. Motion by Council President DiGangi, second by Councilman Morris to approve business license for Flooring Associates. License approved By call of the roll four members present voting in the affirmative.
- 2) **US Mortgage Assistance Program, Michael Morrocco**, 403 Commerce Lane, Loan Modification Processing. Motion by Council President DiGangi to deny business license, second by Councilman Morris to deny business license, due to the police report from Chief of Police Michael Hayden. By call of the roll four members present voting in the affirmative.

**CONSENT AGENDA**

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

**APPROVAL OF MINUTES OF DECEMBER 15, 2008**

Motion by Council President DiGangi, second by Councilman Morris to approve the minutes of December 15, 2008. Motion carried by voice vote, all present voting in the affirmative.

**APPROVAL OF CLOSED MINUTES OF DECEMBER 15, 2008**

Motion by Council President DiGangi, second by Councilman Morris to approve the closed minutes of December 15, 2008. Motion carried by voice vote, all present voting in the affirmative.

**APPROVAL OF MINUTES OF REORGANIZATION MEETING JANUARY 5, 2009**

Motion by Council President DiGangi, second by Councilman Morris to approve the minutes of January 5, 2009. Motion carried by voice vote, all present voting in the affirmative.

**APPROVAL OF CORRESPONDENCE CALENDAR FOR DECEMBER 2008**

Motion by Councilman Morris, second by Council President DiGangi to receive and file the correspondence calendar for December 2008. Motion carried by voice vote, all present voting in the affirmative.

**GOOD AND WELFARE #2**

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.

Joe McShea , from MT. Vernon Avenue asked if the Township has made any decision on the Municipal Building yet. Mayor Phyllis Magazzu respond back and said that the Township is in negotiation with Gordon's Furniture at this time.

Andrew Tindell, from Katherine Avenue asked what the purchased price was. Township Solicitor Donafaye Zoll commented that we could not discuss any detail because of the pending negotiations. Phyllis stated that the Township would have a meeting to inform the public of any plans.

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

**ALL OTHER BUSINESS FOR DISCUSSION**

Filomena Restaurant would like to apply for an expansion of their liquor license to serve alcoholic beverages at tables which are located at the outdoor patio. The Governing Body questioned if the outdoor seating was approved, as part of the site plan approval, granted by the Planning Board. The Governing Body will check with the Planning Board.

Park Use Ordinance Fees are in order and Mayor and Council will introduce the Ordinance.

**ORDINANCE 2009-1 OF THE TOWNSHIP OF BERLIN AMENDING  
CHAPTER 85 OF THE CODE OF THE TOWNSHIP OF BERLIN  
CAPTIONED "PARKS AND RECREATION"**

Motion by Councilman Morris, second by Councilman McIntosh to adopt Ordinance 2009-1 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2009-65 CLOSED SESSION TO DISCUSS THE  
DEVELOPMENT OF A NEW MUNICIPAL BUILDING**

**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 the development of a new municipality building.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2009-65. Resolution adopted by call of the roll, four members present voting in the affirmative.

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**ADJOURN**

Motion by Council President DiGangi, second by Councilman McIntosh to adjourn the meeting at 8:55 p.m. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned at 8:55 p.m.

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Jamey Eggers Township Clerk