

OCTOBER 26, 2015

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL OCTOBER 26, 2015 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- Mayor Magazzu, Council President Morris Councilman McIntosh, Councilwoman Bodanza, Councilman Epifanio

Also Present- Solicitor, Stuart Platt, CFO, Lori Campisano, Lt. Anthony Mc Veigh, Josh Shellenberger, Maintenance/Animal Control, Chuck Riebel, Engineer/Public Works Director.

Absent-

Jay Winner Years of Service ...Retirement
Bob Eisinger Years of Service ...Retirement

Mayor Magazzu along with Council presented a plaque To Jay Winners and Robert Eisinger for their many years of Service to the Residents of Berlin Township.

Departmental Reports

ENGINEER / PUBLIC WORKS DIRECTOR

CHANGE ORDERS AND VOUCHERS

1. Improvements to the Municipal Building Roof I expect to be submitting the contractor's invoice for final payment, in the immediate future.

RESOLUTIONS AND ORDINANCES FOR CONSIDERATION

None, at this time.

ENGINEER'S REPORT

1. Dog Park at Luke Avenue Recreation Complex (Camden County Recreation Enhancement Funding- \$25,000)

Bids were received and rejected at the last Council Meeting. The Proposal was structured for the Base Bid, which is a custom wood and wire fence with gate and a park identification sign. Alternate bids have been included for the paths to the park, sand surface, park benches and trash receptacles.

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At this time, I am recommending that the Public Works Department staff perform the work, in an effort to stay within the grant amount. Since the County is threatening to pull the funds, it is necessary that we commence with the work, in the immediate future.

I would note that we have, generally, discussed the project with a representative for a volunteer group and are hopeful that they may be able to assist the Township with this construction.

2. N.J.D.O.T. FY 2016 Municipal Aid Program Applications

The applications, for the following street improvement, have been electronically submitted to the N.J.D.O.T. :

- a. Priority 1- Taunton Avenue- NJDOT Rt.73 Ramp "A" to 400' from Cooper Road- \$555,000
- b. Priority 2- Oak Avenue - Route 73 Ramp "A" to 80' Past Clover Avenue- \$ 94,000

I would expect the announcement of the selected projects to be announced in the early Spring, 2016.

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

The N.J.D.O.T. has returned the signed Agreement for \$201,000 for the improvements to Hazel Avenue. A construction contract must be awarded by June 26, 2017. It is important that the contract be awarded and the work completed, as soon as possible, as the failure to complete the work, in a timely manner, will jeopardize the consideration for future NJDOT Municipal Aid funding.

The requested amount of funding was \$236,000. The estimated construction cost is estimated to be \$210,627 and materials testing costs is estimated to be \$9,000. The engineering, contract administration and inspection will be performed by the Engineering Department.

The Governing Body authorized the preparation of the bid documents and advertisement for and the opening of bids for this project. I recommend that the Governing Body consider appropriating the necessary funds.

4. Municipal Building Roof

The contractor has completed all construction and corrective work. The manufacturer's inspector has performed an inspection of the installation and has issued a report to the contractor.

Since the installation of the new roof membrane, a few leaks have occurred, in several locations. We have inspected several of the areas and it appears that the leaks may be a result of the original installation of the rooftop HVAC units. We are trying to procure the services of a qualified individual to inspect, evaluate and submit recommendations for the necessary repairs to eliminate the water leaks inside the building.

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5. Request for the Release of Performance Guarantees for Developments Residential Lots, 250 and 270 Grove Avenue, Classic Custom Builders, Inc.

I am requesting that the Governing Body consider retaining the performance guarantee until I have had the opportunity to review the file at KEI Associates to ensure that all required site improvements have been completed by the developer.

6. Camden County Community Development Block Grant Funds, Year 35 (\$21,000+/-), 35 Supplemental (\$11,410), 36 (\$21,000+/-) and 37 (\$25,800 +/-)

I have not received any response to my requests to the Congressman's Office to schedule a meeting with his staff and representatives of the Federal Housing and Urban Development to discuss the determination that there are no qualifying low-moderate income districts in the Township, which has affected the use of C.D.B.G. funds for various projects.

The Governing Body passed resolutions, redesignating the funds for the improvements to the Senior Citizens Building and the construction of handicap curb cuts at the intersection of Bate and Pine Avenues. The Public Works staff has completed the improvements to the Senior Citizens Building. The "SENIOR BUILDING" sign still must be installed, once it is fabricated by the sign contractor.

The Borough concrete crew has performed the concrete work at the intersection of Pine and Bate Avenues. We expect their work to be completed by the end of October.

The Country CDBG Program has informed us that the grant monies must be spent in the immediate future as the Federal agency is threatening to recapture all funds, which have not be spent in a timely manner.

I believe that the Governing Body will be endorsing and authorizing the signing of the CDBG Year 37 Agreement for funding, in the amount of \$25,800, for the improvements to the Senior Citizens Building (replace shingles, siding and windows, which are being performed under funding from other years). Since the scope of work may be completed with CDBG funding from previous year, it may be necessary to amend the scope of the work

7. Collection and Hauling of Solid Waste and Recyclable Materials

I have issued a draft version of my analysis and report, comparing the estimated costs for in-house services and contracted services for the collection and hauling of solid waste and recyclable materials, along with the analysis for other public works services. In order to obtain true prices for the contracted services, the Governing Body has authorized the opening of bids. I am hopeful that bids can be received before the end of the year so that the Governing Body can determine the best alternative, beginning in March, 2016.

8. Street Improvements to Hill Avenue

As you know, the C.D.B.G. Year 36 funds can, no longer be used for the street improvements to Hill Avenue. As a result in the loss of the C.D.B.G. Year 36 funding, I believe that it will be necessary to allocate Township funds for this project. I will prepare a construction cost estimate to determine the amount of

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Township funds, which will be necessary to complete the construction of the project.

It was my intent to bid this project with the reconstruction of the basketball court at Spruce Avenue Recreation Park when all funding is available. Since the County Open Space Director is pushing for the use of the County grant for the improvements to the basketball court, I recommend that the funding for the court be allotted and the funding for Hill Avenue, allotted whenever it is possible. I expect to be including this project in my request for capital funding.

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

I have recommended that the Governing Body consider allocating the necessary funds for the environmental testing and analysis for the site and for the demolition of the former administrative building.

At the recommendation of a realtor, we have prepared a concept plan, depicting a possible twin homes layout, for use when reviewing and considering this possible proposal. I recommend that the matter of possible alternatives for the development of the site be discussed with the members of the Governing Body and Planning Board.

10. Municipal Building

a. Improvements to the Unfinished General Assembly Rooms

I expected to complete the bid documents for the ceiling, the remainder of the ceiling lighting, HVAC system and reconfiguration of the fire suppression system in early 2015 for a bid opening in early Spring, 2015. It appears that we will not be completing these documents until the late Fall, 2015. It has been determined that the Public Works staff will install the vinyl floor tiles, after the above mentioned, contracted work has been completed.

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.

We are hopeful that we can include a rainwater recapturing system for irrigation use. It appears, at this time, that there will not be sufficient funds available for this system, due to other, higher priority projects in the Township.

c. Recoating of the Front Parking Area

Due to the need to address higher priority projects, throughout the Township, I do not believe that funding will be allocated for this project, in the immediate future.

12. Application for the Camden County Open Space/ Recreation

Enhancement Funds for the Reconstruction of the Surface for the Large Hockey Rink

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An application was submitted for the reconstruction of the playing surface. The estimated construction cost is \$77,280. The funding is, typically, limited to \$25,000. The County has issued notice of the selected projects, of which this projects was not selected for funding.

The Public Works Department has performed some temporary repairs to the playing surface. It will be necessary, in the immediate future, to perform localized, permanent repairs or reconstruction of the surface.

13. Band Shell at Luke Avenue Recreation Complex (County Open Space Grant- \$50,000 and \$5,000 donation)

The County Open Space Director has accepted my letter, regarding the status of the project and the use of the funds.

We have contacted the band shell distributor, requesting the final price for the structure so we can proceed with ordering the kit, under State Contract. The distributor expects it to take 8 weeks for the delivery of the kit.

We have met with a representative of a volunteer group, which is willing to construct the concrete foundation and platform and erect the band shell structure. We are waiting for the construction plans from the manufacturer's designer. It is probable, with winter conditions quickly approaching, that the construction will occur in the Spring, 2016. This delay must be approved by the County as they were threatening to pull the funding for this project.

14. Reconstruction of Basketball Court at Spruce Avenue Recreation Site (County Open Space Grant - \$25,000)

The County Open Space Director has accepted my letter, regarding the status of the projects and the use of the funds.

I had mentioned to the Governing Body that the construction cost will exceed the County grant amount.

I intended to receive bids, for this project, in the same bid package as the Hill Avenue Street Improvements Project, in hopes of receiving more competitive process for the larger scale projects. Since the Hill Avenue project has not been funded, I recommend that the Governing Body consider allocating the necessary, additional funds for this project. I will be including this project in my request for capital funding.

15. Capital Improvements Program

As you know, there are many streets, which are in need of improvements (pavement, storm drainage, curb, etc.), in the immediate or near future. There are, also, various improvements, which are necessary for recreation facilities, public buildings and sanitary sewer.

The Governing Body has adopted the bond ordinance for the improvements to the sewer pumping stations.

I recommend that, if possible, the Governing Body consider implementing a long capital improvements program. I intend to prepare a Recommendations Report, detailing a possible long range plan for capital improvements, in the future.

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I will be preparing and submitting my recommendations for projects for consideration for capital funding, in the immediate future.

16. Ponding Along Gutterline of Hudson Avenue at 182 Patton Avenue

As requested by Council President Morris, I have observed the conditions, where ponding is occurring along the edge of pavement, along Hudson Avenue. In order to determine the scope of the work to eliminate the ponding condition, we will take elevations of the existing pavement. I will, then, prepare a cost estimate for the necessary improvements for consideration by the Governing Body.

17. Improvements to the Water Distribution System by Berlin Borough

The Borough has been performing the flushing of the distribution system.

It is my understanding that, not resulting from the flushing, the residents along the dead end of Katherine Avenue continue to experience issues with water quality. I believe that the Township Officials may be discussing the matter with the Borough Officials.

19. Municipal Certification for Future Federal Funded Projects

We must obtain the information, from the N.J.D.O.T., for this program, in the immediate future. We will complete the necessary documents, with the assistance from Ms. Campisano, and submit the documents for Federal and State approval, in the near future.

20. No Parking and Passing Zones Along Cooper Road

We still must complete the study to determine for the creation of the no passing zone along the road. Once completed, it is my understanding that the Governing Body will take formal action to request that the County Freeholders establish prohibition of passing and parking along the road.

21. Storm Drainage Improvement

a. Lester Avenue Storm Drainage and Stormwater Management

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

It has been determined that the project must be bid. Therefore, we must complete the plans and specification for public bidding. I have left a message with the adjacent property owner to contact me to discuss the determination that the project must be bid.

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.

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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, in 2015, for this project.

I am expecting to bid the work in the late Fall of this year.

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

On occasion, the street has flooded, due to the apparent limited capacity of the drainage system and receiving ditch, which is on the Board of Education property. A while ago, I discussed the matter with Mr. Pfluger, School Buildings and Grounds Superintendent.

The ditch must be reconstructed to provide additional capacity and a positive outflow.

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

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

d. 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 have requested a meeting with Congressman Norcross to discuss the possibility of receiving Federal funding, for this project.

22. Request to the Pinelands Commission for Redesignation of Lands to Regional Growth

To date, I have not performed any additional work, regarding this matter. I have been informed by Mr. Dandrea that he has met with representatives of the Pinelands staff and they are receptive to redesignating areas for regional growth. I have noted that, when I met with the staff, they were, also, receptive to the proposal, but required that there be a trade off with other lands to compensate for a greater intensity development.

23. Tax Map Revisions

We have not completed the revisions, which were required by the second review by the N.J. Treasury Department. Since it has been determined that the revisions are not necessary, as part of the revaluation, we have delayed the revisions so that more pressing projects can be completed by the department.

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24. Request to the N.J.D.O.T. for the Installation of a Traffic Signal at the Intersection of Route 73 and D'Angelo Drive.

In July, 2015, the Governing Body passed Resolution No. 2015-143 requesting the NJDOT consider the installation of a traffic control signal at the intersection. Several years ago, Wal-Mart offered to pay for the installation.

25. Traffic Calming Program

I do not believe that any further consideration will be taken, regarding these possible improvements. Therefore, I will be removing it from future reports.

26. Revisions to Ordinances

On October, 21, 2015, I was unable to meet with Ms. CherylLynn Walters, Esq., from the Solicitor's Office, to discuss revisions to several sections of the Township Code. We will reschedule the meeting, in the immediate future

a. Chapter 289, Streets and Sidewalks

I believe that the Governing Body introduced the amending ordinance, at the Council Meeting on September 14, 2015, and is scheduled to hold the public hearing at the next Council Meeting.

b. Chapters 320 and 325, Vehicles and Traffic

We are preparing the recommendations for revisions to these chapters.

c. Chapter 340, Zoning

We have been discussing clarifying the designation of zoning districts and overlay zones and the respective coordination of the Zoning Map; basement window well egress; definition for corner lots; regulations for canopies, POD's, tents and dumpsters.

27. Investigation for Sidewalk Along Oak Avenue

The Governing Body discussed the possible construction of sidewalk along one side of the street, due to the narrow width of the roadway. I will be investigating this matter and will report to the Governing Body.

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

It has been brought to my attention and I have observed spalling of the concrete sidewalk, in several areas. I have observed the condition and suspect that it may be a result of the application of de-icing materials, placed by the owners of the properties. I will continue to observe the conditions to see if they worsen, over time. It may be necessary to epoxy the spalled areas and apply a clear sealant to the concrete and brick surfaces.

29. Conditions of the Haddon Avenue Bridge and Roadway

At the request of Mayor Magazzu, I inspected the bridge deck, as it was reported that a piece of the repaired concrete road deck had broken off. I observed a small patch, which had been filled in with asphalt patch. I believe that this resulted from improper adherence to the substrate deck material at this localized area. I

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recommend that the deck patches should be monitored, especially through the cold weather months, to ensure that the repairs do not fail.

I will be contacting the Chief Engineer, from N.J. Transit, requesting a formal letter, stating that the bridge structure is structurally sound.

PUBLIC WORKS DEPARTMENT

1. Negotiations for Contract With the Public Works Employees Association

The current contract expires at the end of 2015. I had recommended that the Public Works Employee Association submit their requests for the next contract and a meeting be scheduled, shortly after the receipt of the list of their requests. To date, I have not received any response from the Association.

2. Analysis for the Performance of Various Tasks and Staffing

I have issued a draft copy of my analysis and report to several members of the Governing Body and the Chief Financial Officer. As a result of the review of the report, bids are scheduled to be opened, on December 9, 2015 for contracted collection and hauling of solid waste and recyclables. If awarded, the contracted collection will not begin until <Arch 1, 2015.

3. Staffing Issues

I believe that the Governing Body will be recognizing Robert Eisinger and Jay Winner for the many years of service with the Public Works Department, at the next Council Meeting.

Needless to say, the Department is operating with a short staff, which has resulted in the inability to perform all of the various operational and maintenance duties of the Department.

We anticipate the continuation of the use of temporary employees, on an as needed basis, until a determination has been made for staffing needs, in the future. This will be crucial, during the leaf collection season.

We would deeply appreciate any recommendations for individuals, which may be seeking temporary, seasonal employment, during the upcoming months.

4. Auction for Vehicles and Equipment

We had expected to continue with additional electronic auctions in 2015. Due to the current demand for the performance of more pressing task, it is probable that the next auction will be delayed until 2016.

5. Improvements to Sewer Pumping Stations

I had informed A.C. Schultes that their report on the conditions of the pumping stations was incomplete and, therefore, I could not recommend payment for their services. They have requested a meeting to discuss the matter.

I expect to begin receiving bids and quotes for the various improvements, in the near future.

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6. Request for 2015 Capital Purchases for Vehicles and Equipment

I believe that the Governing Body is waiting for the results of the bids for the contracted solid waste and recyclables collection, before they consider authorizing various capital purchases. At this time, we are experiencing frequent breakdowns of vehicles and costly repairs. At this time, we do not have a vehicle to use for the large salt spreader. The other dump trucks, which contain the other spreaders, are questionable for operational reliability for the upcoming winter season.

7. Textile Recycling

I must, still, meet with the Westville Public Works Superintendent to obtain the information, regarding the implementation of this program.

8. Leaf Compost Material

I had, previously, mentioned that we have experienced extreme difficulty in having the composted leaves removed from the composting area as there was very little interest in the partially composted leaves, which resulted from the inability to grind the leaves, due to the tub grinder becoming inoperable. We were fortunate to find an interested party to take the leaves, last year. Typically, the leaves have been removed from the compost yard, by this time of the year so that we can provide room for the leaves for the upcoming season. At this point, there are still leaves, within the yard. At this point, it will be necessary to pay for a contractor to remove and transport the leaves out of the Township. I strongly recommend that the Governing Body consider the purchase of a new tub grinder if the Township will continue to operate the composting facility. Otherwise, it is probable that it will be necessary for the Township to haul the leaves to another municipal or private composting facility and pay for the disposal at their facility. It is my understanding that it is probable that, due to higher priority projects, funding may not be available for the purchase of a tub grinder.

9. Possible Directory Signs for Those Businesses Along Haddon Avenue, Between Zulker and Walker Avenues

We have provided the businesses along Haddon Avenue with the prices for directory signs at three intersections. At this time, I do not believe that they have informed us of their interest in the ordering of the signs.

10. Review of Rates for the Use of Recreation Facilities

I believe that the Governing Body will be reviewing the fees for consideration for adjustment to the rates for the use of the recreation facilities by organizations, other than the B.T.A.A.

12. 2015 Safety Management Program

I discussed the mandatory requirement, from JIF, for the placement of "put safety on a Council agenda" with the Governing Body. I believe that it is being considered for the Council Meeting, in the near future.

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13. Request to FEMA for Reimbursement of Costs Associated With the Cleanup from the Storm of June 23, 2015

We attended a kick-off meeting with representatives of FEMA and the N.J. Office of Emergency Management to discuss the submission of the documentation for reimbursement of costs incurred by the Public Works Department. We have met with the FEMA representative, which has been assigned to the Township, and provided him with the preliminary documentation for his review and, hopeful, approval.

We are in the process of preparing the request form for the designation of various areas, within the Public Works Complex, as Temporary Debris Management Area(s), "TDMA" for use for future storms. Municipalities are, no longer, permitted to store storm debris, without having this approval from the N.J.D.E.P.

14. Inspections by State and County Agencies

The N.J.D.E.P. and County Health Department continue to perform periodic inspections of the leaf compost area, which has been determined to be acceptable.

Recently, the N.J.D.E.P. has inspected the documentation for the water usage, which we have submitted for, and the locations of, the irrigation wells at the Luke Avenue and Edgewood Avenue recreation complexes. As a result of the inspection, we will be submitting additional information to the inspector and changing the procedure for meter readings.

We must, also, address matters of diesel retrofitting of Public Works vehicles and vapor recovery system at the fuel dispensing station at the Public Works Complex.

Solicitor Report

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Sherwood, Orio, Olyroyd & Fruggerio
5. Saverio Garofalo V. Township of Berlin
6. Michael Curtis V. Berlin Township
7. Estate of Carol Bowne
8. Open Public Records Act
9. Ordinance Revision
10. In Rem Tax Foreclosure
11. Municipal Building Roof Claim
12. Lester Avenue Drainage Project

Police Report

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Total of 185 motor vehicle summons which include 3 for DWI, 29 M.V Accidents, 95 Alarm calls. A total of 63 arrests which include 3 narcotics and 23 warrant services.

Department news:

During the month of September 2015 Berlin Twp. Police officers responded to a total of 9 shoplifting offenses. 8 were from the Wal-Mart store and 1 from Home depot.

On 9/11/2015 Officers were dispatched to the Sons of Italy club on Haddon Ave. for a found burglary. Upon arrival it was determined that someone had broken into the club during the night through a bathroom window. While on location the Officers and detectives developed a suspect. A suspect was charged with burglary, theft, and other related charges. Also two additional subjects were charged with disorderly conduct for interfering with the investigation.

On 10/7/2015 Officers from the Berlin Twp. police department along with the Lower Camden County Special Response team LCCSRT executed a narcotics search warrant on the 100 block of Clifton Ave. This culminated a month long narcotics investigation where Berlin Twp. police detectives made numerous controlled purchases from a residence. As a result of the investigation 2 subjects were arrested and charged with CDS related charges including possession with intent to distribute CDS.

On 10/9/2015 Officers responded to the 300 block of Centaurian Drive for a reported drug overdose. Upon arrival and as the officer was exiting his vehicle he was immediately attacked by a suspect who was overdosing and was aggressive with super human strength. A violent struggle ensued and the suspect opened and entered the patrol vehicle's driver's door and attempted to steal the police car. Officers used the CED, (Taser) causing the suspect to be taken under control. The suspect and Officer were transported to Virtua Hospital for treatment. The suspect was charged with Assault on Police, resisting arrest, and related charges.

On 10/13/2015 Officers were dispatched to Berlin Circle Plaza for a report of a possible robbery and that the suspect was fleeing towards Walker Ave. Officers and detectives quickly arrived and the area and the suspect was discovered hiding in the rear yard of a residence off Locus Ave. Investigation revealed that the suspect forced his way into the victim's vehicle and attempted to force her to drive. She fled the vehicle and was grabbed in an attempt to get her back into the vehicle, ripping her shirt. The suspect was charged with carjacking, kidnapping, and other related charges. He was remanded to the County Jail in default of bail.

On 10/13/2015 Officers were dispatched to the 100 block of Franklin Ave for a found burglary. Upon arrival it was discovered that someone had entered the residence through a rear window and removed a large amount of jewelry. Though investigation it was discovered that the same suspect who committed the robbery had also committed the home burglary earlier in the day. He was arrested and charged with Burglary, theft

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and related charges. Detectives meet with the suspect and obtained a full confession and recovered all of the property.

On September 26, 2015 The police department participated in Operation Take back. Officer was stationed at Berlin Circle Plaza collecting any unwanted, unused, or expired medications. In addition we have a permanent drug drop box at police headquarters. The police department is working with the New Jersey Department of Consumer Affairs to combat the abuse of prescription drugs.

Department training:

On October 8, 2015 I attended the New Jersey State NAACP Conference in Princeton, NJ. I along with 150 police executives attended a seminar facilitated by Retired police Chief Noble Wray of the Madison Wisconsin Police department. The seminar focused on Fair and impartial policing.

Respectfully Submitted,
Chief Leonard Check

Property Maintenance Officer / Animal Control

Josh Shellenberger reported that the Cat and Dog Census is about ¾ done and we have registered about 90 unlicensed pets thus far. Josh also reported that he picked up 4 dogs this weekend and safely returned all four dogs to their owners.

Josh remarked that he received the Vacant Property Registration form from the house on Centaurian Court. He is now working on their contact information to clean the property up.

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, Saturday October 31, 2015: 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 8:00 pm, on Friday October 30th 2015 and 8:30 pm, on Saturday October 31st 2015.

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.

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NOW, THEREFORE, I, PHYLLIS MAGAZZU, MAYOR OF THE TOWNSHIP OF BERLIN proclaim Saturday October 31, 2015 from 2:00 pm to 8:00 pm to be the official celebration of Halloween.

SECOND READING AND PUBLIC HEARING ORDINANCE 2015-7 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REVISING, AMENDING AND SUPPLEMENTING CHAPTER 289 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "STREETS AND SIDEWALKS."

WHEREAS, Chapter 289 of the Code of the Township of Berlin, entitled "Streets and Sidewalks," regulates construction activities involving road opening and/or excavation within, on or upon sidewalks and municipal streets within the Township; and

WHEREAS, the Governing Body tasked the Township Engineer with reviewing Chapter 289 with respect to bonding, performance guarantees and/or maintenance guarantees and insurance requirements set forth therein; and

WHEREAS, as a result of such review, the Township Engineer has recommended certain changes to Chapter 289; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Township Council of the Township of Berlin, as follows:

SECTION 1: Chapter 289, entitled "Streets and Sidewalks," Article I, entitled "Excavations," hereby deleted in its entirety and replaced with a new Article I as follows:

Article I Excavation

§289-1 Purpose

The purpose of this Article is to establish rules and regulations governing excavations, construction and maintenance of Township Rights-of-Way and to provide a uniform standard of construction and construction methods for individuals and utility companies seeking to utilize Township Rights-of-Way for such purposes.

289-2 Definitions

The words and phrases herein used, except where the same shall be clearly contrary to or inconsistent with the context of this article or the section in which used, shall be defined as follows:

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ADDRESS OF APPLICANT

The mailing address of the individual, group, partnership or corporation for whom the work under the permit is to be performed

ADDRESS OF LOCATION OF PROPOSED WORK

The street address, or block and lot number where street address is not available, of the location where the proposed construction is to take place.

ALL SERVICE CONNECTIONS

Those pipes and conduits providing a utility service between the property line and the utility main.

APPLICANT

The name of the individual, group, partnership or corporation for whom the work under the permit is to be performed.

BACKFILL MATERIAL

All material used to bring the excavated area to subgrade condition.

CABLE CONDUIT

Those facilities and conduits under the jurisdiction of any licensed cable provider operating within the Township.

CARTWAY

The area which lies between the curblines, having a hard surface and is used for vehicular traffic.

CONSTRUCTION

The work required to be performed under the permit.

CONTRACTOR

The individual, group partnership or corporation undertaking to do the work requested on the permit.

CURB

That construction of concrete or bituminous concrete with a vertical face which defines where the pavement and planting strip meet.

DEPRESSED CURB

That portion of curb used for ingress and egress to the driveway and handicap ramp.

DRIVEWAY

Includes that portion of a right-of-way which provides access to an off-street vehicular facility through a depression in the constructed curb; or, when there is

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no constructed curb, that area in front of such vehicular facility as is well defined or as is designated by authorized signs or markings.

DRIVEWAY APRON

That area of the driveway between the sidewalk and the curb or curblines; or, where there is no sidewalk, that area between the property line and the curblines.

ELECTRICAL CONDUIT

Those facilities and conduits under the jurisdiction of any electric services provider operating and/or providing electric within and/or to the Township.

EMERGENCY

When the existing utility is leaking, broken, blocked or otherwise malfunctioning such that the health and safety of the public is endangered and immediate action is required.

EXCAVATED MATERIAL

All material removed or disturbed from its original location.

GAS MAINS AND SERVICE LATERALS

Those pipes and appurtenances under the jurisdiction of the PSE&G Company or the South Jersey Gas Company.

HANDICAP RAMPS

Those areas so designated or required by law where the sidewalk is ramped to meet a section of depressed curb or wheelchair traffic.

MAINTENANCE

Any work the Township requires to be performed prior to the release of the maintenance guarantee.

PAVEMENT

The type of material used for the construction of the cartway.

PERMIT

The document issued authorizing the required construction to take place.

PERMIT TERM or TERM OF PERMIT

Any permit issued in accordance with this Chapter shall be valid for a period of six (6) months from the date it is issued and may be extended for an additional three (3) month period upon written request to the Township Clerk prior to expiration of the original permit and subject to the approval of the Township Engineer or Director of Public Works.

PLANTING STRIP

That area between the property line and the curb or edge of pavement.

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PLANTING STRIP INSIDE

That area between the sidewalk and property line.

PLANTING STRIP OUTSIDE

That area between the sidewalk and curb or edge of pavement.

RECONSTRUCTION

The removal and replacement of an existing structure, facility, area or appurtenance as required under the permit.

REPAIR

The restoring, patching as may be required of both a temporary and permanent nature for the protection of the public and the structure, facility area or appurtenance.

REPLACEMENT

The placing back of an existing structure, facility, area or appurtenance in accordance with current Township specifications.

RIGHT-OF-WAY

That area which is dedicated to the right of the public.

SANITARY SEWER MAINS AND SERVICE LATERALS

Those pipes and appurtenances under the jurisdiction of the Township.

SERVICE LATERALS

All utility connections between the right-of-way and the main under the jurisdiction of the utility company. Township or private ownership.

SEWERAGE AUTHORITY MAINS

Those pipes and appurtenances under the jurisdiction of the Camden County Municipal Utilities Authority.

SIDEWALK

That area designated for pedestrian traffic having a hard service.

STANDARD SPECIFICATIONS

All written documents, plans, sketches made pertaining to the method or manner of performing the construction or quality and quantities of material to be utilized.

STORM DRAINS

Those pipes and appurtenances which carry stormwater and/or groundwater, including roof drains, underdrains, yard drains and sump pump discharge pipes within the right-of-way.

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STREET

Any municipal roadway, including but not limited to any street, avenue, boulevard, road, parkway, highway or other way owned by the Township from right-of-way line to right-of-way lines.

TELEPHONE CONDUIT

Those facilities and conduits under the jurisdiction of any telephone services provider operating within the Township, including any local or long distance telecommunications carrier.

TOWNSHIP

The Township of Berlin.

WATER MAINS

Those pipes, hydrants and appurtenances under the jurisdiction of the Borough of Berlin Water Department and/or any other water company supplying water to the Township.

WORK OF MAJOR SCOPE

All new construction and/or replacement of existing utility mains.

§289-3 Permit required; Exceptions

- A. It shall be unlawful for any person, partnership, limited liability company, corporation or other business or association to excavate, cut, break into, damage or open any of the roads, streets, avenues, highways and/or Rights-of-Way of the Township of Berlin or easements granted thereto without first obtaining a permit pursuant to the requirements of this Article.
- B. A Right-of-Way permit is required for the following work and /or construction to be performed on, over, under, in or about any Township Right-of-Way or Township-owned facility or easement:
 - (a) construction, reconstruction, replacement, repair, maintenance, servicing, or installation of sidewalks, driveway aprons, curbs, handicap ramps, sanitary sewer mains and laterals, water mains, hydrants and service laterals, gas mains and service laterals, telephone conduit, electrical conduit, cable conduit, sewerage authority mains, all service connections, storm drain mains, inlets and basins and pavement extensions;
 - (b) temporary storage of equipment materials;
 - (c) any other operations, except Township-contracted projects, which may cause abnormal wear to or deface or damage existing

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structures, pavement, curbs, sidewalks or driveway aprons or Township shade trees.

- C. The requirements of this Chapter shall not apply to the following:
- (1) installation of new or replacement poles, guys or overhead wires and cables, provided that the utility company performing such work shall contact the Township Engineer or the Director of Public Works either prior to the placement of a pole or guy, or in the case of emergency within 24 hours of said placement, and identify the specific location of the required work to verify the location of all municipal utilities within the work area;
 - (2) construction, reconstruction, replacement, repair, maintenance, servicing or installation to be performed on, over, under, in or about any streets, roads or Rights-of-Way under the jurisdiction of Camden County, it being the applicant's sole responsibility to obtain all necessary permits and/or approvals from the County of Camden for work to be performed in such areas;
 - (3) work to be performed on, over, under, in or about a street or Right-of-Way in any subdivision approved by the Berlin Township Planning Board prior to the Township accepting said street or Right-of-Way for maintenance purposes; and
 - (4) any such work covered under an independent or separate contract with the Township.

§289-4 Application Procedures; Approval or Denial

- A. All persons, partnerships, limited liability companies, corporations or other businesses, associations or government entities or agencies required to obtain a permit under this Chapter shall file with the Township Clerk one (1) application (in duplicate) for each opening in an envelope marked "Application for Right-of-Way Permit," which form shall be kept on file in the office of the Township Clerk and shall be made available upon request, along with an application fee as follows:
- (1) for each opening for the repair, reconstruction and/or replacement of existing sidewalk, driveway and/or driveway apron - \$50.00 per opening;
 - (2) for each opening for new construction of sidewalk, curb, street, driveway, driveway apron and/or for any other opening - \$300.00 per opening.

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- B. In addition to any other information required by the application, all applicants also shall provide the following:
- (1) an explanation of the scope of work sought to be completed which also identifies the probability of damage to any trees, highway structures or private property;
 - (2) a diagram, sketch or plan showing the location of the work to be performed in relation to all adjoining property lines, the nearest intersection and all curbs or edges of pavement within the work area and showing the dimensions of the area to be opened and the depth of excavation;
 - (3) an analysis of the impact of the proposed work upon any Township shade trees located within the proposed area of work and a proposal for addressing or mitigating such impacts;
 - (4) a proposal for addressing work zone safety and the maintenance and protection of vehicular and pedestrian traffic; and
 - (5) in cases where the applicant is proposing Work of Major Scope, the Township Engineer, in his sole discretion, can require complete engineering plans and specifications in lieu of a diagram or sketch.
- C. Upon receipt of an application that complies with the above requirements, the Township Clerk shall forward the application to the Township Engineer or Director of Public Works, who shall review the application and plans.
- (1) If, after review of the application and plans, the Township Engineer or Director of Public Works determines the requested work can be performed without substantial detriment to the Township Right-of-Way and without creating excessive disturbances to traffic or exceptionally dangerous conditions, the Township Engineer or Director of Public Works, as the case may be, shall mark the plans either "approved" or "approved as noted" and return same to the Township Clerk for issuance of a permit pursuant to Section 289-5.
 - (2) If, after review of the application and plans, the Township Engineer or Director of Public Works determines the requested work would cause substantial or undue damage to a Township Right-of-Way or create excessive disturbances to traffic or exceptionally dangerous conditions not commensurate with the benefits to the applicant, the Township Engineer or Director of Public Works shall deny the application and return same, along with a written explanation of the reasons for denial, to the Township Clerk for issuance of a notice of denial pursuant to Section 289-5.

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- (3) The Township Engineer or Director of Public Works shall not approve, either conditionally or unconditionally, any application or plans submitted by any applicant where the Township Engineer or Director of Public Works determines the applicant has failed to properly perform work under another permit issued in accordance with this Article or where the applicant has failed to reimburse the Township for recoverable costs billed under the terms and conditions of a previous permit that was issued in accordance with this Article.

- D. When it is determined an emergency exists which requires work to be performed immediately and without the ability to apply for and obtain a permit or modify an existing permit as otherwise required hereunder, the Township Engineer and Director of Public Works must be notified of the cause for said emergency work within twenty-four (24) hours of the commencement of such work and a permit must be obtained from the Township Clerk within three (3) calendar days of the commencement of said work.

§289-5 Issuance of Permit or Notice of Denial

- A. Upon receipt from the Township Engineer or Director of Public Works of an application and plans marked "approved" or "approved as noted," the Township Clerk shall notify the applicant that the permit has been approved and that a permit will be issued upon the applicant's satisfaction of the performance guarantee requirements of Section 7 of this Article

- B. Upon receipt from the Township Engineer or Director of Public Works of an application and plans marked "denied," the Township Clerk shall issue a notice of denial to the applicant, which notice shall include the reason(s) for the denial.

§289-6 Commencement of Work; Construction Requirements; Defective Work

- A. No applicant or contractor shall commence any work governed by this Article until the applicant has received a permit pursuant to Section 289-5 and has provided evidence satisfactory to the Township Engineer and/or Township Solicitor of the applicant's satisfaction of the insurance requirements of Section 289-8.

- B. All work performed under a permit issued in accordance with this Article shall comply with the construction procedures and requirements established by the Township Engineer, as same may be amended from time to time. A copy of said construction procedures shall be maintained

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on file with the Township Engineer and Director of Public Works and shall be available for inspection and copying upon delivery of a written request for same.

- C. In the event the application shall fail to complete the permitted work or to correct defective conditions within ten (10) days of receipt of notice issued by the Township Engineer or Director of Public Works, which notice shall be sent via certified mail, return receipt requested and via electronic mail where applicant has provided an email address on the application, the Township may perform the work and/or necessary repairs. In the event of an emergency caused by incomplete work or defective work, the Township may perform any such work as is necessary to remedy the emergency without prior notice to the applicant. The Township shall provide the applicant written notice of said work within twenty-four (24) hours of the commencement of same. Any costs incurred by the Township to rectify said emergency condition shall be reimbursed from any funds on deposit and/or from the performance guarantee or maintenance guarantee posted by the applicant pursuant to Section 289-7, as the case may be.

§289-7 Performance Guarantees and Maintenance Guarantees

- A. Prior to issuance of a permit, the applicant shall post or deposit with the Township a bond or other form of performance guarantee in a form approved by the Township Solicitor for the purpose of protecting the Township against loss in the event the applicant fails to complete the work or fails to make required repairs or restoration of damages. The performance guarantee required in this Section A shall remain in effect and shall not be released until the applicant has posted a maintenance guarantee as required by Subsection C below. The amount of the performance guarantee shall be calculated by the Township Engineer or Director of Public Works as follows:
 - (i) Street pavement opening: \$1,500.00 for 10 square feet of opening or less plus \$10.00 per square foot for each square foot in excess of 10 square feet of opening;
 - (ii) Curb opening: \$250.00 for 10 linear feet of opening or less plus \$25.00 per linear foot for each linear foot in excess of 10 linear feet of opening;
 - (iii) Sidewalk opening: \$250.00 for 5 square feet of opening or less plus \$50.00 per square foot for each square foot in excess of 5 square feet of opening; and

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- (iv) Driveway apron opening: \$350.00 for first 5 square feet of opening or less plus \$70.00 per square foot for each square foot in excess of 5 square feet of opening.
- B. When an applicant applies for and/or maintains more than one (1) permit at a time, the applicant may post an annual blanket bond, in an amount acceptable to the Township Engineer or Director of Public Works and in a form acceptable to the Township Solicitor, to avoid the inconvenience and expense of obtaining individual bonds for each permit.
- C. Upon completion of the permitted work, including all required restoration work to the satisfaction of the Township Engineer or Director of Public Works, applicant shall be responsible for proper maintenance of that portion of the street over which the permit has been issued, including backfilling and pavement restoration to compensate for settlement. The applicant shall post a maintenance bond or other form of maintenance guarantee in a form approved by the Township Solicitor for the purpose of protecting the Township against loss in the event the work performed by the applicant is defective and/or fails thereby requiring repair work. The amount of the maintenance guarantee shall be calculated by the Township Engineer or Director of Public Works at a rate equaling 15% of the actual and final cost of the work performed by the applicant. All maintenance guarantees shall remain in effect for a period of one (1) year commencing on the date of acceptance of the work by the Township after the Township Engineer and/or Director of Public Works' final inspection and approval of the work performed by the applicant.
- D. Any utility under the jurisdiction of the Board of Public Utilities may post with the Township a blanket corporate bond in a form acceptable to the Township Solicitor in the amount of \$25,000.00 in lieu of separate performance guarantees for each required permit and in lieu of the required maintenance bond for each such permit. The term of the maintenance bond for such utilities shall be for a period of one (1) year commencing on the date of acceptance of the work by the Township after the Township Engineer and/or Director of Public Works' final inspection and approval of the work performed by such utility.

§289-8 Insurance Requirements

- A. The applicant shall purchase and maintain during the life of a permit the following types of insurance policies to protect the Township from claims for damages for personal injury, including accidental death, and/or claims for property damage which may arise from work performed under and in accordance with the permit, whether such operations are conducted by the applicant, any subcontractor of the applicant or anyone employed directly or indirectly by either of them.

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- B. The types of policies and amounts of coverage afforded under such insurance policies shall be as follows:
 - 1. Commercial General Liability Insurance with limits of liability not less than \$1,000,000 per occurrence, \$2,000,000 aggregate for personal injury and \$250,000 per occurrence, \$500,000 aggregate for property damage;
 - 2. Automobile Insurance, comprehensive and collision coverage, with limits of liability not less than \$250,000 per occurrence and \$500,000 aggregate for personal injury and \$500,000 for property damage;
 - 3. Blanket Catastrophe Insurance with limits of liability not less than \$3,000,000; and
 - 4. Worker's Compensation Insurance in the amounts required by law.
- C. In the event the applicant is unable to procure any one or more of the required insurance policies in the minimum amounts set forth above, the Governing Body may approve a reduction in the insurance requirements so long as such reduction is recommended by the Township Engineer and Township Solicitor. Any applicant who is an individual property owner and who can demonstrate to the satisfaction of the Township Engineer that he or she is personally performing the work contemplated in this Article in lieu of paying a contractor to complete the work, may provide a Certificate of Insurance from their homeowner's insurance carrier naming the Township as an additional insured.

§289-9 Indemnification

- A. An applicant's receipt and acceptance of a permit hereunder constitutes an agreement by the applicant and the applicant shall so be bound to hold the Township harmless from any and all claims of any nature arising out of any work performed in accordance with said permit and/or covered thereby. The Township's issuance of a permit hereunder shall not be construed as a waiver of this indemnification requirements nor shall it constitute acceptance or assumption of liability in connection with any work performed in connection with such permit.
- B. The Township shall provide the applicant notice of any claim or lawsuit filed against the Township by reason of and/or alleging any negligence or default of any nature by the applicant. Thereafter, any final judgment against the Township or settlement reached by the Township shall be conclusive upon the applicant and the applicant shall be liable for payment

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of same as well as the Township's costs in connection with such claim or lawsuit, including all legal costs and reasonable attorney's fees incurred as a result of such claim or suit. The applicant shall pay all such amounts required under this Section within thirty (30) days of receipt of a demand for payment from the Township, which demand shall include a detailed explanation of the charges to be paid.

§289-10 Violations and penalties

Any person, partnership, firm, association or corporation violating the provisions of this article shall, upon conviction, be punished for such offense by a fine not to exceed \$1,000 or by imprisonment for a term not to exceed ninety (90) days, or both.

SECTION 2: Chapter 289, entitled "Streets and Sidewalks," Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by renumbering the sections thereof as follows:

| <u>Old Article/Section Number</u> | <u>New Article/Section Number</u> |
|-----------------------------------|-----------------------------------|
| Article II | Article II |
| 289-19 | 289-11 |
| 289-20 | 289-12 |
| 289-21 | 289-13 |
| 289-22 | 289-14 |
| 289-23 | 289-15 |
| 289-24 | 289-16(A) & (B) |
| 289-25 | 289-16(C) |
| 289-26 | 289-17 |
| 289-27 | 289-18 |
| 289-28 | 289-19 |
| 289-29 | 289-20 |
| 289-30 | 289-21 |
| 289-31 | 289-22 |

SECTION 3: Chapter 289, entitled "Streets and Sidewalks," Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting in the entirety the content of new Section 289-11 (formerly Section 289-19) and replacing it with the following new language:

§289-11 Property Owner's Responsibility for construction and maintenance

It shall be the responsibility of an abutting property owner, at said owner's sole cost and expense, to set or reset, lay or relay, repair, replace, construct and maintain all curbs, sidewalks and driveway aprons in and on the right-of-way of any public street in the Township of Berlin the grade of which has been lawfully

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established or which may hereafter be established, except as may be provided in approved subdivisions wherein the developer is required to pay the cost thereof. Determination of the need for any such work shall be made by the Township Engineer and/or the Public Works Director in his or her sole discretion.

SECTION 4: Chapter 289, entitled "Streets and Sidewalks," Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting in the entirety the content of new Section 289-12 (formerly Section 289-20) and replacing it with the following new language:

§289-12 Compliance with regulations required; supervision

All curbs, sidewalks and driveway aprons hereafter set, reset, laid, relaid, altered, repaired, replaced or constructed shall be done in compliance with the regulations of the Township of Berlin and under the supervision of the Public Works Director and/or Township Engineer, and/or his or her designee.

SECTION 5: Chapter 289, entitled "Streets and Sidewalks," Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting in the entirety the content of new Section 289-13 (formerly Section 289-21) and replacing it with the following new language:

Section 289-13 Application for permit; information required.

Whenever any curb, sidewalk and/or driveway apron is to be set, reset, laid, relaid, repaired, replaced or constructed in the Township of Berlin, the property owner of the abutting lands or his contractor shall first apply to the Township Clerk for a permit under this Article. The application shall specify the grade, dimensions, mix materials and the method of construction, repair or replacement to be used. The Township Clerk or such officer or agent as the governing body may designate shall examine said specifications and register his or her approval or disapproval thereof. Upon approval thereof, a permit shall be issued to the applicant for such construction and/or repairs.

SECTION 6: Chapter 289, entitled "Streets and Sidewalks," Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting in the entirety the content of new Section 289-14 (formerly Section 289-22) and replacing it with the following new language:

Section 289-14 Permit fee.

A permit fee of \$5.00 shall be paid for a permit to repair or replace sidewalks, curbs and driveway aprons. A permit fee of \$50.00 shall be paid for a permit to construct new sidewalks, curbs or driveway aprons.

SECTION 7: Chapter 289, entitled "Streets and Sidewalks," Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting in

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the entirety the content of new Section 289-15 (formerly Section 289-23) and replacing it with the following new language:

Section 289-15 Notification by Township Clerk; duty of owner.

The owners of lots, tracts and parcels of land fronting or abutting on any public street in the Township of Berlin shall, at said owners' own cost and expense, set, reset, lay, relay, alter, repair, replace, construct and maintain curbs, sidewalks and driveway aprons within the public right-of-way when notified to do so by the Township Clerk, Code Enforcement Officer, Director of Public Works or such other Township personnel authorized to do so by the governing body pursuant to a resolution adopted by the governing body.

SECTION 8: Chapter 289, entitled "Streets and Sidewalks," Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting the entirety of new Section 289-16 (formerly Sections 289-24 and 289-25) and replacing it with the following new language:

Section 289-16 Improvements to be specified by resolution; Notice and hearing.

- A. Whenever the governing body shall determine that the construction, repair, alteration or replacement of any curb, sidewalk and/or driveway apron is necessary, it shall, by resolution, specify the improvements to be made. Upon adoption of such resolution by the governing body, the Township Clerk shall cause a notice, in writing, to be served upon the owners or occupiers of the lands so designated, requiring the necessary specified work to said curb, sidewalk and/or driveway apron to be done within a period of time not less than thirty (30) days from the date of service of such notice.
- B. No such resolution shall be adopted until after notice has been given to the affected owner or occupier of said property and a public hearing is held thereon. Said notice shall be given, by certified mail, at least ten (10) days prior to the hearing. If the owners cannot be ascertained with reasonable certainty, then said notice shall be published in a newspaper in a newspaper with regular circulation within the Township once each week for four (4) consecutive weeks with the last publication appearing at least thirty (30) days before the hearing required by this Section. Proof of service of any such notice shall be filed within ten (10) days thereafter with the Tax Collector of the Township of Berlin.
- C. Every notice provided pursuant to this Section shall contain a description of the property affected thereby sufficiently definite to identify same, the official plate, block and lot of the property as shown on the Tax Map, the name or names of the owner or owners as they appear in the last

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municipal tax duplicate and a brief description of the required improvements and/or repairs.

SECTION 9: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting the words "shall not comply" in the first sentence of new Section 289-17 (formerly Section 289-26) and replacing them with the words "do not comply."

SECTION 10: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting the words "not exceeding 10" in the first sentence of new Section 289-18 (formerly Section 289-27) and replacing it with the words "not exceeding five (5)."

SECTION 11: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting the first sentence of new Section 289-20 (formerly Section 289-29) and replacing it with the following new sentence:

The governing body may each year include in its annual budget an appropriation for curb, sidewalk, and/or driveway apron repairs and/or replacement in addition to any existing maintenance fund, out of which appropriation all costs of construction and/or repairs of curbs, sidewalks and/or driveway aprons during the year may be charged when it becomes necessary for the governing body to make such repairs and/or construction pursuant hereto.

SECTION 12: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting the words "curbs and/or sidewalks" in new Section 289-21 (formerly Section 289-30) and replacing them with the words "curbs, sidewalks and/or driveway aprons."

SECTION 13: The balance of Chapter 289, entitled “Streets and Sidewalks,” is hereby amended, revised and/or supplemented by renumbering the remaining sections as follows:

| <u>Old Article/Section Number</u> | <u>New Article/Section Number</u> |
|--|--|
| Article III | Article III |
| 289-32 | 289-23 |
| 289-33 | 289-24 |
| 289-34 | 289-25 |
| 289-35 | 289-26 |
| Article IV | Article IV |
| 289-36 | 289-27 |
| 289-37 | 289-28 |
| 289-38 | 289-29 |

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SECTION 14: Except as set forth in Sections 1 through 13 above, the balance of Chapter 289 shall not be affected by this Ordinance.

SECTION 15: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 16: 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 17: 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 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 2015-7.

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 for questions or comments on Ordinance 2015-7.

Motion by Council President Morris second by Councilman Epifanio to adopt Ordinance 2015-7. Ordinance approved by call of the roll, five members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2015-8 AN
ORDINANCE AMENDING CHAPTER 333-16 SECTION A OF THE CODE OF
THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW
JERSEY, ENTITLED SEWER CONNECTION FEE.**

WHEREAS, The Township of Berlin may on an annual basis evaluate its sewer connection fee; and

WHEREAS, said analysis has been performed which is attached hereto and incorporated by reference herein; and

WHEREAS, as a result of this analysis, it is necessary for the Township to increase its sewer connection fee from \$3,045.00 to \$3,200.00; and

WHEREAS, as required, a public hearing is to be held in regard to the consideration to revise the sewer connection fee.

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

SECTION 1: As required by law, a public hearing will be held on October 26, 2015 to increase the Township sewer connection fee from \$3,045.00 to \$3,200.00.

SECTION 2: As a result of said public hearing, the Township has approved a revision to the sewer connection fee from \$3,045.00 to \$3,200.00 effective December 1, 2015.

SECTION 3: All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistencies only.

SECTION 4: This ordinance shall take effect 20 days after adoption and publication as required by law.

Motion by Council President Morris, second by Councilman Epifanio 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 2015-8.

No comments were to be heard.

Motion by Councilman Epifanio, second by Council President Morris 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 for questions or comments on Ordinance 2015-8.

Motion by Councilwoman Bodanza second by Council President Morris to adopt Ordinance 2015-8. Ordinance approved by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2015-172 GRANTING ARCADE AMUSEMENT GAMES
LICENSES TO DIGGERERLAND USA, LLC.**

WHEREAS, Diggerland has filed an application with the Township of Berlin, County of Camden, New Jersey, for an Amusement Games License for January 1, 2016 and expiring on December 31, 2016;

DIGGERLAND USA, LLC

License # 36-2000-2-00315

Arcade

100 Pinedge Drive West Berlin N.J.

WHEREAS, the application of the above named has been examined by the Mayor and Council and has been found to be in proper order; and

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WHEREAS, the proper fees have been paid to the Township of Berlin,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the license be and is hereby granted. The Township Clerk is hereby authorized and directed to issue a license from January 1, 2016 and ending December 31, 2016.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2015-172. Resolution adopted by call of the roll, four members present voting in the affirmative, Council President Morris abstained.

RESOLUTION 2015-173 GRANTING ARCADE AMUSEMENT GAMES LICENSES TO APEX PARK GROUP LLC (SAHARA SAM'S OASIS WATER PARK)

WHEREAS, Apex Park Group LLC has filed an application with the Township of Berlin, County of Camden, New Jersey, for an Amusement Games License for January 1, 2016 and expiring on December 31, 2016;

**APEX Park Group, LLC (Sahara Sam's Water Park) License # 36-2000-1-00011
Arcade
535 Route 73 North West Berlin NJ 08091**

WHEREAS, the application of the above named has been examined by the Mayor and Council and has been found to be in proper order; and

WHEREAS, the proper fees have been paid to the Township of Berlin,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the license be and is hereby granted. The Township Clerk is hereby authorized and directed to issue a license from January 1, 2016 and ending December 31, 2016.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2015-173. Resolution adopted by call of the roll, four members present voting in the affirmative, Council President Morris abstained.

RESOLUTION 2015-174 CONFIRMING THE OFFICIAL TAX SALE N.J.S.A. 54:5-41.

PURSUANT to New Jersey State Statute, following is a listing of the results of the official Berlin Township Tax Sale held on September 16, 2015 at 10:30 AM of that day in Berlin Township Court Room:

| <u>BLOCK/LOT(S)/QUAL</u> | <u>PURSHASER</u> | <u>%BID/PREMIU</u> | <u>AMOUNT</u> |
|--------------------------|------------------|--------------------|---------------|
| | | <u>M</u> | |

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| | | | |
|------------|---|--------------|--------------------|
| 613-5 | US Bank Cust for PC 5 Sterling National | 1100 | 476.64 |
| 802-14 | US Bank Cust for PC 5 Sterling National | 1000 | 547.76 |
| 1307-14 | US Bank Cust for PC 5 Sterling National | 1100 | 477.26 |
| 1413-5 | US Bank Cust for PC 5 Sterling National | 18% | 462.75 |
| 1814-15.01 | US Bank Cust for PC 5 Sterling National | 1200 | 384.09 |
| 1415-18 | US Bank Cust for Tower DBW V 2015-1 | 13000 | 1552.84 |
| 219-4 | US Bank as Cust for Actlien Holding Inc | 24000 | 9269.85 |
| 818-5 | US Bank as Cust for Actlien Holding Inc | 1400 | 774.75 |
| 1203-16 | US Bank as Cust for Actlien Holding Inc | 1300 | 533.27 |
| 1306-8 | US Bank as Cust for Actlien Holding Inc | 2000 | 1749.42 |
| 1405-12 | US Bank as Cust for Actlien Holding Inc | 2000 | 845.77 |
| 1813-15 | US Bank as Cust for Actlien Holding Inc | 18100 | 6121.03 |
| 903-6 | Loramark Capital, LLC | 1000 | 290.77 |
| 1805-9 | Loramark Capital, LLC | 1200 | 506.89 |
| 601-20 | Garden State Investments | 1100 | 1757.32 |
| 1202-4.02 | Garden State Investments | 18% | 715.16 |
| 615-6 | Township of Berlin | 18% | 219.25 |
| 1813-13 | Township of Berlin | 18% | 755.48 |
| 1814-11 | Township of Berlin | 18% | 146.65 |
| | | TOTAL | \$27,586.95 |

TOTAL PREMIUM COLLECTED - \$70,500.00
 TOTAL COLLECTED FOR DELINQUENT CHARGES - \$ 26,465.57
 TOTAL TRANSFERRED TO MUNICIPAL LIEN - \$ 1121.38

Submitted for the October 26th 2015 meeting.
 Dana O'Hara, CTC

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2015-174. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2015-175 REQUESTING PERMISSION FOR THE DEDICATION
 BY RIDER FOR A RECREATION TRUST FUND FOR THE TOWNSHIP OF**

OCTOBER 26, 2015

**BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY PURSUANT TO
PL 1999, CHAPTER 192 AND NJS 40:48-2.56.**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedicated by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, PL 1999, Chapter 292 and NJS 40:48-2.56 provides for the receipt of Recreation Trust Funds by a municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Recreation Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

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

1. The governing body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Recreation Trust Fund in accordance with the provisions PL 1999, Chapter 192 and NJS 40:48-2.56; and

2. The Municipal Clerk of the Township of Berlin, County of Camden is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2015-175. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2015-176 RESOLUTION OF THE TOWNSHIP OF BERLIN TO
CREATE AND APPROVE THE FOLLOWING MEMBERS TO THE BOARD OF
HEALTH ADVISORY COMMITTEE.**

WHEREAS, the Governing Body of the Township of has created a Board of Health Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, that the appointments be made as follows:

Phyllis Magazzu
Christopher Morris
Jerome McIntosh
Marion Bodanza
Frank Epifanio

OCTOBER 26, 2015

NOW BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the above are hereby appointed as members of the Board of Health Advisory Committee effective October 26, 2015 and terminating December 31, 2015.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2015-176. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2015-177 PAYMENT OF BILLS OCTOBER.

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 are hereby approved and the bills to be paid.

| TO | ACCOUNT | AMOUNT |
|---------------------------------------|-----------------------------------|---------------|
| Robert E DePersia II, ESQ | Municipal Public Defender's Trust | \$ 900.00 |
| Treasurer, State of NJ | Dog Trust | 10.20 |
| Voorhees Animal Orphanage | Dog Trust | 800.00 |
| | CONFIRMING: | |
| America OnLine (9/23/15) | 5-01-31-443-2077 | 43.99 |
| Verizon Int PD (10/1-10/31/15) | 5-01-31-443-2077 | 109.99 |
| Verizon Fios TV (9/13-10/12/15) | 5-01-20-120-2105 | 164.04 |
| Verizon Admin (9/16-10/15/15) | 5-01-31-443-2077 | 139.99 |
| Berlin Twp Fire District | 5-01-20-110-2105 | 471.90 |
| Berlin Twp Fire District | 5-01-20-110-2105 | 150.00 |
| Training Unlimited | 5-01-20-120-2042 | 159.00 |
| NJLM | 5-01-20-110-2041 | 25.00 |
| Ameriflex (10/5/15) | Flex Claims Acct | 75.00 |
| Home Depot | 5-01-26-310-2024 | 153.69 |
| | 5-01-28-375-2058 | 179.40 |
| | 5-01-26-290-2105 | 77.47 |
| | G-02-40-763-0984 | 1,305.74 |
| State of NJ Health Benefits (active) | 5-01-23-220-2092 | 62,496.65 |
| State of NJ Health Benefits (retired) | 5-01-23-220-2092 | 34,864.81 |
| Payroll, Current Fund | 10/01/2015 | 126,500.44 |
| Payroll, Sewer Operating Fund | 10/01/2015 | 6,711.80 |
| Payroll, Current Fund | 10/15/2015 | 132,377.09 |
| Payroll, Sewer Operating Fund | 10/15/2015 | 6,265.77 |

OCTOBER 26, 2015

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2015-177. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2015-178 RESOLUTION TO RE-BID FOR THE DOG PARK AT LUKE AVENUE RECREATION COMPLEX.

WHEREAS, the Township of Berlin had advertised for and received bids for the dog park at Luke Avenue Recreation Complex and rejected the bids for this project because it exceeds the allocated funds; and

WHEREAS, it is recommended by the Engineer that the Governing Body consider to re-bid and advertise to receive bids for the Dog Park.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, is hereby authorize to rebid the Dog Park at Luke Avenue Recreation Complex.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2015-178. Resolution adopted by call of the roll, five members present voting in the affirmative.

Business Approvals Mercantiles

- 1) Joan Szeker, EZ Financial / United Check Cashing**, 183 Route 73 South, West Berlin NJ 08091. Check Cashing.
- 2) Jeffery Evans T/A BB Hi-Tech Solutions**, 409 Bloomfield Drive Suite 3, West Berlin NJ 08091. Professional Land Surveyors.
- 3) Bradley Simon T/A Just Four Wheels**, 499 Route 73 North, West Berlin NJ 08091. Auto Rental Cars, Trucks and Vans.
- 4) Gleen Pierce T/A Bronze Bodies**, 200 Route 73, Berlin Circle Plaza, West Berlin NJ 08091. Tanning Salon and Lotion Sales.
- 5) Susan Battaglia T/A Universal Windows LLC**, 407 Bloomfield Drive Unit 1 and 2. West Berlin NJ 08091. Sales Windows.
- 6) Carlo Profico Jr. T/A Budo Full Range Martial Arts DBA Crossfit Furion**, 154 Cooper Road, West Berlin NJ 08091. Adult Fitness Classes.
- 7) Lori Anderson T/A William Bales and Company**, 409 Bloomfield Drive, Suite 5, West Berlin NJ 08091. Office and Warehouse for Interior Design Consulting Services.

OCTOBER 26, 2015

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

Approval Solicitors Permit

1) Mohammed Kazan T/A Solar City Corp. Door to Door sales of solar panels.

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

Approval of Minutes September 28, 2015

Motion by Council President Morris, second by Councilwoman Bodanza to approve the Meeting Minutes for September 28, 2015. Motion carried by voice vote, four present voting in the affirmative.

Consent Agenda

Motion by Council President Morris, second by Councilwoman Bodanza to receive and file the monthly reports on the consent agenda for September 2015. Motion carried by voice vote, all present voting in the affirmative.

Correspondence Calendar September 2015

Motion by Councilman McIntosh, second by Council President Morris to receive and file the Correspondence Calendar for September 2015. Motion carried by voice vote, all present voting in the affirmative.

All Other Business

1) Best Practice Submission for Year 2015

Lori Campisano commented that she has submitted the Best Practice worksheet for the year 2015. The Township has completed the 50 questions and will receive 100% total aid.

Public Portion

Motion by Council President Morris, second by Councilman Epifanio 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.

No Comments were to be heard

OCTOBER 26, 2015

Motion by Councilwoman Bodanza, 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 for questions or comments.

Adjourn

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adjourn the meeting at 7:24 pm. Motion carried by voice vote, all members voting in the affirmative.

Meeting adjourned 7:24 pm

Catherine Underwood, Township Clerk