

October 24, 2011

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL OCTOBER 24, 2011 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 Courier Post, Record Breeze and posted on the bulletin board.

All in attendance joined in the Salute to the Flag.

**ROLL CALL**

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

**Also Present-** Stuart Platt, Solicitor, Chuck Riebel, Engineer/ Director Public Works, Lt. Check, Lori Campisano, CFO, Lt. Lenny Check Joshua Shellenberger, Maintenance

**Absent-** Joe Jackson, Chief of Police

Mayor Magazzu dedicated an Easel in memory of Arthur Oppmann, Past Chairman of the Planning and Zoning Board. Arthur Oppmann family attended the meeting.

Mayor Magazzu and Council President Morris Presented Robert Bray an award from Senator Beach Offices for all the hard work and money that he has devoted to the Veteran's Memorial park.

Promotion Gary Sheehan

**RESOLUTION 2011-190 RESOLUTION TO PROMOTE GARY SHEEHAN TO SERGEANT IN THE TOWNSHIP OF BERLIN POLICE DEPARTMENT**

**WHEREAS**, a recommendation has been made to the Mayor and Council of the Township of Berlin to promote Gary Sheehan to the rank of Sergeant in the Township of Berlin Police Department; and

**WHEREAS**, the Mayor and Council have reviewed the recommendations and found same to be acceptable to it.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that it is hereby authorizes and approves the promotion of Gary Sheehan to rank of Sergeant in the Township of Berlin Police Department.

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**BE IT, FURTHER RESOLVED** that this promotion shall take effect November 1, 2011

Motion by Council President Morris, second by Councilman DiGangi to adopt Resolution 2011-190. Resolution adopted by call of the roll, five members present voting in the affirmative.

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

### **A. CHANGE ORDERS AND VOUCHERS**

#### **1. Route 73 Sidewalk Project**

I recommend that the Governing Body consider approving Change Order Number 1, which adjusts the Contract from \$254,966.00 to \$254,999.00, an increase of \$33.00. The increase reflects the as-built construction conditions. There are ample N.J.D.O.T. funds to cover the cost of the increase.

I recommend that, if Change Order Number 1 is approved, the Governing Body consider approving Voucher Number 2, for the amount of \$76,734.98.

### **B. ENGINEER'S REPORT**

#### **1. Route 73 Sidewalk Project**

The contractor has completed the corrective work. We will be inspecting the corrective work to determine if it is acceptable. I expect to be closing the Contract out by next month.

I have recommended that the Governing Body consider approving Change Order Number 1 and Voucher Number 2.

Once the project has been completed to the satisfaction of the Township and final payment is made, we will process the invoice to the N.J.D.O.T. for final reimbursement.

There have been several inquiries, regarding the "unfinished" look of the sidewalk surface. This concrete is porous concrete, which allows for the stormwater to pass through the concrete and infiltrate into the underlying stone and soils. This material was utilized to address the Pinelands stormwater requirements.

#### **2. 2011 Street Improvement Program**

We are, currently performing the design and preparing the bid specifications and plans. I am hopeful that bids will be received in 2011 for, probable construction in the Spring of 2012.

#### **3. Capital Improvements Program**

I recommend that a meeting be scheduled to discuss potential projects and vehicle and equipment purchases for the immediate and long term periods.

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4. Streetscape Along Haddon Avenue

We are waiting for the reviewing agencies to approve the recently submitted documents. It was anticipated that the N.J.D.O.T. would be authorizing the advertisement for bids, this month. The advertisement will be delayed until we receive the necessary approvals and authorizations.

5. Camden County Open Space Recreation Enhancement Program

I believe that the County has approved the revised Agreement, which Mr. Platt had submitted to include the prior funding for the Luke Avenue to be utilized for the band shell.

6. Municipal Building

a. HVAC System

No update to report, at this time.

b. Possible Separation of the Electronic Door Access and Surveillance Systems

We have received confirmation, from the door installer, that the software being proposed by the vendor, is secure. I have contacted the vendor and requested that he proceed with the installation of the software. He will be reviewing his proposal and will be providing me with an schedule for the installation of the software.

c. Landscaping and Irrigation System

We must perform the design and submit it to the various contractor, requesting their consideration for donating the materials and services.

d. Monument Sign Along Route 73

The contractor has removed a portion of the existing sign. They are fabricating the new sign. We must procure the services of an electrician to install the necessary electrical service to the sign. The Public Works department will be constructing the brick planter base, once all other work has been completed.

e. School Bell

No update to report

f. Winter Holiday Tree

As the holiday season is quickly approaching, I recommend that the Governing Body determine if you would like a large tree in the lobby of the building and/or a live or artificial tree on the grounds of the Municipal Building.

7. Bate Avenue Former Municipal Building and Playground) Site

We, still, must complete the surveying fieldwork. I am hopeful that we will be able to perform the work, within the next month.

8. Lester Avenue Storm Drainage and Stormwater Management

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We, still, must perform the fieldwork, in order to submit the plans for the easement request to Public Service Electric and Gas Company. I had recommended that the Governing Body consider, as an interim measure, the construction of storm drainage inlets, at the low point in Lester Avenue and the construction of stormwater management basin to alleviate some of the stormwater runoff issues, which the residents are experiencing . At this time, I do not believe that the Public Works staff will be able to devote the necessary time it would take to construct the interim improvements.

9. Storm Drainage Improvements Along the Dead End of Mt. Vernon Avenue

The low point on the dead end of Mt. Vernon Avenue has been flooded, with the past several extreme storms. It is necessary to construct a properly graded stormwater ditch and, possibly, a stormwater management basin, on the school property. I have discussed the matter with the Mr. Pfleuger from the school. He believes that the Board would consider allowing the necessary storm drainage improvements on the school property. He has provide me with a topographic plan for the school property. I will be performing a preliminary review and concept for submission to the school for their consideration for the granting of the improvements, on their property.

10. Storm Drainage Issues Within The Southwest Portion of the Township

I have recommended that we contact FEMA for possible funding, as additional funds are available, as a result of a disaster being declared for Hurricane Irene.

11. Redesignation of the Pinelands Zoning and Extension of Sanitary Sewer to Allied Parkway and Edgewood Avenue

The Ordinance must be amended to address the necessary corrections, which were pointed out by The Pinelands Commission.

12. Solid Waste Disposal

I have prepared and forwarded the Contract to the Contractor for their review and hopeful endorsement, before the commencement date of November 1, 2011. The Contract has incorporated the recommended amendments, which were made by the Solicitor's Office.

13. Recycling Contract

The RICC held a meeting, last week, to present that they a five year extension is available to the municipalities, with the current contractor. I have been informed that, if the Governing Body passes a resolution authorizing the extension, before the end of this year, the contractor will honor the savings, retroactive to August of 2011. I recommend that the Governing Body consider passing the resolution, possibly, at the next Council Meeting.

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I will contact Mr. Sworaski for the specifics and forward it to the Governing Body and Mr. Platt.

14. Bond Reduction Requests

a. Jerry Silvi/ Magima L.L.C., 157 Cooper Road: Block 2502, Lot 7.02

I must perform a final inspection to see if all work has been satisfactorily completed.

The amount of the two year maintenance guarantee will be \$4,110.68.

b. Scott Barry, 399 Oak Avenue; Block 1905, Lot 1.03

We have performed a final inspection of the street and site improvements and recommend that the Governing Body consider releasing the performance guarantee conditional upon the posting of the two year maintenance guarantee, in the amount of \$7,345.65.

15. N.J.D.O.T. Safe Routes to Schools Program

The N.J.D.O.T. has announced the acceptance of electronic applications for this grant program. If the Governing Body is interested in submitting an application, a resolution must be passed and the application must be submitted by December 30, 2012.

The program provide funding for schools, K to 8<sup>th</sup> grade, for the construction of sidewalks, bike lanes, multi-use paths and traffic calming, within two miles of the school. The recipient of funds must comply with the Federal regulations and procedures (the same that apply to the streetscape funds).

**C. PUBLIC WORKS DEPARTMENT**

1. Request for the Appointment of a Deputy Director

I request that the Governing Body consider the appointment of a Deputy Director to assist me with the Public Works supervisory duties.

2. Performance of Tasks

We are, currently, preparing the leaf collection equipment for the upcoming leaf season. We have sent a leaf machine out to collect raked leaves, which the residents, currently, have placed, curbside.

**D. SHARED SERVICES**

1. 2011 Somerdale Street Improvement Program

We have, recently completed the bid specifications and plans and are scheduled to receive bids on October 28, 2011.

2. Somerdale Work Force

I continue to assist the Somerdale Work Force with the performance of construction work for the Borough and other municipalities

3. Somerdale Planning Board

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I continue to perform plan reviews and develop a Project Inspections Department for upcoming residential and commercial developments, within the Borough.

4. Winslow Township Planning Board

It is anticipated that the application, for the C.C. M.U.A. pumping station, which I have performed the review, will be heard at the Planning Board Meeting, this month.

5. Shared Services with Other Municipalities

I will continue to offer services for public works and engineering to those municipalities, which are interested in sharing these services.

Please contact me with any questions or comments, regarding the contents of this report.

**SOLICITOR'S REPORT**

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Oddmund Angel, Block 200, Lot 1
5. Clarification of Lateral Utility Lines
6. Police Operating Procedures
7. Wal-Mart Expansion Project
8. Solid Waste Disposal
9. Pine lands Comprehensive Management Plan
10. Comprehensive Recreational "Parks and Recreational" Ordinance
11. Police Department Ordinance
12. Berlin Township ADS. Estate of Raj Kumar Chopra
13. Berlin Township ADS. David Carp
14. Berlin Twp.ADS. Yimei Edmiston Feng Lian Jiang
15. Berlin Twp.ADS. Linda Fabrico
16. Berlin Twp.ADS. Joel Sussman
17. Berlin Township ADS. Eric Lane
18. Berlin Township ADS Sherry Quering.
19. Mustafa Muhammad ADS. Berliin TWP Police Department
20. Recreation Facility Enhancement Round 12.

**SECON READING AND PUBLIC HEARING ORDINANCE 2011-22 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "DOGS AND OTHER ANIMALS"**

**WHEREAS**, Chapter 55 of the Code of the Township of Berlin ("Township") establishes and sets forth the rules, regulations and requirements for the keeping, maintaining and licensing of dogs and other animals; and

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**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Township is authorized to make, amend, repeal and enforce ordinances as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, the Governing Body has determined that it is in the best interest of the public health, safety and welfare of the Township and its residents to amend Chapter 55;

**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:** Article I (“Maintaining and Housing of Animals”) of Chapter 55 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

**A. § 55-3.6.1. Limits on numbers of dogs, cats and birds.**

No person shall own, keep, harbor or maintain more than three dogs of licensing age, three cats and/or three birds within the Township, unless such person shall maintain a licensed kennel or pet shop as provided for in this Chapter.

**B. § 55-3.11. Public nuisance defined.**

The keeping or housing of animals other than permitted by this Chapter, or in violation of any applicable rule, law, regulation or statute, or the finding of an animal anywhere in the Township, other than on the lands and premises of the owner or keeper of same, shall be deemed to be a public nuisance. Such animal so identified and/or found may be seized at once by the Property Maintenance Officer or any police officer appointed within the Township, or any other duly authorized and designated official. If it is practicable, such officer shall hold and promptly dispose of such animal in as humane a manner as possible. If, during the course of seizing and impounding any such animal, the animal does pose a risk of serious physical harm or death of any person, such person or persons authorized by the Property Maintenance Officer or police officer may render said animal immobile by means of tranquilizers or other safe drugs. If it is not practicable to seize and/or hold such an animal because it poses an immediate threat of physical harm to either such official or to any other person in the Township, then such official may destroy the animal in order to prevent risk of serious physical harm or death to any person. Any reasonable cost incurred by the Township in seizing and/or impounding an animal for violation of this article shall be charged against the owner, keeper, custodian or harbinger of such animal and there shall be a charge to be collected by the Township to defray such cost and expense. This charge shall be in addition to any fine or penalty provided for violating this article.

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**SECTION 2:** The Table of Contents of Chapter 55 shall be amended to revise Section 55-3.6.1 to read “Limits on numbers of dogs, cats and birds.”

**SECTION 3:** Except as set forth in Sections 1 and 2 above, the balance of Chapter 55 shall not be affected by this Ordinance.

**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 immediately upon final passage and publication in accordance with law.

Motion by Councilman DiGangi, 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 on Ordinance 2011-22.

No comments were to be heard.

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

Motion by Council President Morris second by Councilman DiGangi to adopt Ordinance 2011-22 Ordinance approved by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2011-13 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 22 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED “POLICE DEPARTMENT”**

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Ordinance 2011-13 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011- 182 RATIFY THE WAIVING OF CONSTRUCTION AND ZONING PERMIT FEES FOR HAROLD HOLTZNAGEL 155 BETHEL AVENUE, BLOCK 213, LOT 2 OF THE TOWNSHIP OF BERLIN**

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**WHEREAS**, a life long resident of the Township of Berlin Block 213, Lot 2 has asked that the fee for permits be waived due to hardship.

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that based upon good cause shown a waiver is granted for the municipal construction and zoning permit fees for Harold Holtznagel 155 Bethel Avenue, Block 213, Lot 2 of the Township of Berlin.

Motion by Councilman McIntosh, second by Councilman DiGangi to adopt Resolution 2011-182. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-183 RESOLUTION AUTHORIZING THE PURCHASE OF ITEMS FROM VENDORS WITH STATE CONTRACT IN EXCESS OF BID THRESHOLD DURING SFY 2012**

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

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

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

<b>CONTRACT</b>	<b>VENDOR</b>	<b>ITEM</b>	<b>DATE OF EXPIRATION</b>
<b>1. 72467</b>	<b>Winner Ford</b>	<b>2 Ford Crown Victoria Police Cars</b>	<b>1/10/12</b>
<b>2. 65044</b>	<b>Majestic Oil Co. Inc.</b>	<b>Gasoline, Unleaded</b>	<b>10/31/11</b>
<b>3. 41864</b>	<b>Majestic Oil Co. Inc.</b>	<b>Diesel Fuel</b>	<b>1/31/12</b>

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

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

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Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2011-183. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-184 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) – DRUNK DRIVING ENFORCEMENT 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 Drunk Driving Enforcement Grant from the NJ Division of Motor Vehicles for \$2,677.43;

**BE IT FURTHER RESOLVED** that a like sum of \$2,677.43 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Drunk Driving Enforcement Grant	\$2,677.43

**BE IT FURTHER RESOLVED** that the Township Clerk forward two certified copies of this resolution to the Director of the Division of Local Government Services for approval.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2011-184. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-185 RESOLUTION AUTHORIZING PURCHASES BASED UPON THE AWARD OF CONTRACT TO INTERNATIONAL SALT CO., LLC 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 15, 2010 at 8:30a.m., Prevaling Time, Bid B-19, Furnishing and Delivering Sodium Chloride, Pretreated Liquid Enhanced Sodium Chloride and Corrosion Inhibited de-icing Liquid, the receipt of which bids were duly advertised in accordance with law; and

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**WHEREAS**, said bid provided for a second year option renewal and International Salt Co., LLC, is the lowest responsible bidder who complied with the specifications, bid the unit price of \$54.92 per ton for Item #1, Sodium Chloride; and

**WHEREAS**, by resolution adopted on August 18, 2011, the Camden County Board of Chosen Freeholders exercised the second year option of Bid B-19 and awarded contracts for Camden County's needs and participating municipalities in the Cooperative, under the aforementioned bid to International Salt Co., LLC: and

**WHEREAS**, the term of the contract awarded shall be for one year commencing November 1, 2011; and

**WHEREAS**, funding for this purpose shall not exceed the maximum budgeted line items for streets and roads in the permanent SFY 2012 budget and Snow Removal Trust of the Township and shall be encumbered in accordance with N.J.A.C. 5:34-5.3(b)(2); 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 at a unit price of \$54.92 per ton pursuant to Camden County Bid B-19, Furnishing and Delivering Sodium Chloride, Pretreated Liquid Enhanced Sodium Chloride and Corrosion Inhibited de-icing Liquid under the second year option for a one year term commencing November 1, 2011.

Motion by Council President Morris, second by Councilman DiGangi to adopt Resolution 2011-185. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-186      RESOLUTION AUTHORIZING PURCHASES BASED UPON THE AWARD OF CONTRACT TO WOODRUFF ENERGY FOR THE SUPPLY AND DELIVERY OF NATURAL GAS IN ACCORDANCE WITH THE COOPERATIVE BID AWARDED BY THE COUNTY OF CAMDEN FOR THE SOUTH JERSEY POWER COOPERATIVE**

**WHEREAS**, the County of Camden, on behalf of the South Jersey Power Cooperative ("SJPC"), in which Berlin Township is a member, received and opened bids at its Division of Purchasing on May 19, 2011 at 11:30 a.m., Prevailing Time, for the Supply and Delivery of Natural Gas to Various South Jersey Power Cooperative Locations (Bid A-13); and

**WHEREAS**, bids were received from two vendors and Woodruff Energy was the lowest responsible bidder, for locations having South Jersey Gas Accounts, who complied with the specifications and submitted a bid of \$.7000 per therm for a term of 36 months beginning December 2011 and ending November 2014: and

**WHEREAS**, by resolution adopted on May 19, 2011, the Camden County Board of Chosen Freeholders awarded contracts for Camden County's needs and participating members of the SJPC as described above commencing on the above-specified dates; and

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**WHEREAS**, the term of the contract awarded shall be for 36 months commencing on the above-specified dates; and

**WHEREAS**, funding for this purpose shall not exceed the maximum budgeted line items for the Street Lighting and Electricity/ Natural Gas line items in the permanent SFY 2012 budget and the temporary and/or permanent 2013, 2014 and 2015 budgets and shall be encumbered in accordance with N.J.A.C. 5:34-5.3(b)(2); and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the Chief Financial Officer/Qualified Purchasing Agent is hereby authorized to purchase electric energy services for a one year term commencing from the above-specified dates.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2011-186. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011- 187 RESOLUTION AMENDING SALARY RESOLUTION 2011: 62 ESTABLISHING SALARY AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY**

**WHEREAS**, the Mayor and Council of the Township of Berlin adopted Resolution 2011: 62 on January 24, 2011, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2011; and

**WHEREAS**, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary effective October 31, 2011:

POSITION	AMOUNT PER YEAR
Police Department – Clerk Typist	\$ 29,140.00

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the above mentioned salary is amended as stated.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-187. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-188 RESOLUTION AUTHORIZING THE REIMBURSEMENTS OF BACKGROUND CHECK FEES**

**WHEREAS**, the Mayor and Township Council of the Township of Berlin has determined that it is essential to provide for the safety of those engaged in youth activities in the

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Township of Berlin to provide reasonable assurance that adults responsible for the coaching and supervision of minors have been subject to a background check; and

**WHEREAS**, the Township Ordinance 2011-16 states that the Township shall bear the costs for the background checks for individuals qualified under this section.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that a refund for reimbursements for the individuals who required background checks for the Fall Sport Season be paid.

**BE IT FURTHER RESOLVED**, any money reimbursed to the Berlin Township Athletic Association or to the Berlin Township Sports Alliance by the Megan Kanka Foundation, shall be reimbursed back to the Township of Berlin.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-188. Resolution adopted by call of the roll, five members present voting in the affirmative.

**Resolution 2011-189**

**Payment of Bills Oct. 24, 2011**

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>
Robert E. DePersia, II, Esq	Mun Public Defender Trust	\$	450.00
Carlamere & Rowan	Planning Board Esc # 286		110.00
Camden County Animal Shelter	Dog Trust		3,128.00
Treasurer, State of NJ	Dog Trust		2.40

**CONFIRMING**

Verizon Communications	01-201-20-120-2105		99.99
Office Basics	01-201-25-240-2036		467.40
Cumberland Insurance Co. Inc.	01-201-23-210-2090		222.00
State of NJ Health Benefits	01-201-23-220-2092		52,949.19
State of NJ Health Benefits	01-201-23-220-2092		20,756.88
Hardenberger Insurance Group	01-201-28-370-2105		913.70
Trump Plaza Hotel	01-201-20-110-2041		285.00
Verizon Communications	01-201-20-120-2105		99.99

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Payroll, Current Fund	9/1/2011	58,217.29
Payroll, Sewer Operating Fund	9/1/2011	3,530.40
Payroll, Current Fund	9/8/2011	58,078.98
Payroll, Sewer Operating Fund	9/8/2011	3,143.39
Payroll, Current Fund	9/15/2011	57,300.86
Payroll, Sewer Operating Fund	9/15/2011	3,177.00
Payroll, Current Fund	9/22/2011	57,740.16
Payroll, Sewer Operating Fund	9/22/2011	3,143.39
Payroll, Current Fund	9/29/2011	74,090.06
Payroll, Sewer Operating Fund	9/29/2011	3,247.00

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-189. Resolution adopted by call of the roll, five members present voting in the affirmative.

### **Business License**

- 1) **Advanced Termite& Pest, Francis A. Stavila.** 1008 Industrail Drive. Pest Control.
- 2) **We Buy Gold / Star Gold, Pnina Mann.** 175 Route 73. Buying gold and silver to melt down.

Motion by Councilman DiGangi, second by Council President Morris to approve business license. License approved by call of the roll, five members present voting in the affirmative.

### **CONSENT AGENDA**

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

### **APPROVAL OF CORRESPONDENCE CALENDAR FOR SEPTEMBER 2011**

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

### **APPROVAL OF MEETING MINUTES FROM SEPTEMBER 26, 2011**

Motion by Councilman McIntosh, second by Councilman DiGangi to approve the minutes for September 26, 2011. Motion carried by voice vote, five present voting in the affirmative.

### **RESOLUTION 2011-191 CHANGE ORDER #1 –ROUTE 73 SIDEWALK PROJECT**

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**WHEREAS**, it was necessary to adjust the Contract from \$254,966.00 to \$254,999.00, an increase of \$33.00, the increase reflects the as-built construction conditions; and

**WHEREAS**, there are ample N.J.D.O.T. funds to cover the cost of the increase; and

**WHEREAS**, certification has been received by the Township Finance Officer that sufficient funds have been allocated for this change order; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Berlin that change order #1 is hereby authorized and approved and is hereby granted to revise the contract cost from \$254,966.00 to \$254,999.00 (Increase in the amount of \$33.00).

**FURTHER, BE IT RESOLVED**, that Change Order Number 1 is approved and that the Governing Body hereby grant approval for Voucher Number 2, for the amount of \$76,734.98.

**NOW, FURTHER, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin hereby authorized and approve of Voucher 2 in the amount of \$76,734.98

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2011-191. Resolution adopted by call of the roll, four members present voting in the affirmative, one abstain.

**RESOLUTION 2011-192 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE BOND FOR SCOTT BARRY 399 OAK AVENUE BLOCK 1905 LOT 1.04 AND POSTING OF MAINTENANCE BOND**

**WHEREAS**, Scott Barry of 399 Oak Avenue; Block 1905, Lot1.04, West Berlin, New Jersey; has requested the release of their Performance Bond # SU 1103344; and

**WHEREAS**, the Engineer has recommended that the Township grant the request for the release of the Performance Bond contingent upon the posting of a two year Maintenance Bond in the amount of \$7,345.65, beginning on the date of the release of the Performance Bond.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Bond # SU 11033444 is hereby granted with the conditions stated above.

Motion by Council President Morris, second by Councilman DiGangi to adopt Resolution 2011-192. Resolution adopted by call of the roll, five members present voting in the affirmative.

**ALL OTHER BUSINESS**

**October 24, 2011**

Stuart Platt, Township Solicitor talked about the waiver request stating that the Varmint Men's Adult League wrote a letter requesting that their soccer team be granted the ability to play on the soccer fields without paying a fee.

Alberto Silva 326 Cleveland Avenue, stated that the fees are high at \$250.00 per game as noted in the fee schedule. Al also commented that the team take care of the fields and have not done any damages to the fields, we ask that you waive the fee for our Men's adult team so that we can play here in our town otherwise we will be forced to play else where.

Stuart replied that the Mayor and Council consider making a decision.

Mayor Magazzu remarked that since we have denied other adult teams in the past that we should reduce the fee to \$100.00 a game.

Councilman McIntosh made a motion to reduce the fee for the Men's Soccer Team the Varmints.

Councilwoman Bodanza, second the motion to reduce the fee for the Men's Soccer Team.

Catherine Underwood, Township Clerk talked to the Governing Body on the details of classes that the NJLM conference on November 15-17. The governing body is required to take 5 classes in Budgeting, Policy setting, Open Public Record, Risk management and Contract law.

### **PUBLIC PORTION**

Motion by Councilman DiGangi, 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.

Jackie Bonifigilo, Thurman Avenue asked Councilman Morris to check out the water levels at Shoprite, it seems high and could be clogged.

Councilman Morris said that he will check it out and follow up on it.

Trisha Smith 395 Harrison Avenue stated that the majority of players on the men's team volunteer there time teaching your kids sports. And now your going to have that team pay you 100.00 a game, it's just not right.

Trisha asked to explain resolution 2011-183 and asked what shared services or consolidation does the Township of Berlin do. Christie is providing grants for Towns that do.

Terry Hertzberg, 202 Lucas Avenue said that at the Freeholder meeting in August a Gentleman talked about getting equipment on the property to help clean out the ditch. Terry asked Councilman Morris if he had heard anything on that.

**October 24, 2011**

Council President Morris said that the gentleman was Sam Martella and that he has not heard anything from Sam.

Terry stated that he has to the property owner and he has no objections either. I just don't want them to forget about us because we are still flooding.

Council President said that he will follow up.

Terry stated that his house has been flooded twice and it's not getting any better. I think that FEMA has money available that I talked to Chuck about.

Chuck stated that we may have a better chance if we do something with the County.

Terry replied that we should do it with State, County and the Township because everyone is involved one way or another with the drainage. We should not pass up any way of getting money.

Chuck stated that he will contact the Emergency Management Office through the State to see what is available.

Ron Curtis, President of BTSA asked for a waiver for the 2011 Dek Hockey Season. Ron stated that the hockey registration was an overwhelming success considering that surrounding communities do not offer a Dek Hockey program.

Mayor Magazzu stated that we have given all waivers to the other Athletic Association.

Councilman DiGangi stated that it is our intentions that we treat both athletic associations the same.

Alberto Silva stated that before tonight meeting they had a chance to meet and discuss the fee with the Mayor, Mr. Morris and Solicitor. I just want to inform you that we will not pay or play on the fields. We have been quote a cheaper amount to play else where. Al asked Governing Body if they had a copy of the team's rosters.

Mayor Magazzu asked if it was the roster that had Michael Dodge name on it.

Alberto replied yes that yesterday he almost scored a goal. Al remarked that those members on that rosters list our individuals who volunteer their time throughout town.

Eric Lucier, 343 Cleveland Avenue stated that he was in the meeting earlier and that he believes that \$200 a season is fair, not \$100 a game. Eric stated that he has found a field to play on at \$25.00 a game. We are going to play where ever it is cheaper.

Mayor Magazzu stated that we have to set a presented with other groups so we have to have the town best interests when we make this decision, not just one group.

**October 24, 2011**

Ed Gonzales Centaurian Court stated that right now as we speak there is a men's adult team playing at the rink. Ed stated that if you want to impose on these permit then you need to enforce them.

Mayor Magazzu and Councilman DiGangi responded we agree and asked Lt. Check to send out someone.

Ed asked how long the waiver granting will apply. Stuart replied that the ordinance states that good cause must be shown for an waiver to be granted. It could be by sports or by season.

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

### **Mayor and Council responded to the public comments**

Lori Campisano replied to the questioned on resolution 2011-183. Lori commented that when the State goes out to bid such as police vehicles or gas the Township is permitted also under the state contract, but when the amount exceeds \$36,000 and goes over the bid threshold, we then have to do it by resolution.

Mayor Magazzu stated that we have gone to the surrounding communities and asked if they would like to consolidate or do some sharing of services. One of them being Berlin Borough. unfortunately that did not work out. We do share a lot of services with our neighboring police departments also.

Councilman DiGangi stated that we have come close to sharing services with municipalities but ever time we get close to the deal it gets shot down because the residents don't want it to happen. But that doesn't mean that we are going to give up in trying.

Lori Campisano said that she has a list of all the shared services that the Township is involved in that is available.

### **RESOLUTION 2011-193 RESOLUTION GRANTING WAIVER FOR BERLIN TOWNSHIP SPORTS ALLIANCE DEK HOCKEY.**

**WHEREAS**, the Code of the Township of Berlin requires that the Berlin Township Sports Alliance("BTSA") can not exceed no more than 20% of the players be non-residents in order to have priority use of the Township Athletic facilities unless a waiver upon good cause is granted by the Governing Body; and

**WHEREAS**, the Berlin Township Sports Alliance program does not meet the 20% eligibility for priority use of the Berlin Township Athletic Fields.

**October 24, 2011**

**WHEREAS**, the Berlin Township Sports Alliance is one of the few organization that offers Dek Hockey.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that based upon good cause shown a waiver is granted for the Berlin Township Sports Alliance Dek Hockey program.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2011-193. Resolution adopted by call of the roll, five members present voting in the affirmative.

**ADJOURN**

Motion by Councilman DiGangi, second by Councilman McIntosh to adjourn the meeting at 8:07 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 8:07 pm

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Catherine Underwood, Township Clerk