

OCTOBER 23, 2017

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL OCTOBER 23, 2017 AT 5:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Mayor Magazzu, Councilman McIntosh, Council President Morris arrived at 5:44pm , Councilwoman Bodanza, Councilman Epifanio.

Also Present- Solicitor, Stuart Platt, CFO, Lori Campisano, Animal Control/ Property Maintenance, Josh Shellenberger, Lt Louis Siderio.

Absent- Township Engineer / Public Works Director, Chuck Riebel, Chief of Police Leonard Check.

DEPARTMENTAL REPORTS

ENGINEER'S AND DIRECTOR'S REPORT

A. CHANGE ORDERS AND VOUCHERS

None at this time.

B. RESOLUTIONS AND ORDINANCES FOR CONSIDERATION

1. WalMart Bond Release

Action for the release of the performance guarantee will be delayed until they replace the trees, which have recently died.

2. Drainage Easement for Aarne Reid, West Berlin Properties, 380 Cooper Road

The Solicitor's Office is preparing the Ordinance and Easement Agreement to allow for Mr. Aarne Reid to discharge the stormwater for the expanded development of his site into the stormwater basin at 370 Cooper Road.

C. ENGINEER'S REPORT

1. 2017 Automated Refuse Truck

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The new truck has been delivered to the Public Works Complex. We are still waiting for the solid waste transport decal to be mailed to the Township. Once the decal is received, we will be placing the truck into the collection rotation.

2. Camden County Community Development Block Grant Program, Year 39 (2017-2018) Funding and Remaining Balances From Funding From Previous Years

The intended work consists of the continuation of improvements to the Senior Citizens Building. I recommend that the priority of the remaining improvements be established, so the work can be performed in the near future.

The tables and chairs have been delivered to the Seniors Center. Mr. Simone is working obtaining current quotes for the replacement of the rear door and automation of the front doors for handicap access.

3. N.J.D.O.T. FY 2018 Municipal Aid Program Application

We have submitted applications for the following projects:

Priority One: Improvements to Clarence Avenue- from Haddon Avenue to Veteran's Avenue. Estimated Construction cost- \$216,916, Requested funding-\$237,000

Priority Two: Street Improvements Program

a. Improvements to Spruce Avenue- Chestnut Avenue to Cushman Avenue Estimated Construction Cost- \$134,913.

b. Improvements to Day Avenue- NJSH Rt. 73 to Rear Drive for Municipal Building Estimated Construction Cost- \$78,991 Total Estimated Construction Cost- \$213,904. Requested funding-\$233,000

4. Improvements to Hazel Avenue (NJDOT FY 2015 Funding)

We are in the process of completing the bid/construction documents. I am hopeful that we will be able to bid the project, in the immediate future, in order to retain the N.J.D.O.T. funding. Prior to bidding the project, we must obtain N.J.D.O.T. Local Aid approval of the plans and specifications and authorization to bid the project. Since it has been quite some time since the original authorization, I request that the Governing Body consider re-authorizing the advertisement and opening of bids for this project.

The requested amount of funding was \$236,000. The estimated construction cost was estimated to be \$210,627 and contract administration/materials testing costs are estimated to be \$9,000. I have requested that additional funds be allotted, for this project, in the 2017 budget.

5. 2016 Street Improvements Program

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The Governing Body has allotted funds for the improvements to the following streets:

- a. Localized pavement area repairs along Taunton Avenue- Cooper Road to Clover Avenue;
- b. Repairs to settled pavement along Lester Avenue- Haddon Avenue to McClellan Avenue and along McClellan Avenue- Lester Avenue to Pine Avenue;
- c. Repairs to the settled pavement and curb at #340 Centaurian Drive;
- d. Repairs to the localized areas of the gutterlines of street within the Pinecrest section.

I am hopeful to begin the preparation of bid documents in the near future. It is probable that construction will not begin until the early Spring of 2018.

6. Recommendation for Capital Improvements for 2018 and the Future

This year, I had submitted my recommendations for various improvements to the streets, buildings, grounds and recreation facilities. I strongly suggest that the Governing Body consider implementing a long-term capital improvements program to address this matter.

7. NJDOT FY2018 Local Freight Impact Fund

The NJDOT has announced the acceptance of applications for this program. The submission deadline is December 19, 2017. Since I do not believe that the Township has any potential projects, which are eligible for this funding, I do not recommend the submission of any applications to the NJDOT.

8. Shared Services with Berlin Borough for Public Works Equipment

Mr. Simone has been discussing the matter with the Borough Public Works Department and is estimating the costs for the use of the sweeper.

9. Bate Avenue Site (Former Municipal Building and Administrative Building)

I recommend that the Governing Body consider taking the necessary action for the, possible, demolition of the existing building and sale of the property.

10. Re-Examination of the Master Plan

I have recommended that the Governing Body consider allocating funding, in the near future, for consulting planning services for the

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preparation of a new Master Plan. I recommend that the Governing Body discuss the scheduling of the process with the Planning Board.

11. Vacation of a Portion of Pinedge Drive

The Governing Body adopted Ordinance No. 2017-6 on September 11, 2017. We will revise the Tax Maps to depict this right-of-way vacation.

12. Improvements to the Municipal Building

a. Improvements to the Unfinished General Assembly Rooms

At this time, I am not sure when we will be completing the bid documents for the ceiling, the remainder of the ceiling lighting, HVAC system and reconfiguration of the fire suppression system.

It has been determined that the Public Works staff will install the vinyl floor tiles, after the above mentioned, contracted work has been completed. The Public Works Department may, also, install the hung ceiling system.

b. Irrigation and Landscaping

The design for the irrigation system remains to be completed. I am hopeful that we will be able to have an irrigation contractor donate their design services. Otherwise, we must purchase design software to complete the task.

I have requested that funds be allotted for the irrigation system, with a rainwater recapturing system for irrigation use, in my request for capital funding in 2017. Due other projects, which are in immediate need of improvement, this project has been assigned as a lower priority, in the past. I recommend that this project be considered for funding in 2018, if funding is available.

c. Recoating of the Front Parking Area

I recommend that this project be considered for funding in the 2018 Capital Budget.

13. 2017 Camden County Open Space Trust Fund Recreation Facility Enhancement Application

The application package was submitted to the County for funding for spectator seating at the band shell at the Luke Avenue Recreation Complex. The County representative has informed me that consideration for funding is not favorable due to the unexpended funds from previously approved grants.

Ms. Campisano resolved the open issues with the current funding. Now that the current funding has been addressed, I am hopeful that the County agency will act favorably, regarding our request for the redesignation of a portion of these funds.

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14. Camden County Open Space/ Recreation Enhancement Funds for the Reconstruction of the Large Hockey Rink at Robert T. Clyde Memorial Park

The Freeholders approved a total of \$50,000 for this project. Ms. Campisano has informed me that she has discussed and resolved the matters of funding with the County representatives.

I will be sending a letter to the Open Space Committee to request the redesignation of the funds for the following improvements:

- a. Replacement of the boards for the large and small rinks- \$10,000
- b. Construction of a safety surface for the playground at Robert T. Clyde Memorial Park
\$40,000

15. County Recreation Enhancement Funds for the Reconstruction of the Basketball Court at Spruce Avenue Recreation Site (County Open Space Grant - \$25,000)

The Governing Body has adopted the Bond Ordinance, appropriating funds to supplement the County Open Space funds so that this project can be completed.

I am, currently, evaluating the use of a geogrid reinforcement system, which would allow for the resurfacing of the court, rather than the costlier, reconstruction of the surface.

I expect to receive bids for this project, along with the street improvement program, which will, hopefully, result in a more competitive price, due to the inclusion with a larger scale project.

16. Improvements to the Water Distribution System by Berlin Borough

The contractor for the Borough is nearing the completion of the water main improvements along Grove Avenue, between Harrison and Cleveland Avenues. Several residents have contacted the Township staff, informing them of brown colored water, which has resulted from the new construction and changes in the circulation patterns of the water through the distribution system.

17. Flushing of the Water Distribution System by the Borough Water Department

The Borough Water Department has informed us that they will be commencing with the annual flushing of the distribution system, during the week of October 16, 2017.

18. Storm Drainage Improvements

a. Lester Avenue Storm Drainage and Stormwater Management

- 1) Phase 1-Construction of Storm Inlets Piping and Temporary Stormwater Basin

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The Governing Body has adopted the Bond Ordinance, appropriating funds, for this project. We expect to bid this project, in the near future.

2) Phase 2 – Extension of Storm Drainage to the Existing Stormwater Management System within the Luke Avenue Recreation Complex

We must perform the land surveying and engineering design. I will be preparing a cost estimate for the construction for consideration for funding by the Governing Body.

It will be necessary to obtain an easement for the proposed storm drainage piping, which will be crossing the P.S.E.G. lands.

b. Kelley Drive Stormwater Basin Reconstruction

It is my understanding that the funds must be re-allocated for this project.

I do not see our department completing the bid documents until, some time, late in 2017/early 2018.

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

No update to report.

d. Storm Drainage Issues with the Southwest Portion of the Township

I had reported to the Governing Body, some time ago that I am estimating that the overall construction cost for the necessary improvements is approximately \$11.8 million. I recommend that a meeting be requested with Congressman Norcross to discuss the possibility of receiving Federal funding, for this project. It may, also, be worth requesting the assistance of the N.J.D.E.P.

19. Request to the Pinelands Commission for Redesignation of Lands

To date, I have not performed any additional work, regarding this matter. I have discussed the matter with representatives of Key Engineers, Inc. and have requested that they submit a proposal for the planning services. I recommend that the party(ies) requesting redesignation be responsible for the cost of the consulting planning services.

As we requested, the County Planner has mentioned the matter, in the Master Plan Reexamination Report. The study must be performed and the report prepared and submitted to The Pinelands Commission.

20. Tax Map Revisions

The current maps have been converted to CAD format to allow for easier updates and posting on the website. The revised maps include the sections of the MoOnteBello development, which have been recorded at the County Clerk's Office.

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21. Request for the Installation of a Traffic Signal at the Intersection of Route 73 and D'Angelo Drive and Improvements at the Intersection of Route 73 and Cooper Road

The meeting with the representatives of the NJDOT, County and Voorhees Township has been scheduled for October 24, 2017 at 10:00 a.m.

22. Investigation for Sidewalk Along Oak Avenue

Some time ago, the Governing Body discussed the possible construction of sidewalk along one side of the street, due to the narrow width of the roadway. I must, still perform the investigation and report to the Governing Body.

23. Investigation of the Condition of Decorative Concrete Sidewalk Along Haddon Avenue

I recommend that an epoxy coating be applied to the spalled areas and apply a clear sealant to the concrete and brick surfaces. This work can be performed by the Public Works staff.

24. Possible Multi-Use Trail- Educational Park to Egg Harbor Road

I have informed the Governing Body that Public Service Electric and Gas Co. has allowed for the construction of a multi-use trail, within their right-of-way for high service lines. There have been grants available for these trails. If the Governing Body is interested, I will contact them to schedule a meeting to discuss the possibility of placing a trail within their right-of-way.

25. Possible Assistance from the NJDEP for Various Issues

On September 25, 2017, Mayor Magazzu and I met with Ms. Kerry Pflugh, Director of the NJDEP Office of Local Government Assistance. We requested assistance for various matters, throughout the Township. We are hopeful that Ms. Pflugh will be able to have the various department personnel assist the Township with the matters.

Some of the issues, which were discussed were a) the environmental cleanup of the former C & M Motors site; the closeout of the site remediation issues for the underground storage tanks at the Public Works Complex; flooding issues within the southwest portion of the Township; possible expansion of the sewer service area and considering the inclusion of the composting of grass clippings at the Township composting facility

26. Study for Designated Truck Routes Throughout the Township

I, still, must complete the study and submit my recommendations to the Governing Body for consideration for adoption.

D. PUBLIC WORKS DEPARTMENT

1. Operations and Staffing

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The Public Works/ Engineering Clerk is now full time and is performing various tasks, especially for the Public Works Department. The staff is performing various tasks and are gearing up for the upcoming leaf collection season. The staff has replaced the boards on the large hockey rink and is, currently, replacing the boards on the small hockey rink at Robert T. Clyde Memorial Park. County Recreation Enhancement Grant funds are being used for these improvements.

Now that we are nearing the end of the first year of the new waste and recyclable collection process, we expect to recommend a few modifications to the process to, hopefully, make it more convenient to the residents for 2018 and future years.

Mr. Simone will be issuing the Fall/Winter clothing to the staff, in the near future, for their use.

GPS instrumentation has been placed in several of the vehicles, which we will be utilizing to improve the efficiency of the operations of the department.

2. Auction for Vehicles and Equipment

Mr. Simone has completed the auction of various vehicles and equipment through GovDeals.com. The successful bidders have picked up the items and the Township has received payment for those items.

3. Possible Directory Signs for the Businesses Along Haddon Avenue, Between Zulker and Walker Avenues

No update to report.

4. Traffic Signal Emergency Repairs Contract

I had recommended that quotes be received and the Governing Body consider including a provision for maintenance and inspection, which could be included in the Base Bid or listed as an alternate bid.

6. Purchase of Loader

We expect the loader to be delivered in mid to late-November, 2017, allowing us to use it for leaf composting and the upcoming winter season.

7. Roadway, Sign and Walkways Management Program

In 2017, the Public Works Department staff completed the inspection of the roadways, signs and walkways along all municipal streets.

The Public Works Department continues to repair or replace those signs, which have been identified by the inspectors. The Department continues to repair the identified areas of municipal streets.

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SOLICITORS REPORT

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Estate of Carol Bowne
5. Rhonda Abott V. Berlin Township Police
6. Open Public Records Act
7. Municipal Building Roof
8. Lester Avenue Drainage Project
9. Verizon Wireless Municipal Consent

POLICE DEPARTMENT

Department Stats, September, 2017

Total of 3,141 calls for service to include 220 motor vehicle summons, 28 M.V Accidents, 415 Alarm calls. A total of 46 arrests which include 3 narcotics, 5 shoplifting, and 21 warrant services.

Police Department:

On 10/01/2017 at 2332 hrs. officers Kelbaugh and Lex were dispatched to 420 Commerce Lane for a reported burglary in progress call. While enroute Officers were advised that the business owner was watching several suspects inside his building from his surveillance cameras. Upon arrival three suspects were observed at the front doors of the building loading items into a mini van. The suspects all fled when they observed the Officers but were arrested after a foot chase. Subsequently 4 suspects were charged with burglary, theft and possession of a stolen vehicle out of Camden.

This arrest solved another burglary and theft investigation that took place on 09/28/2017 involving the same business and suspects.

On 08/30/2017 a suspect was arrested for sexual assault. The investigation revealed there was an inappropriate relationship between the manager of a local fast food establishment and a juvenile employee. A complete and thorough investigation resulted in the arrest of the manager.

Curfew and trick or treat times for Halloween 2017:

I request that the curfew be set for 9:00pm from Friday, 10/27/2017 til Tuesday, 10/31/2017. Trick or Treat hours will be from 2:00pm til 8:00pm.

Training:

All Officers have attended the Attorney General mandatory CLEAR training for 2017. This training was De-Escalation techniques to individuals with special needs / mental health issues.

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All Officers also completed the Attorney General mandatory training on domestic violence, vehicular pursuits, blood bourn pathogens, use of force, CED, and firearms training.

MAINTENANCE OFFICER / ANIMAL CONTROL

Nothing to report at this time.

HALLOWEEN PROCLAMATION

WHEREAS, celebration of Halloween provides an opportunity for merry making and good fellowship for all residents and particularly “Trick or Treat” for our children; and

WHEREAS the Trick or Treat hours for the Township of Berlin will be from 2:00 pm to 8:00 pm on Halloween, Tuesday October 31, 2017: and

WHEREAS, the safety and well being of all our residents and particularly for our children at this season, is of the utmost concern to the parents, Governing Body and Law Enforcement agency of the Township necessitating Emergency Curfew Regulations after 9:00 pm, on the following days Friday October 27, 2017, till Tuesday October 31, 2016, Halloween.

It will be **unlawful for any child 17 years of age and under** to remain on or upon any public place or establishment after these times as stated above, unless accompanied by parents or guardian. Emergency Curfew will be strictly enforced.

NOW, THEREFORE, I, PHYLLIS MAGAZZU, MAYOR OF THE TOWNSHIP OF BERLIN proclaim Tuesday October 31, 2017 from 2:00 pm to 8:00 pm to be the official celebration of Halloween.

FIRST READING ORDINANCE 2017- 9 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AUTHORIZING THE GRANT OF A DRAINAGE EASEMENT, AND APPROVING A DRAINAGE EASEMENT AGREEMENT, REGARDING THE MUNICIPAL PROPERTY DESIGNATED AS BLOCK 2301, LOT 23, AND FURTHER AUTHORIZING THE EXECUTION OF SAID EASEMENT AND ANY AND ALL DOCUMENTS NECESSARY AND/OR INCIDENTAL THERETO.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., authorizes a municipality to grant easements; and

WHEREAS, N.J.S.A. 40A:12-13 within the Local Lands and Buildings Law requires that the grant of easements by municipalities be accomplished by ordinance; and

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WHEREAS, the Township of Berlin (the "Township") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County and is subject to the requirements of the Local Lands and Building Law as aforementioned; and

WHEREAS, Aarne Reid is the owner and developer of certain real property designated as Block 1905, Lot 3.01 on the Official Tax Map of the Township of Berlin, Camden County, New Jersey, which property was the subject of a certain Amended Preliminary and Final Major Site Plan approval granted by the Berlin Township Planning Board via Resolution #2017-11 adopted on June 13, 2017 (the "Approvals"); and

WHEREAS, the Township is the owner of certain real property designated as Block 2301, Lot 23 on the Official Tax Map of the Township of Berlin, Camden County, New Jersey, which property adjoins the property designated as Block 1905, Lot 3.01; and

WHEREAS, pursuant to the above-referenced Approvals, Aarne Reid requires a limited right to utilize the drainage system located within Lot 23 for the purpose of conveying and discharging any and all storm water from Lot 3.01, together with the limited right of ingress, egress, and access upon over and across Lot 23 (the "Easement Area") for the purpose of installation and maintenance of said drainage improvements; and

WHEREAS, Aarne Reid shall be responsible for all maintenance of the proposed improvements to be constructed in the Easement Area, for removal of any sediment resulting from the discharge of stormwater from Lot 3.01 and for repair of any damage occurring to the Township's property as a result of the discharge of stormwater onto Grantor's property; and

WHEREAS, the Governing Body of the Township of Berlin has determined that it is in the public interest and welfare that the Township grant a drainage easement over and across Lot 23 to Aarne Reid; and

WHEREAS, the Township and Aarne Reid have agreed to the terms and conditions of such easement as same are stated in the easement document attached here to as Exhibit "A"; and

WHEREAS, it is the intention of the Governing Body of the Township of Berlin to authorize the property municipal officials to execute the attached easements on behalf of the Township of Berlin.

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

SECTION 1: The "Drainage Easement Agreement" document, attached hereto as Exhibit "A," by and between the Township of Berlin and Aarne Reid, be and hereby is authorized and approved in the form set forth therein.

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SECTION 2: Phyllis J. Magazzu, Mayor of the Township of Berlin, be and hereby is authorized to execute on behalf of the Township of Berlin the said Drainage Easement Agreement document attached hereto as Exhibit A, together with any and all other documents necessary to implement and/or effectuate the intent and purpose of this Ordinance and to fully effectuate the terms and conditions of said easement, and that the Township shall be bound thereby.

SECTION 3: The Township Clerk be and hereby is authorized to cause the original Drainage Easement Agreement document to be duly recorded in the public records by delivering same to the Office of the Camden County Clerk, or to Aarne Reid, as the case may be, for such purpose.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 6: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Motion by Council President Morris, second by Councilman Epifanio to adopt Ordinance 2017-9 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2017- 10 OF THE TOWNSHIP OF BERLIN,
COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AUTHORIZING THE
PRIVATE SALE OF CERTAIN BERLIN TOWNSHIP OWNED PROPERTY
(BLOCK 2501, LOT 1 - 175 CROWFOOT ROAD) PURSUANT TO N.J.S.A.
40A:12-13(b)**

WHEREAS, N.J.S.A. 40A:12-13(b) authorizes the private sale of municipally owned real property no longer needed for public use to contiguous land owners where said property is vacant and unable to be developed separately pursuant to municipal zoning ordinances or otherwise qualify for a private sale; and

WHEREAS, The Township of Berlin has determined that certain parcels of municipally owned land are not necessary for public use and said lands being identified on the Schedule "A" attached hereto; and

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WHEREAS, the Governing Body of the Township of Berlin has determined that said properties would be of better value as a privately owned tax ratable.

NOW THEREFORE, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, as follows:

SECTION 1. The real property listed on Schedule "A" attached hereto shall be advertised for private sale to contiguous land owners pursuant to requirements of N.J.S.A. 40A:12-13(b).

SECTION 2. That notice of said private sale to contiguous property owners shall be published in a newspaper circulating in the municipality by one insertion within five (5) days of the adoption of this Ordinance. A Notice of Sale also shall be posted on the Township bulletin board and website with a copy of same mailed to all contiguous property owners immediately following the date of the adoption of this Ordinance. The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs the required affidavit verifying the publication of advertisements in accordance with law.

SECTION 3.

A. The Township shall accept offers/bids from contiguous property owners for a period of twenty (20) days from the date of newspaper advertisement. All bids must be received in a sealed envelope addressed to the Township of Berlin, Attention Berlin Township Clerk.

B. Said properties are being offered for sale to contiguous property owners as either undersized, landlocked, or otherwise restricted lots unable to be separately developed with the condition that the Township is issuing no representations or warranties as to the permissibility or advisability of the property's use, including but not limited to sewer and water capacity availability to or for the property, and of any limiting environmental conditions, including but not limited to the presence of wetlands. The successful bidder is solely responsible for obtaining any and all necessary local, county or state permits and/or approvals for use of the property or for constructing any improvement on the property. The Township makes no representations as to any previous use of the property and does not guarantee clear title to the property.

C. All bids shall be referred to the Township Governing Body for final review and approval which shall be by Resolution within fourteen (14) days after bids are received.

D. The successful bidder shall be required to pay all conveyancing expenses, including legal fees and advertising costs, and to provide at its own expense a title search and legal description to the Township for preparation of the Deed of Conveyance by the Township.

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E. The minimum purchase price for each lot and all other conditions of sale are described in Schedule "A" attached hereto.

F. A Bargain and Sale Deed will be the document of conveyance and no warranties or representations as to title are made by the Township. If, however, the Township is unable to convey marketable title, the private sale shall be null and void and of no further effect. In addition, any deposit monies received pursuant to this bidding procedure shall be returned.

G. The confirmation of the sale by the Governing Body shall be a complete acceptance of the bid and, thereafter, within thirty (30) days from said confirmation, settlement must be completed by the successful bidder. In the event the successful bidder defaults and fails to complete the settlement within the time period allowed, the Township shall be entitled to rescind the prior approval, terminate all rights of the designated bidder and the down payment shall be forfeited to the Township. Said time period may only be extended for good cause documented to and approved by the Township.

H. A deposit not exceeding ten percent (10%) of the minimum bid price of the tract of land on which the bid is submitted shall be paid by the successful bidder in cash, cashiers check or certified check within seventy-two (72) hours of notification from the Township that said party is the successful bidder. Failure to make the payment in the time period required will nullify said bid and the Township will notify the next highest bidder, if any, of being the successful bidder.

I. The lot(s) being offered for sale are subject to existing liens, encumbrances, judgments, zoning regulations, easements, and any other regulations, which such facts would be revealed by a title report and an accurate survey which the Township has not undertaken.

J. The purchaser shall be the responsible party to terminate any and all existing tenancies.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Motion by Council President Morris, second by Councilman Epifanio to adopt Ordinance 2017-10 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2017- 11 OF THE TOWNSHIP OF BERLIN,
COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AUTHORIZING THE
PRIVATE SALE OF CERTAIN BERLIN TOWNSHIP OWNED PROPERTY**

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(BLOCK 1814, LOT 17 -332 HAZEL AVENUE)PURSUANT TO N.J.S.A. 40A:12-13(b)

Motion by Council President Morris, second by Councilwoman Bodanza to table Ordinance 2017-11. Ordinance tabled by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-176 RESOLUTION WAIVING THE PARK FEE FOR THE GREATER MT. CARMEL CHURCH, 250 CHESTNUT AVENUE FOR THE CHURCH HARVEST CELEBRATION TO BE HELD ON OCTOBER 31, 2017.

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Luke Avenue Recreational Complex park fee for the Harvest Celebration held by Greater Mt. Carmel Church, 250 Chestnut Avenue, Township of Berlin is hereby waived.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-176. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-177 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.

To the Mayor and Council to the Township of Berlin:

WHEREAS, the property owner or responsible party failed to take appropriate action as required in the Violation Notices; the Code Enforcement Officer placed a work order with outside vendors on the properties and provided an invoice as certification of all costs associated with the work performed pursuant to Chapter 280-6 and pursuant to Chapter 280-7 the monies expended to pay outside vendors to perform the services at these properties have been charged against the property; and pursuant to Chapter 280-8 forthwith became a lien on such lands and was filed with the Tax Office; said lien to be discharged by the Tax Collector upon payment.

WHEREAS, the Tax Collector has confirmed receipt of payment for the liens against the following properties representing maintenance work performed; the maintenance liens against the following properties have been discharged, as follows:

Property:	AMOUNT	DATE PAID
367 Harrison Avenue	\$ 70.00	09/08/17

Dana O’Hara, CTC - Tax Collector

By resolution of the Mayor and Council of the Township of Berlin, for the reasons set forth hereinabove, it hereby approves and authorizes said liens against said properties pursuant to Chapter 280-7 of the Code of the Township of Berlin hereby discharged.

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BE IT FURTHER RESOLVED, This Resolution shall take effect immediately upon adoption.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-177. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-178 RESOLUTION OF THE TOWNSHIP OF BERLIN AUTHORIZING, THE IMPOSITION OF LIENS IN ACCORDANCE WITH CHAPTER 249 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED, "PROPERTY MAINTENANCE," AND CHAPTER 289, ENTITLED "STREETS & SIDEWALKS AND SECTION 303 OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE BOOK ENTILED SWIMMING POOLS, SPAS AND HOT TUBS"

WHEREAS, N.J.S.A. 40:48-2.12(f) authorizes a municipality to perform certain acts of property maintenance and to charge the costs thereof as a lien against the real property on which such maintenance is performed; and

WHEREAS, Chapters 249 and 289 of the Code of the Township of Berlin and 303.1 of the IPM Code Book establish, inter alia, the procedure by which such property maintenance shall be performed and the process through which the costs thereof shall be established as municipal charges and/or liens against the real property upon which such maintenance is performed; and

WHEREAS, the Code Enforcement Officer for the Township of Berlin was notified and became aware that property maintenance was necessary for certain real properties located in the Township of Berlin listed as follows:

<u>Property: Block/Lot</u>	<u>REASON</u>
405 Oak Ave. B-1904 L-7.01	Lawn care
30 Holly Dr. B-1307 L-30	Clean up
Haddon & Veterans B-625 L8.01	Lawn care
344 Harrison Ave. B-807 L-10	Clean up
526 Route 73 N. B-903 L-10.01	Lawn care
148 North Ave. B-213 L-5	Lawn care
255 Peppermill Rd. B-1803 L14	Lawn care
230 Second Ave. B-605 L-2	Lawn care
244 Briarwood Rd. B-1806 L-24	Lawn care

WHEREAS, pursuant to Chapter 249 and Article III of 289, the Code Enforcement Officer issued Violation Notices to the property owner(s) or responsible party(ies) relating to the above-referenced conditions which were found to be health and safety hazards; and

WHEREAS, the property owner(s) or responsible party(ies) failed to take appropriate action as required in said Violation Notices and the Code Enforcement Officer placed a work order with outside vendors to have such work performed as necessary to protect the health, safety and welfare of the Township; and

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WHEREAS, the Code Enforcement Officer provided invoices as certification of all costs associated with the above-described work performed in order that the monies expended to pay outside vendors to perform the services at these properties could be charged against the respective properties as more fully set forth below;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that it hereby authorizes, approves and ratifies the assessment of municipal charges and/or liens on the following properties as of the date first noted below in accordance with the certified costs provided by the Code Enforcement Officer as described above, and further resolves that these amounts shall forthwith become a lien on such lands as provided for herein:

<u>Property: Block/Lot</u>	<u>Date Charged</u>	<u>Amount</u>	<u>Reason</u>
405 Oak Ave. B-1904 L-7.01	October 23, 2017	\$45.00	Lawn care
30 Holly Dr. B1307 L-30	October 23, 2017	\$695.00	Clean up
Haddon & Veterans Ave.	October 23, 2017	\$80.00	Lawn care
344 Harrison Ave. B-807 L-10	October 23, 2017	\$320.00	Clean up
526 Route 73 N. B-903 L-10.01	October 23, 2017	\$75.00	Lawn care
148 North Ave. B-213 L-5	October 23, 2017	\$75.00	Lawn care
255 Peppermill Rd. B-1803 L-14	October 23, 2017	\$50.00	Lawn care
230 Second Ave. B-605 L-2	October 23, 2017	\$75.00	Lawn care
244 Briarwood Rd. B-1806 L-24	October 23, 2017	\$75.00	Lawn care

BE IT FURTHER RESOLVED, that each of the above-referenced charges and/or liens shall be filed with and shall remain on file with the Tax Office until payment in full thereof, including any penalties and/or interest that may accrue thereon; and

BE IT FURTHER RESOLVED, that all unpaid liens authorized herein shall bear interest at the same rate allowed for unpaid taxes and shall be collected and enforced in the same manner as unpaid taxes and further that the Tax Collector is further authorized to subject same to Tax Sale in the calendar year next following the date thereof in accordance with the Tax Sale Law; and

BE IT FURTHER RESOLVED, that payment of the full amount of said municipal charges and/or liens, plus any accumulated penalties and/or interest thereon, has been tendered to the Tax Collector regarding certain of the aforementioned liens and therefore the Tax Collector is further authorized and instructed to discharge and remove same of record with respect to said properties as follows:

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Township Tax Collector and said Resolution, together with all invoices evidencing certification of costs expended for said work, shall be filed with and/or shall remain on file with the Township Tax Collector.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-178. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-179 RESOLUTION AUTHORIZING THE TOWNSHIP OF BERLIN TO ENTER INTO A JOINT PURCHASING AGREEMENT.

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WHEREAS N.J.S.A 40A:11-11(10) authorizes contracting units to establish a Joint Purchasing System and to enter into a Joint Purchasing Agreement for its administration; and

WHEREAS the Somerdale School District, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Joint Purchasing System for the provision and performance of goods and services; and

WHEREAS, on October 23, 2017 the governing body of the Township of Berlin, County of Camden, State of New Jersey duly considered participation in a Joint Purchasing System for the provision and performance of goods and services,

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This Resolution shall be known and may be cited as the Joint Purchasing Resolution of the Township of Berlin.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-10 the Township of Berlin is hereby authorized to enter into a Joint Purchasing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

BE IT FURTHER RESOLVED that the Mayor of the Township of Berlin is hereby authorized to implement this resolution and execute any documents necessary in connection therewith.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-179. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-180 PAYMENT OF BILLS FOR OCTOBER 2017.

WHEREAS, the Code of the Township of Berlin, Chapter 7-1 et seq., provides for the 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 detailed below and attached are hereby approved and the bills to be paid.

TO	ACCOUNT	AMOUNT
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Treasurer – State Dog Report
 September 2017 Total Licenses 3 Dog Trust \$3.60

CONFIRMING:

TO	ACCOUNT	AMOUNT
Various Current Fund & Sewer Operating Fund Checks	See Bill List Attached dated: 09/29/2017	\$17,691.47
America On Line (August)	7-01-31-443-2077	46.99
State of Jersey Health Benefits – September 2017(A)	7-01-23-220-2092	65,820.84
	7-01-23-220-2092	17,895.45
State of Jersey Health Benefits – September 2017 (R)	7-01-23-220-2092	37,538.90
Ameriflex (October 2017)	Flex Claims Acct.	75.00
Camden County Clerk (Diggerland-Pinedge Vacation)	7-01-55-160-0161	33.00
Verizon Communications – PD FIOS Internet 10/01-10/31/17	7-01-31-443-2077	109.99
Chief Leonard Check (IACP – Convention Philadelphia)	7-01-25-240-2041	977.13
Payroll, Current Fund	09/28/17	163,238.03
Payroll, Sewer Operating Fund	09/28/17	6,632.41
Payroll, Current Fund	10/12/17	128,550.31
Payroll, Sewer Operating Fund	10/12/17	6,738.35
Payroll, Open Space Trust Fund	10/12/17	4,078.44

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-180. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-181 RESOLUTION URGING THE STATE LEGISLATURE TO EXTEND THE 2% CAP ON POLICE AND FIRE ARBITRATION CONTRACT AWARDS.

WHEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control

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increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

WHEREAS, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Berlin urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assemblyman Louis Greenwald, Assemblywomen Pamela Lampitt, Senator James Beach the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey, The New Jersey Conference of Mayors and the League of Municipalities.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-181. Resolution adopted by call of the roll, five members present voting in the affirmative.

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RESOLUTION 2017-182 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948) – BODY ARMOR REPLACEMENT GRANT.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Finance may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

WHEREAS, the Chief Financial Officer has certified that the Township has received a Body Armor Replacement Grant 2017 from the NJ Division of Criminal Justice for \$1,865.87;

BE IT FURTHER RESOLVED that a like sum of \$1,865.87 and the same is hereby appropriated under the caption of:

Operation “Excluded From CAP”
Body Armor Replacement Grant \$1,865.87

BE IT FURTHER RESOLVED that the Chief Financial Officer shall submit electronically the application to the Director of the Division of Local Government Services for approval.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-182. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-183 RESOLUTION AUTHORIZING PURCHASES BASED UPON THE AWARD OF CONTRACT (2nd YEAR OPTION) TO ATLANTIC SALT, INC. IN ACCORDANCE WITH THE COOPERATIVE BID AWARDED BY THE COUNTY OF CAMDEN.

WHEREAS, the County of Camden, as the lead agency for the Camden County Cooperative Pricing System, in which Berlin Township is a member, system identifier #57-CCCPS (Cooperative), received and opened bids at its Division of Purchasing on October 12, 2016 at 11:00a.m., Prevailing Time, Bid B-23/2016 Furnishing and Delivering Sodium Chloride, Pretreated Liquid Enhanced Sodium Chloride and Corrosion Inhibited de-icing Liquid, and Magnesium Chloride Flakes for Various Locations in Camden County, on an “as needed” basis, the receipt of which bids were duly advertised in accordance with law; and

WHEREAS, Atlantic Salt, Inc. is the lowest responsible bidder who complied with the specifications and bid the unit price of \$57.35 per ton for Item #1, Sodium Chloride; and

WHEREAS, bid B-23/2016 provided for a second year option: and

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WHEREAS, by resolution adopted on September 19, 2017, the Camden County Board of Chosen Freeholders awarded contracts for Camden County's needs and participating municipalities in the Cooperative, under the aforementioned bid to Atlantic Salt, Inc.; and

WHEREAS, the term of the contract awarded shall be for one year commencing November 17, 2017 to November 18, 2018; and

WHEREAS, funding for this purpose shall be encumbered as the supplies are required pursuant to N.J.A.C. 5:30-5.5(b) (2) in the Township's 2017 permanent budget for Streets and Roads – Salt and Sand line item and the 2018 temporary budget/permanent budget for Streets and Roads – Salt and Sand line item and said purchases in the aggregate may not exceed the mentioned line items or the maximum amount available in the Township's Storm Recovery Trust for this purpose; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Public Works Department is hereby authorized to purchase sodium chloride from Atlantic Salt, Inc. at a unit price of \$57.35 per ton pursuant to Camden County Bid B-23/2016, Furnishing and Delivering Sodium Chloride, Pretreated Liquid Enhanced Sodium Chloride and Corrosion Inhibited de-icing Liquid, and Magnesium Chloride Flakes for Various Locations in Camden County, on an "as needed" basis, for a one year term commencing November 17, 2017.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-183. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2017-184 RESOLUTION OF THE TOWNSHIP OF BERLIN
AUTHORIZING AND PERMITTING THE CONTINUED USAGE FOR THE SEWER
CONNECTIONS FOR 4 ABBOTT AVENUE BLOCK 275, LOT 1.01 AND 1005
LAFAYETTE AVENUE BLOCK 275, LOT 3, VOORHEES TOWNSHIP, NEW JERSEY.**

WHEREAS, the Governing Body of the Township of Berlin has adopted a Resolution restricting the issuance of sewer connection permits to property owners outside of the Township of Berlin; and

WHEREAS, Anthony Derosa, recently purchased the property and has requested the continued allowance of the two prior permitted sewer connections for the two commercial properties both under 3,000 sq.ft. and each office to utilize entire building located at 4 Abbott Avenue, Block 275, Lot 1.01 and 1005 Lafayette Avenue, Block 275, Lot 3, in Voorhees Township, New Jersey. Prior to the adoption of the aforementioned Resolution, the Township of Berlin confirmed the available capacity for such connections; and

WHEREAS, the Camden County Municipal Utilities Authority has also approved and prepared the necessary permits for development of this property.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Governing Body of the

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Township of Berlin, that Anthony Derosa be granted the continued allocation for the two commercial connections, one located at Block 275, Lot 1.01, 4 Abbott Avenue, and one located at Block 275, Lot 3, 1005 Lafayette Avenue, Voorhees Township, New Jersey.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-184. Resolution adopted by call of the roll, five members present voting in the affirmative.

BUSINESS APPROVALS

1) Denise Henderson, T/A AtlantiCare Urgent Care, 255 North Route 73. Provides Medical Care.

2) Yuri Paritsky , T/A DaaVeeDee, 428 Kelly Drive, Suite A, Sale of DVD's and Blue –Rays, e-commerce.

3) Pavel (Paul) Sharapan , Garage Werkz, 1004 Industrial Drive Suite 11. Automotive Repairs.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve Mercantile License above. Mercantile License approved by call of the roll, five members present voting in the affirmative.

SOLICITORS APPROVALS

1) Brian Camp , Power Home Remodeling Group, Door to Door Sales , Free estimates on Windows , Siding and Roofing ect.

2) Michael Varricchio, Power Home Remodeling Group, Door to Door Sales, Free estimates on Windows , Siding and Roofing ect.

Motion by Council President Morris, second by Councilwoman Bodanza to approve the Solicitors Permits above. Solicitors Permits approved by call of the roll, five members present voting in the affirmative.

KENNEL LICENSES/ PET SHOP

1) Bestfriends Pet Care, 585 Route 73 North West Berlin NJ 08091 Dogs and Cats Boarding.

2) Petsmart Inc. #567, 215 North Route 73 West Berlin NJ 08091 Cats Only by Adoption Group.

Motion by Councilman Epifanio, second by Councilwoman Bodanza to approve the Kennel / Pet Shop license for above. Licenses approved by call of the roll, five members present voting in the affirmative.

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APPROVAL OF SEPTEMBER 11, 2017 MEETING MINUTES.

Motion by Councilman McIntosh, second by Councilman Epifanio to approve the Meeting Minutes for September 11, 2017. Motion carried by voice vote, five members present voting in the affirmative.

APPROVAL OF SEPTEMBER 25, 2017 MEETING MINUTES.

Motion by Council President Morris, second by Councilman Epifanio to approve the Meeting Minutes for September 25, 2017. Motion carried by voice vote, five members present voting in the affirmative.

CONSENT AGENDA SEPTEMBER 2017

Motion by Councilwoman Bodanza, second by Council President Morris to receive and file the Correspondence Calendar for September 2017. Motion carried by voice vote, all present voting in the affirmative.

CORRESPONDENCE CALENDAR SEPTEMBER 2017

Motion by Council President Morris, second by Councilman McIntosh to receive and file the Correspondence Calendar for September 2017. Motion carried by voice vote, all present voting in the affirmative.

ALL OTHER BUSINESS

- 1) Best Practice Submission for year 2017
- 2) Annual Food Drive Begins on October 27, 2017 and will end on December 2, 2017.
- 3) Harvest Celebration at the Luke Avenue Complex, Face Painting, Truck or Treat, Music and activities.
- 4) Elected Officials Training – This year’s elected officials training program will focus on “Ethics for Governmental Officials”. A session is scheduled at the League of Municipalities Conference for 3:45 pm in Atlantic City on Wednesday, November 15, 2017.

PUBLIC PORTION

Motion by Councilman Epifanio, second by Council President Morris 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.

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No comments were to be heard.

Motion by Council President Morris, second by Councilman Epifanio 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.

ADJOURN

Motion by Councilman Epifanio, second by, Councilwoman Bodanza to adjourn the meeting at 6:01 pm. Motion carried by voice vote, all members voting in the affirmative.

Meeting adjourned 6:01 pm

Catherine Underwood
Berlin Township RMC