

OCTOBER 26, 2009

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD IN THE CONFERENCE ROOM OF THE SCHOOL BOARD ADMINISTRATIVE BUILDING, 225 GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY OCTOBER 26, 2009 AT 6:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Councilman Batten, Councilman McIntosh, Council President DiGangi, Mayor Magazzu.

Also Present- Donafaye Zoll, Solicitor, Chuck Riebel, Engineer Michael McGee, Director Public Works, Lori Campisano, CFO Joe Jackson, Chief Of Police.

Absent- Councilman Morris (due to work schedule conflict)

GOOD AND WELFARE #1

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

No other comments were to be heard.

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

DEPARTMENTAL REPORTS

A. CHANGE ORDERS AND VOUCHERS

No change orders or vouchers to report at this time.

B. ENGINEER'S REPORT

OCTOBER 26, 2009

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

The County received bids on October 15, 2009. It is our understanding that the Freeholders will be awarding a contract to the lowest bidder, Jersey Construction Co. of Winslow Township, N.J. for \$610,832.75. The award includes Alternate No. 2, which is for the relocation of the force main to the area behind the proposed, widened roadway of Cooper Road. The bid for this work is \$28,404.00. This work is not eligible for N.J.D.O.T. funding. Therefore, it will be necessary for the County to cover the cost. The County has not requested the Township to pay for this work, at this time.

The Township Police Department will be responsible for the traffic directors and the respective costs. The County will be performing the contract administration and inspection for the project.

We must provide Ms. Zoll with the listing of developers, which are required to contribute their fair share to the cost of the traffic signal improvements.

2. **SIDEWALK ALONG N.J.S.H. ROUTE 73, EDGEWOOD AVENUE TO JACKSON ROAD, (N.J.D.O.T. FY 2008 AND FY2009 FUNDING - \$320,000.00):**

The Pinelands Commission is requiring that we demonstrate compliance with their regulations, regarding wetlands and stormwater. I am trying to schedule a meeting with the representatives from The Pinelands Commission to discuss this matter and review the approvals for the N.J.D.O.T. project.

Once I meet with The Pinelands Commission, I will inform the Governing Body of the outcome.

3. **RESURFACING OF MT. VERNON AVENUE-FRANKLIN AVENUE TO MINCK AVENUE (N.J.D.O.T. FY2010 MUNICIPAL AID FUNDING- \$180,000.00)(KEI #506BT0509):**

The N.J.D.O.T. has announced the allotment of \$180,000.00. The application requested \$254,000.00 (\$221,147.50 estimated construction cost plus \$32,852.50 for inspection and materials testing). The N.J.D.O.T. funds are reimbursed to the Township. The N.J.D.O.T. reimburses 75% of the eligible funds after the award of the construction contract and 25% after their acceptance of the construction.

The following is an estimate of the costs:

OCTOBER 26, 2009

a.	Construction Cost	
	\$221,147.00	
b.	Engineering Cost	\$ 26,000.00
c.	Contract Administration and Inspection Cost	\$ 20,000.00
d.	Materials Testing Costs	<u>\$ 2,000.00</u>

Total Estimated Construction, Engineering, Inspection,
Contract Administration and Materials Testing Costs \$269,147.00

I recommend that the Governing Body consider authorizing our office to perform the necessary engineering and prepare the bid documents so that bids can be received in late 2009/early 2010. Typically, opening bids, during this period of the year, results in the receipt of the most competitive bids as the contractors are developing their workload for the upcoming construction season.

If the Township is not, financially, able to afford the entire cost, we recommend that the Proposal be structured to include a Base Bid and Alternate Bid(s) to allow the Governing Body to select the limits of the project, based on the availability of funds.

4. **PURCHASE AND/OR LEASE OF SENIOR CITIZENS BUS, (C.D.B.G. YEARS 30 AND 31 FUNDING- \$60,500.00+/-) (KEI# 165.01BT0209):**

It is anticipated that the bus will be delivered by the end of 2009.

5. **PROPOSED MUNICIPAL BUILDING, N.J.S.H. ROUTE 73 AND DAY AVENUE (KEI# 422BT0804):**

a. Site Work: The site contractor continues to perform the site improvements.

We have, recently, issued a revised grading plan, which depicts the handicap parking spaces within the angled parking area along the Tax Collector's drive thru lane. The handicap parking spaces have been removed from along the rear of the building, due to the cover issue with the existing footing for the building.

b. Irrigation System: The Governing Body has decided to address this matter, at a later date. Piping has been installed to allow for the irrigation piping to be placed, inside the pipe, without requiring the disturbance of the pavement, for the proposed parking area.

OCTOBER 26, 2009

6. **HADDON AVENUE STREETScape IMPROVEMENTS (KEI #430BT1104 AND #431BT1104):**

- a. Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$200,000.00) (KEI #431BT0105): As discussed, a request was submitted to Assistant Commissioner Sharon Shinkle-Gardner, Government/Community Relations and Communications for her assistance in obtaining the \$3,180.00 reimbursement.

Ms. Sharon Shinkle-Gardner, from the N.J.D.O.T. has advised our office that she has contacted the Office of Local Aid and will be forwarding a response to the request, shortly.

The Office of Local Aid has advised our office that the N.J.D.O.T. Chief Financial Officer determined that the project is closed and the funding is no longer available.

- b. Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (FY2004 Transportation Enhancement Program and FY2005 SAFETEA-LU) (KEI #29-430BT1104): As reported, the Governing Body had decided not to accept the funds and requested that the project be bypassed to the future time when the Township would be in the position to bond the project.

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

- a. Punch List Items – Sanitary Sewer Construction, N.J.D.O.T. Route 73 Project: There have been several issues with the construction, which have recently surfaced. The N.J.D.O.T. Resident Engineer has informed us that they have closed out the project. I questioned the Engineer why the N.J.D.O.T. would close out this project, when there was a standing punch list from the Township. He has forwarded my message to another N.J.D.O.T. representative. I am waiting for them to contact me.

- b. Planting of Trees Along the Rear of the Retail Center, Along the N.J.D.O.T. Ramp, Connecting Oak Avenue to Taunton Avenue (KEI #484BT0108): As directed by Mayor Magazzu, I have provided her with the phone number for the management company, since they will not respond to my phone calls.

OCTOBER 26, 2009

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

8. **CAMDEN COUNTY OPEN SPACE, ROUND 10 APPLICATION (KEI #487BT0208):**

Mr. McGee is discussing the redesignation of funds with Mr. Jack Sworaski from the County. Mr. McGee has also received prices for the performance of the work.

9. **SANITARY SEWER ALLOCATION:**

- a. Sanitary Sewer Extension Along Edgewood Avenue and Allied Parkway: Last month, I informed the Governing Body of the conditions in which The Pinelands Commission would be willing to consider the connection of the existing buildings to the Township sanitary sewer. Mr. McGee has informed me that these buildings are, already, connected to the Berlin Borough water distribution system. I have informed The Pineland Commission representative of the water connections and questioned if this would change their requirement that the buildings must connect to New Jersey American Water Company's water system. Once I receive a response, I will inform the Governing Body.
- b. Amendment to the Wastewater Quality Management Plan: As suggested by Mr. Kricun, P.E. of the C.C.M.U.A., the Governing Body has decided to wait until the Spring of 2011 to push this matter, since he feels that additional capacity will be available, resulting in no need for the Township to pay for upgrades to the C.C.M.U.A. conveyance system.

Future development, within the Township, will be restricted until the allocation issue is resolved.

10. **FLOODING OF PROPERTIES ALONG VETERAN'S AVENUE, BETWEEN FISKE AND WALKER AVENUES:**

We will be submitting our findings and recommendations, during the week of October 19, 2009.

11. **FORMER MUNICIPAL BUILDING SITE, BATE AVENUE (KEI #233.01BT1106):**

At the last Council Meeting, the Governing Body discussed taking possible action for the sale of the property. Since the portion of the site, which contains the playground and former parking area are

OCTOBER 26, 2009

encumbered by Green Acres, it will be necessary for the Township to request the elimination of the encumbrance. The process will take quite some time for the State to consider the request and take the necessary action.

The Governing Body discussed the preparation of the listing of potential parcels, which could be designated for Green Acres encumbrance, in lieu of the former municipal building parcel. I have received the listing of the foreclosed properties from Ms. Zoll. I believe the Township Officials are determining if any of those lots could be submitted as a substitute Green Acres site for the former municipal building site.

12. **ALTERNATIVE ENERGY SOURCES:**

Over the past several months, we have mentioned that there are various grants, rebates and incentives which are being offered by the State agencies.

Under the Local Energy Audit Program, the Township must supply the State with information, regarding energy costs and usage for the public facilities. The State will have their consultant perform the energy audit and provide a listing of recommended improvements. If the Township commits to the implementation of the recommended measures and improvements, the State is providing 100% up-front funds for these items.

Lately there has been an increased interest in the Program, which has resulted in a backlog in the performance of the audits. Therefore, I recommend that the Township pursue the performance of the audit, as soon as possible. We would be glad to assist the Township with the gathering and submission of the required documentation, which is with the initial submission.

The N.J.B.P.U. is also providing the following programs:

- a. Residential Energy Efficiency Programs for existing homes
- b. N.J. Energy Star for new homes
- c. N.J. Climate Choice Home Pilot for developers of new homes
- d. N.J. Smart Start Building Projects for new construction, renovation, and equipment replacement for commercial, industrial, and municipal buildings (\$500,000.00 max/utility/year)
- e. Pay for Performance (for larger municipalities) for buildings using over 200 KW average annual peak.
- f. Direct Install Program (for smaller municipalities) this program is used to implement the measures, which are listed in the Energy Audit.

OCTOBER 26, 2009

- g. 2009 Renewable Energy Programs provide for rebates through the Renewable Energy Incentive Program (REIP) and SREC
- h. Community Partners Program provides for up to \$4,000.00 for municipalities to provide support, outreach, and education to the public

We would be glad to provide additional information, regarding any of these programs, if there is any further interest by the Township.

13. **N.J.D.E.P. ENVIRONMENTAL INFRASTRUCTURE TRUST PROGRAM:**

If the Pinelands Commission, N.J.D.E.P. and C.C.M.U.A. approved the extension of sanitary sewer into the Pinelands Area, the Governing Body may want to consider applying for a N.J.D.E.P. loan for the construction of the extensions. The deadline date for the submission of the Initial Application Package has been extended to November 2, 2009.

14. **VEHICLE AND EQUIPMENT WASHING:**

There are rumors being circulated that the requirements were going to be relaxed since many municipalities were having difficulties with complying with the regulations. I have discussed this matter with a representative of the N.J.D.E.P. He has informed me that there is "no truth to the rumor".

15. **AMENDMENTS TO LAND USE AND ZONING ORDINANCES:**

a. Tree Protection Ordinance:

The Planning Board intends to review the current ordinance and submit recommendations, in the near future. I recommend that Council President DiGangi and/or Mr. McGee discuss this matter with Planning Board Chairman Simone, prior to the Planning Board taking any action, since they have created a list of possible amendments to the ordinance.

b. Regulations for Wind, Solar and Other Alternative Energy Facilities: Since it is anticipated that the Governor will be signing the legislation, in November, establishing these facilities as "inherently beneficial uses", we recommend that zoning and land use regulations be established for these facilities (setback, height, noise, etc.).

16. **MULTI-YEAR CAPITAL IMPROVEMENT PROGRAM:** We strongly recommend that the Governing Body implement the long term plan for improvements to streets, recreation, storm drainage and

OCTOBER 26, 2009

management, sanitary sewer, alternative energy sources and energy efficient, public buildings, vehicles, equipment, etc.

We had, previously, prepared a recommendation report, which lists projects. If the Governing Body is interested, we will revise the report, to include alternative energy sources and energy efficiency/green improvements.

Should you have any questions or comments in regard to the contents of this report, please contact me at this office.

SOLICITOR'S REPORT

1. Water Agreement with Berlin Borough
2. Increase Sewer Allocation Buildout
3. New Municipal Building
4. Richard Winans V. Berlin Township Walt Shendock
5. Nancy Anderson V. Berlin Township
6. Berlin Township ADS. Michael Brown
7. Berlin Township ADS. David Carp
8. Berlin Township ADS. Karen Cella
9. C&M Auto Repair Environmental Issues
10. 2009 Real Estate Tax Appeals

PUBLIC WORKS DEPARTMENT

Michael McGee, Public Works Director stated that leaf collection will start up next week and that the guys are working on the deck hockey courts for the start of the hockey season. Mike also commented that he has been looking into solar panels for the garage. The director also talked about the meeting that he had with the county in regards to the drainage on Walker, the county took some internal pictures of the drain and they seemed clear and that he is going to follow up with the County on the remain pipe.

MAINTENANCE / ZONING DEPARTMENT

Michael Laginestra, Maintenance/ Zoning Officers stated that the Repair Shop is cleaning up the property and that the cars on the lot are there because he is waiting for payments for the repairs. Mike also spoke about unlicensed cat through out the Township and who is held responsible if they feed them. The Township is reaching the limit for captured cats and soon will have to pay fees for any additional cats over the limit.

POLICE DEPARTMENT

Chief of Police, Joe Jackson commented that the weather for this Halloween weekend is going to be nice and that he will have extra men on duty for the parade on Friday night and Saturday Halloween.

OCTOBER 26, 2009

BERLIN TOWNSHIP ATHLETICS ASSOCIATION

President of the Berlin Township Athletics Association Gene Jensen presented the Mayor and Council with a check for a tournament that had taken place on the Baseball Fields. Mayor and Council informed the president of BTAA that the Township now has a Park Ordinance and that all usage of the fields other than the BTAA teams must go through Mayor and Council. Mayor and Council returned the check back to the BTAA organization.

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 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 from, 2 p.m. to 8:00 pm, on Friday October 30th and Saturday, October 31st, 2009.

It will be **unlawful for any child 17 years of age and under** to remain on or upon any public place or establishment after 8 p.m., unless accompanied by parents or guardian. Emergency Curfew will be strictly enforced.

NOW, THEREFORE, I, PHYLLIS MAGAZZU, MAYOR OF THE TOWNSHIP OF BERLIN proclaim Saturday, October 31, 2009 from 2 p.m.-8 p.m. to be the official celebration of Halloween.

SECOND READING AND PUBLIC HEARING ORDINANCE 2009-16 AMENDING ORDINANCE 2008-17 FIXING AND DETERMINING SALARY RANGES 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 Ordinance 2008-17 on January 26, 2009 fixing and determining salary ranges for the officers and employees for the calendar year 2009; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary ranges effective September 21, 2009:

POSITIONSALARY RANGE.....	
	FROM	TO
Public Works – Clerk Typist	\$21,000.00	\$26,000.00

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

OCTOBER 26, 2009

Motion by Councilman Batten, second by Council President DiGangi 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 2009-16. There were no requests to be heard. Motion by Council President DiGangi, second by Councilman Batten to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Council President DiGangi, second by Councilman McIntosh to adopt Ordinance 2009-16. Ordinance adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2009-182 RESOLUTION AUTHORIZING THE MAYOR TO SIGN CONTRACT FOR THE PURCHASING OF A SENIOR CITIZENS BUS, FUNDED BY THE CDBG PROGRAM YEARS 30 AND 31.

WHEREAS, the Township of Berlin, County of Camden, State of New Jersey has advertised for and received bids for the purpose of the Purchase of a senior Citizens bus funded by C.D.G.B years 30 and 31 and;

WHEREAS, American Bus and Coach ,LLC 2595 State Street ,Trenton New Jersey was award the bid and;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign the contract for the Purchasing of a Senior Citizens Bus with American Bus and Coach LLC.

Motion by Councilman Batten, second by Councilman McIntosh to adopt Resolution 2009-182. Resolution adopted by call of the roll, four members present voting in the affirmative.

Resolution 2009-183

Payment of Bills October 26, 2009

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

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

TO	ACCOUNT	AMOUNT
Camden County Animal Shelter	Dog Trust	440.00
C.C. Division of Health	Dog Trust	1,731.46
Robert E DePersia, II	Mun Public Defender	300.00
KEI Associates	Planning Board Esc # 178	333.75
	Planning Board Esc # 286	2,155.00

OCTOBER 26, 2009

	Planning Board Esc # 308	2,452.50
	Planning Board Esc # 336	601.25
	Planning Board Esc # 343	952.50
Tullio's	Planning Board Esc # 250	1,712.48

CONFIRMING

John McGee	07-201-55-502-2036	111.25
America on Line	01-201-20-120-2105	32.90
AT & T Mobility	01-201-31-440-2076	605.97
Atlantic City Electric	01-201-31-435-2075	6,069.51
	01-201-31-435-2071	4,839.78
Mobile Mini	01-201-26-310-2115	93.15
NJAPZA	01-201-22-200-2042	50.00
Postmaster, Cherry Hill	01-201-20-120-2022	327.31
State of NJ	01-201-26-310-2024	199.00
NJ State Health	01-201-23-220-2092	16,422.83
	01-201-23-220-2092	39,638.91
Twp of Berlin Payroll	01-201-23-225-2168	229.85
Payroll, Current Fund	9/3/2009	58,257.53
Payroll, Sewer	9/3/2009	4,288.51
Payroll, Current Fund	9/10/2009	61,643.85
Payroll Sewer	9/10/2009	4,203.08
Payroll, Current Fund	9/17/2009	57,316.08
Payroll, Sewer	9/17/2009	4,116.30
Payroll, Current Fund	9/24/2009	77,706.26
Payroll, Sewer	9/24/2009	4,368.75

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-183. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2009- 184 RESOLUTION AUTHORIZING THE PURCHASE OF ITEMS FROM A VENDOR WITH STATE CONTRACT IN EXCESS OF BID THRESHOLD DURING SFY 2010

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

OCTOBER 26, 2009

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

WHEREAS, the following purchases will be made during SFY2010 in excess of the bid threshold:

CONTRACT#	VENDOR	ITEM	DATE OF EXPIRATION
1. 72467	Winner Ford	2010 Ford Crown Victoria	7/10/10

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

Motion by Councilman McIntosh, second by Councilman Batten to adopt Resolution 2009-184. Resolution adopted by call of the roll, four members present voting in the affirmative.

BUSINESS APPROVAL

- 1) **Net Auto Repair**, William Lutz, 465 Taunton Avenue West Berlin.
Auto repair

CONSENT AGENDA

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

APPROVAL OF CORRESPONDENCE CALENDAR FOR SEPTEMBER

Motion by Councilman Batten, second by Council President DiGangi to receive and file the correspondence calendar for September 2009. Motion carried by voice vote, all present voting in the affirmative.

APPROVAL OF MINUTE SEPTEMBER 28, 2009

Motion by Councilman McIntosh, second by Council President DiGangi to approve the minutes of September 28, 2009. Motion carried by voice vote, all present voting in the affirmative.

GOOD AND WELFARE #2

OCTOBER 26, 2009

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

C. Picciotti of Hudson Avenue asked what the curfew would be for this Halloween weekend. Mayor and Council responded that curfew is till 8:00 pm. Carol asked what a bid threshold was. Lori Campisano, CFO replied it's the amount of money your allowed to spend without authorization from Mayor and Council. If the amount is higher then 21,000 then you would have to do a resolution.

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

ALL OTHER BUSINESS

Mayor Magazzu commented about a letter received from Sculptor David Ascalon, who has a Studio in town. Mayor Magazzu said that David would like to design and donate a piece of artwork for the new municipal building.

Council President DiGangi remarked that the response for the Halloween has been great. We have had a lot of calls on groups that would like to participate in the parade.

ADJOURN

Motion by Councilman Batten, second by Council President DiGangi to adjourn the meeting at 7:25 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 7:25 pm

Catherine Underwood, Township Clerk