

OCTOBER 27, 2008

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 27, 2008 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, Councilman Morris, Council President DiGangi, Mayor Magazzu

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

GOOD AND WELFARE #1

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 the affirmative. Mayor Magazzu opened the meeting to the public for comments.

George Wolcott, 184 Franklin Avenue, questioned the proposed expansion of Franklin Avenue and Haddon Avenue and asked why?

Berlin Township Engineer Chuck Riebel addressed the question and said that for several years the Township has asked for improvements from the County to address the congestions that has been occurring on Haddon Avenue and Franklin Avenue. As a result from the congestion, cars are now by passing through side streets. The County has come up with five alternatives. This is one of the alternatives that the governing body is considering.

George Wolcott commented that everyone of the alternatives effected his property.

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Monica Peters, 186 Franklin Avenue, stated that this will be the second time she will loose property. She also said that with three lane in front of her house it would also decrease the value of her property because of the noise of the traffic.

George Wolcott asked if anyone tried changing the timing on the traffic light at peek times. Chuck replied that the County did indeed check in the timing of traffic lights
Glenn Synder of Nardi's spoke about the corner of his property and how difficult it was for trucks to make a turn at that intersection without going up on the curb.

Monica and George asked if the County was just going to do the work without notifying them about the plan as they did a few years back.

Chuck said that the County is willing to listen to the publics concerns before making any decisions and that why they had that open meeting. Chuck said he would contact the County Engineer to come out and speak to the residents.

Jim Giosa, 165 Haddon Avenue, talked about the cars cutting down Bishop Avenue to avoid the intersection and flying down the road.

Jim also spoke about the property owner across the street, who was not maintaining his property. The owner had a dumpster in his yard for months. With phone calls to the Township Maintenance Officer he is happy to say that the dumpster has been removed and the property is getting cleaned. Jim thanked the Township.

Jim spoke about the Scarecrows and asked if they would be down after Halloween.

Tom DiGangi said that after the holiday the Scarecrows would be down.

Motion by Councilman Batten, second by Council President DiGangi to close the meeting to the public. Motion carried by a voice vote, all present voting in the affirmative

ENGINEER'S REPORT

BERLIN TOWNSHIP COUNCIL MEETING

OF October 27, 2008

October 20, 2008

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

2008 Street Improvement Program:

We are currently processing Voucher No. 3 and Change Order No. 3 for DiMeglio Construction Company for review and possible consideration, by the Governing Body, at the Council Meeting of October 27, 2008.

B. ENGINEER'S REPORT

1. 2008 STREET IMPROVEMENT PROGRAM (KEI # 491BT0308):

The contractor has completed the project. We will perform an inspection and issue a Punch List of items requiring rework and/or correction, advising the contractor that they have two weeks to complete these items.

We are currently processing Voucher No. 3 and Change Order No. 3 for DiMeglio Construction Company for review and consideration, by the Governing Body, at the Council Meeting of October 27, 2008.

2. 2007 STREET IMPROVEMENTS PROGRAM:

a) Improvements to Veteran's Avenue and Minck Avenue.

We have forwarded the State of New Jersey Payment Voucher, in the amount of \$38,000.00, to the New Jersey Department of Transportation for final payment to the Township.

b) Grove Avenue and Cushman Avenue:

To date, the contractor has not performed any of the punch list items. We will be scheduling a meeting in the immediate future, with the contractor to discuss these items.

3. N.J.D.O.T. FY2009 MUNICIPAL AID APPLICATION:

It is expected that the announcement of the selected projects will be made in the very near future. The representatives of the N.J.D.O.T. Local Aid Office, in Cherry Hill, have informed us that they have recommended to their superiors in Trenton that they allot funds for the second phase of the N.J.S.H. Route 73 sidewalk project.

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The requested funding is 174,000.00. Typically, the N.J.D.O.T. limits the funding for projects to \$150,000.00.

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

We have mentioned, in the previous report, that the funding for FY2008 is secure until June 30, 2009 and it may be necessary for Mayor Magazzu to request an extension of time to award a contract. We anticipate that it may take some time to obtain the necessary approvals from the New Jersey Department of Transportation and the New Jersey Pinelands Commission.

We strongly recommend that, if, the N.J.D.O.T. allots funding for FY2009, that the Governing Body consider authorizing our office to commence with the performance of the engineering design, submission of the applications for approvals and permits, and preparation of the bid documents.

The following is an estimate of the costs for this project:

Estimated Construction Cost	=	\$307,000.00
Estimated Permit Cost	=	\$12,000.00
Estimated Engineering and Inspection Cost	=	<u>\$76,000.00</u>
Total Estimated Construction, Engineering, and Inspection Cost	=	\$395,000.00

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

Paparone Housing has agreed to perform certain improvements to Katherine Avenue, in addition to those to be performed by the Township. I recommend that the agreement document be prepared, which details the scope of work to be performed by the developer and the Township.

Paparone Housing has requested that the Township commence with the performance of the reconstruction of the street in Spring of 2010. Therefore, it would be necessary to perform the engineering design in 2009 so bids could be received in late 2009/early 2010. The Governing Body may want to consider the reconstruction of the street in sections, due to the cost. If the Governing Body decided to construct the project, in phases, we recommend the first phase be from N.J.S.H. Route 73 to a point past the proposed intersection for the Paparone development.

The following are estimated costs for the phased construction or reconstruction of the entire street in 2010:

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	<u>PHASE 1</u> Route 73 to Proposed Paparone Intersection	<u>PHASE 2</u> Paparone Intersection to Dead End	<u>ENTIRE LENGTH</u>
Estimated Construction Cost	\$ 429,000.00	\$ 475,000.00	\$ 904,000.00
Estimated Engineering and Inspection Cost	\$ 96,500.00	\$ 107,000.00	\$ 203,500.00
Total Estimated Cost	\$ 525,500.00	\$ 582,000.00	\$1,107,500.00

It is estimated that Paparone Housing will be performing work, which would cost the Township approximately \$75,000.00 to \$106,000.00. If the work is performed by Paparone Housing, the estimates for Phase 1 and the entire project would be reduced by \$75,000 to 106,000.00.

6. LONG-TERM CAPITAL IMPROVEMENTS PROGRAM:

I believe that Mr. McGee has recommended that the Governing Body consider continuing improvements to the following streets, within the East Berlin section of the Township. The following is the prioritized listing, which Mr. McGee has prepared:

<u>Street Name</u>	<u>McGee Point Value</u>
• Cedar Avenue	90
• Hazel Avenue	85
• Magnolia Avenue	85
• Spruce Avenue	80
• Myrtle Avenue	45
• Marion Avenue	45
• Division Street	10

Mr. McGee has also toured every street, within the Township, evaluated the condition and developed a point system, based upon the condition, the higher the number represents a worse condition.

The following is a listing of the top twenty streets with the highest ranking, based on condition of the street:

<u>Street Name</u>	<u>Point Value</u>
1) Jefferson Avenue	125
2) Mt. Vernon Avenue- Curbing, paving, and depressions joint venture	120
3) Crowfoot Road- needs construction	110
4) Oak Avenue	105
5) Atlantic Avenue- Paving, depressions and drainage	100
6) Edgewood Avenue- Curb, drainage, paving (surface course)	95
7) Krumm Avenue- Paving and depressions	95
8) Cedar Avenue- Paving and depressions	90

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9) Chestnut Avenue-	Curb, paving and coating-industrial area	90
10) Cleveland Avenue-	Cracking, peeling, and depressions	90
11) Dill Avenue-	Paving, depressions, and drainage	90
12) Hill Avenue-	Paving and drainage	90
13) Taunton Avenue-	Curb and depressions	90
14) Veteran's Avenue-	Paving and depressions	90
15) Hazel Avenue-	Paving, drainage, and depressions	85
16) Magnolia Avenue-	Paving and depressions	85
17) Bethel Avenue		80
18) Boyer Avenue-	Curb and paving- Haddon to McClellan Avenue	80
19) Chester Avenue-	Curbing and paving	80
20) Pine Avenue-	Paving and depressions- Franklin to Arch Avenues	80
21) Spruce Avenue-	Paving and depressions	80
22) Thurman Avenue-	Paving, depressions, and drainage	80

We will prepare cost estimates for the improvements for the above mentioned streets. I recommend that the Governing Body continue with the annual street improvement program to ensure lower cost improvements, such as milling and overlay, rather than reconstruction.

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

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

The application also requested \$17,000.00 for permanent speed indicators along Franklin and Grove Avenues.

We have been informed, by the N.J.D.O.T. Local Aid Office, that it is anticipated that the announcement of the selected projects will be made on November 11, 2008.

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

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

We have submitted the final State of New Jersey Payment Voucher, in the amount of \$64,426.25, for final reimbursement of funds from the New Jersey Department of Transportation.

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

We have completed the amendments to the Construction Plans and Specifications and have resubmitted them to the Department, for authorization to schedule the receipt of bids. We have also provided

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Mayor Magazzu with copies of the manufacturer's information for the selection of the trash receptacle, bench, and bicycle rack for consideration.

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

We have submitted the bid specifications and plans to the County Engineer. Once he receives authorization, the County will bid the project. I believe that the County intends to bid the project by the end of the year for construction in the Spring of 2009.

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

At the Public Information Center on September 29, 2008 the County Engineer and the consultant presented the two alternatives for improvements to the intersection. Chief Hayden has informed me that the owner of Nardi's Deli and 184 Franklin Avenue objected to the acquisition of a strip of land, along the front of the vacant (Nardi) property and at the residences at 184 Franklin Avenue. It appears that it may be quite some time before construction will occur, if funding is available from the Federal and/or State governments.

A property owner had questioned if the Governing Body and County were considering the creation of four-lanes, along Haddon Avenue. I mentioned that the matter was discussed but I do not believe that the Governing Body supported this improvement, at this time. I would appreciate if the Governing Body could provide me with your position, regarding this matter.

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

a. Jughandle at N.J.S.H. Route 73 and Franklin Avenue:

At the Council meeting the Governing Body discussed the position that the N.J.D.O.T. had stated, at the meeting on September 15, 2008. The Governing Body determined that they would support Concept 'B' if they could have input during the design phase. We have prepared a Resolution, which conditionally endorses the Concept 'B' jughandle, for consideration for passage by the Governing Body. If the resolution is acceptable, we recommend that the resolution be passed and submitted to the N.J.D.O.T., in the immediate future.

Mayor Magazzu and I met with the attorney, representing the owner of Rick's Auto Body. We provided him with a black and white copy of the concept, along with two other concepts. The attorney will discuss the matter with his client.

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

As a result of the discussions, at the meeting with Commissioner Kolluri, we have submitted a copy of the payment documents to N.J.D.O.T. Assistant-Commissioner Shingle-Gardner.

Our office had received a telephone call from Mr. James Craig of the New Jersey Department of Transportation on September 23, 2008. Mr. Craig stated that our invoicing paperwork, which we submitted for reimbursement, noted an incorrect "Utility Agreement Number" and that was the reason for the delay of payment to the Township. However, the number noted on the invoices that we submitted was in fact the correct number and their office was using an incorrectly typed number. Mr. Craig said he would look into this issue and contact our office within a couple of weeks if there was any problems. To date, we have not heard from Mr. Craig regarding any issues needing to be resolved.

- c. Maintenance Along N.J.S.H. Route 73:

At the meeting with the N.J.D.O.T. Commissioner, he stated that the Department maintenance staff has been reduced. Therefore, the N.J.D.O.T. is unable to perform periodic lawn cuttings. He suggested that, perhaps, the N.J.D.O.T. could compensate the County or Township for performing the work. The Commissioner directed the maintenance staff to visit the stormwater management facility/constructed wetlands area and perform the necessary maintenance to eliminate any obstructions to the stormwater flow from the ditch along Walker Avenue.

12. PRE-MITIGATION FLOOD CONTROL PROGRAM:

The County has issued the draft version of the Multi-jurisdictional Hazard Mitigation Plan and Appendices to all participants. They also held a workshop meeting on October 1, 2008.

I recommend that the Township Emergency Management Coordinator continue to participate in this program.

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

The County has not allotted any funds for the improvements to the hockey court at Robert T. Clyde Memorial Park and the terraced amphitheater at the Luke Avenue Complex. They have informed us that the application will be re-considered for Round 10 funding, in 2009.

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

Mr. Kricun has informed me that he is still trying to obtain the necessary approvals from the N.J.D.E.P. and N.J. Pinelands Commission for the lower County municipalities. Once that matter has been resolved, he will address the matter for Berlin Township.

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

No update to report at this time.

17. **WATER USE REGISTRATION PERMIT FOR ALL TOWNSHIP OWNED POTABLE AND IRRIGATION WELLS:**

We received a copy of the Water Use Registration encompassing four Township-owned wells. The Registration was required by the New Jersey Department of Environmental Protection and allows for a total diversion, from all four sources combined of a maximum of 100,000 gallons per day.

There are two irrigation wells at the Luke Avenue Complex and one irrigation well and one potable well at the Edgewood Avenue Soccer Field and Public Works Complex respectively.

The permit, also, requires that flow meters be installed and that the flow rates of each well be monitored. Monthly usage records must be recorded and maintained by the Township and annual reports must be submitted by January 31 of each year.

It is also a permit requirement that the flow meters be calibrated every five years. The N.J.D.E.P. is requiring that the meters be installed within 60 days of permit issuance, which will be November 30, 2008. It is our understanding that Mr. McGee has contacted a well driller to obtain a price for the installation of the flow meters.

We have requested that the N.J.D.E.P. revise the permit to note the Township mailing address, rather than our office.

19. **COALITION ON AFFORDABLE HOUSING, ROUND 3 RULES:**

On September 22, 2008, the Council on Affordable Housing (C.O.A.H.) adopted the amendments to the Round 3 rules. "The amendments protect environmentally sensitive lands, provide adjustments for municipalities wishing to use actual local data on available land for development, promoting affordable housing in redevelopment, and smart growth areas, to allow replacement of building to be exempt from calculation of growth and provide

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direction for municipalities to meet the December 31, 2008 deadline. The rules will be effective October 30, 2008".

The amendment also provides for an incentive bonus for those municipalities, which moved forward, over the past four years, with affordable housing projects.

The rules establish new growth share ratio of one affordable housing unit among 5 units and one affordable housing unit for every 16 jobs. The previous ratios were 1 affordable housing unit to every 9 units and 1 affordable housing unit to every 25 jobs. The rules also return to the previous age-restricted cap of 25% of the total obligation for affordable housing units.

The Township must require all developers of non-residential developments, which will or have received permanent certificates of occupancy after July 17, 2008, to pay the 2.5 percent fee to the State Housing Fund.

20. MONTEBELLO DEVELOPMENT (KEI #104):

The developer continues to request that the Township accept ownership and maintenance of the sanitary sewer pumping station. We continue to recommend that the Township not accept ownership until there is sufficient daily flow to place the station into operation, which would be when people are residing in a minimum of 25 homes.

The developer has made minor modifications to the design for the parking area for the clubhouse. We have recommended that the Planning Board consider approving the amendment, administratively.

The applicant had requested that the Township allow the swimming pool discharge to the Township sanitary sewer collection system. I have recommended that the applicant consider applying to the N.J.D.E.P. for a surface water discharge, due to the limited flow which is available to the Township.

21. TAX MAP REVISIONS:

We are currently revising the Tax Maps to depict the files sections of the Montebello development, the details for condominiums and other minor changes. We expect to submit the revised Tax Maps a within the next week.

As requested by Ms. Underwood, we have provided her with a CD for the Tax Maps for to forward to the party, which requested the maps.

We will be providing Ms. DeCinque with a CD of the Tax Maps for her placement on the website. I recommend that a note be added, which states that the maps

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on the website may not be the most current version and to review the most current version, a person must contact the Tax Assessor.

22. N.J.D.E.P. NATIONAL RECREATION TRAILS PROGRAM:

The N.J.D.E.P. is accepting applications for this grant program. The deadline for the submission of applications is December 15, 2008.

The program is an 80/20 matching grant, where the grantee is responsible for 20 percent of the cost. The match can be in the form of cash, fair market value of labor and materials, volunteer labor and donated materials. The maximum grant amount for non-motorized trail projects is \$25,000.00. The grant amount for motorized trail is based on the number of viable applications and the amount of grant funds, which are available for motorized projects.

Notification for all applications, for non-motorized projects, will be made by September 2009. Eligible projects are maintenance and restoration of existing trails, development and rehabilitation of trailside and trailhead facilities, purchase and lease of recreation trail construction and maintenance equipment, construction of new trails in existing parks and new right-of-ways, planning studies, environmental assessments, and engineering studies. The program reimburses the costs.

The construction must be completed by August 31, 2012.

Trails, over five miles in length, which link together other trails or population centers, provide disabled access, and are innovative in design are given preference.

We would be glad to assist the Governing Body with the preparation and submission of an application, if you decide to submit an application to the N.J.D.E.P.

23. REDEVELOPMENT LEGISLATION:

No update to report.

24. N.J.D.O.T. HIGHWAY ACCESS PERMIT FOR THE PROPOSED GOLDEN CORRAL RESTAURANT:

The traffic engineer for the applicant has informed me that they have forwarded the D.O.T. application to the Township Clerk. The Township has until November 4th to submit any comments, regarding this application. Chief Hayden had recommended that the N.J.D.O.T. prohibit u-turn movements at the median opening since the vehicular movement will conflict with motorists, which will be exiting from the proposed Golden Corral drive.

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I recommend that the Township send the letter to the N.J.D.O.T., immediately. The design engineer has stated that, if the N.J.D.O.T. accepts the request from the Township, they will have the applicant install the signage, prohibiting the u-turn. It will also be necessary for the Governing Body to pass an Ordinance, amending the traffic ordinance to prohibit the u-turn movement.

SOLICITOR'S REPORT

1. Water Agreement with Berlin Borough
2. Increase in Sewer Allocation / Buildout Analysis
3. Vacation of a Portion of Kelley Drive
4. Haddon Avenue Redevelopment Plan / New Municipal Building
5. Verizon Peg Channel
6. C & M Auto Repair
7. Richard Winans V. Berlin Township Walter Shendock
8. Salahuddin Smart v. Berlin Township & Police Officers
9. Tax Foreclosures
10. Sahara Sam's Amusement Ordinance
11. Pending Tax Appeals
12. Sewer Permit Extensions

PUBLIC WORKS DEPARTMENT

Mike McGee reported that he finished the street evaluations and would have copies available. Mike also stated that they have completed putting the rubber chips at the playground, and that he was going to discuss with the Chief of Police over the vandalisms at Clyde Park.

POLICE DEPARTMENT

Michael Hayden asked the Governing Body to support the Proclamation for "Over The Limit Under Arrest 2008 Year End Crackdown". Mike commented that the State Police has awarded his department with a grant to purchasing an automatic finger print system.

PROPERTY MAINTENANCE / ZONING

Mike Laginestra talked about the property on Pine Avenue damaged by fire. The neighbors are tired of looking at the house all boarded up.

**RESOLUTION 2008-201 OF THE GOVERNING BODY OF THE
TOWNSHIP OF BERLIN APPOINTING NEW CHIEF OF POLICE**

WHEREAS, the Governing Body previously adopted Resolution 2007-150 to establish a procedure for the selection of a new Chief of

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Police for the Township;

WHEREAS, the Governing Body has completed the process outlined in the prior Resolution, consisting of written and verbal tests and personal interviews with each candidate; and

WHEREAS, there were several qualified candidates, each of whom are a credit to their profession and possess the skills and knowledge necessary for the position of Chief of Police; and

WHEREAS, the Governing Body has chosen a candidate for promotion based upon the test scores and personal interviews and the ability of the candidate to lead and work with the department and the Township.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Township of Berlin, County of Camden and State of New Jersey, that Sergeant Joseph Jackson be promoted to the position of Chief of Police effective July 1, 2009.

Motion by Councilman Batten second by Councilman Morris to adopt Resolution 2008-201. Resolution adopted by call of the roll, five members present voting in the affirmative.

**PROCLAMATION
SUPPORTING THE OVER THE LIMIT UNDER ARREST
2008 YEAR END CRACKDOWN**

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 28% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, a enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2008 Statewide Year End Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from December 8, 2008 through January 2, 2009; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, be is resolved that the Township of Berlin declares it's support for the Over the Limit Under Arrest 2008 Statewide Crackdown

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from December 8, 2008 through January 2, 2009 and pledges to increase awareness of the dangers of drinking and driving.

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 31, 2008..

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 Friday, October 31, 2008 from 2 p.m.-8 p.m. to be the official celebration of Halloween.

**PROCLAMATION
NOVEMBER AS NATIONAL FAMILY CAREGIVERS MONTH**

WHEREAS, during this season of thanksgiving - as we pause to reflect on the many blessings that have been bestowed on us as individuals and as a State - we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly or disabled. Caregivers reflect family and community life at its best. They are among New Jersey's most important natural resources, and estimated at 836,000 and

WHEREAS, the need for family caregivers is growing. We are blessed to live in a time when medicine and technology have helped us live longer. As a result, persons with disabilities are living longer and people over 85 are fastest growing segment of our population. Family caregivers can be found in every city and town in America. It is likely that we all know at least one family caregiver, if not fulfilling the caregiver role ourselves;and

WHEREAS, family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities;

NOW, THEREFORE , be is resolved that the Township of Berlin declares November as **National Family Caregivers Month.**

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**ORDINANCE 2008-11 OF THE TOWNSHIP OF BERLIN AMENDING
CHAPTER 37 OF THE CODE OF THE TOWNSHIP OF BERLIN
CAPTIONED "AMUSEMENT DEVICES; COIN OPERATED"**

WHEREAS, A comprehensive scheme for the licensing and regulation of Redemption Amusement Games by the State of New Jersey has been established under the Amusement Games Licensing Law and the regulations of the Legalized Games of Chance Control Commission promulgated pursuant thereto ("the regulations"). Under these regulations licenses to operate Redemption Amusement Games are issued by the State of New Jersey, but only for use at (*inter alia*) recognized amusement parks as defined in the Amusement Game Licensing Law that are located in municipalities in which (1) a majority of the votes cast upon the question of whether the Amusement Games Licensing Law should be approved upon the submission of the question to the voters of all the State shall have been cast in favor of adoption of the Amusement Games Licensing Law and (2) have enacted an ordinance to provide for the municipalities own licensing and regulation of Redemption Amusement Games, concurrent with the State of New Jersey; and

WHEREAS, in the 1959 General Election a majority of the votes cast, authorized by referendum, the licensing of Redemption Amusement Games; and

WHEREAS, as a component of an amusement park and when appropriately licensed, regulated and supervised, the practice of lawful contesting at amusement games, for merchandise prizes of a limited value, is a wholesome, popular, traditional and family oriented pastime and is not detrimental to the public welfare, safety or morals; and

WHEREAS, H2O Entertainment Group, LLC has received use variance and other approvals from the Township to operate a recreational facility under the trade name of Sahara Sam's Oasis Indoor Water Park on the premises 535 N. Route 73, West Berlin, New Jersey also known as Block 1101, Lot 16. When developed and operated pursuant to such approvals and in accordance with testimony and other representations to the Zoning Board of Adjustment, and provided that within the 58,000 square foot existing building at least two amusement rides (hereinafter defined) are provided for use by the public, the Sahara Sam's will be a commercially operated permanent business open to the public more than 31 consecutive days annually, whose acreage is designed and themed for the primary purpose of providing participatory amusements and which incorporate food, merchandise and Amusement Rides of a type to be licensed under the Carnival Amusement Ride Safety Act, N.J.S.A. 5:3-31 et seq. Accordingly, Sahara Sam's will be and hereby is recognized as an Amusement Park as the term is used in the Amusement Games Licensing Law, N.J.S.A. 5:8-100 et seq., and the regulations promulgate pursuant thereto N.J.A.C. 13:3-1 et seq.; and

WHEREAS, as explained before the Zoning Board of Adjustment and as otherwise represented to the Township, some of the participatory amusements provided within the 58,000 square foot building known as Sahara Sam's will be Amusement Games as defined in the Amusement Game Licensing Law to wit: amusement games of skill or chance, or both, and whether played and operated with or without numbers or figures, such amusement game(s) are played for amusement or entertainment, in which the person or player actively participates and the outcome of which is not in the control of the operator, and which is so conducted that the sale of a right to participate, the event which determines whether a player wins or loses and dependent upon the outcome of the game, the award of a merchandise prize or tickets or tokens or credits redeemable for a merchandise prize in accordance with the provisions of the Amusement Games Licensing Law, all occur as a continuous sequence at the time when and place where the player or players are all present; and

WHEREAS, the Governing Body of the Township of Berlin finds that the operation of Redemption Amusement Games at Sahara Sam's, when duly regulated by the Township and under applicable State Law, is consistent with the public welfare, safety and morals and therefore makes provisions for the regulation of Redemption Amusement Games at Sahara Sam's, or such other location or business as may qualify in accordance with the terms of this Ordinance and all State regulations and licensing, as herein after set forth.

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NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Berlin that the following amendments be made to Chapter 37 of the Code of the Township of Berlin.

SECTION 1: Chapter 37, Sections 37-1 through 37-11 are hereby redesignated as Article I of this Chapter.

SECTION 2: There is hereby adopted a new Chapter 37, Article II, entitled "Redemption Amusement Games", as follows:

§ 37-12. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Amusement Games Licensing Law" means N.J.S.A.5:8-78 through N.J.S.A. 5:8-119 inclusive, including any amendments thereto duly enacted subsequent to the effective date of this Chapter.

"Amusement Ride" means any mechanical device(s) which carry or convey passengers along, around or over a fixed, restricted route or course for the purpose of giving its passengers pleasure thrills or excitement and as otherwise defined and regulated under the Carnival Amusement Ride Safety Act N.J.S.A. 5:-31 et seq.

"Arcade" means a place where a single player may play any one of a number of machines or devices, upon payment of a fee, to attempt to obtain a prize or tickets or tokens redeemable for a prize, or to attempt to attain a score or result upon the basis of which a prize, ticket or token is awarded.

"Certification" means a Certification of Permissibility granted by the Control Commission pursuant to N.J.A.C.13:3-7.1 et seq.

"Commission" means the Legalized Games of Chance Control Commission", the successor to the Amusement Games Control Commissioner pursuant to Reorganization Plan No. 004-1992, at 24 N.J.R.4462, November 30,1992.

"Council" means the Governing Body of the Township of Berlin, County of Camden, State of New Jersey.

"Law" means "Amusement Games Licensing Law N.J.S.A. 5:8-78 through N.J.S.A. 5:8-119 inclusive.

"Recognized Amusement Park" means a commercially operated permanent business open to the public at least 31 consecutive days annually, whose acreage is designed and themed for the primary purpose of providing participatory amusements incorporating rides, or water slides licensed in accordance with N.J.S.A. 5:3-31, et seq., and food and merchandise concessions in permanent structures.

"Redemption Amusement Game" means any amusement game(s), whether of skill or chance, or both and whether the game is played and operated with or without numbers or figures, played for amusement or entertainment, in which the person or player actively participates and the outcome of which is not in the control of the operator, and which is so conducted that the sale of a right to participate, the event which determines whether a player wins or loses and the award of the merchandise prize, tickets, or tokens, all occur as a continuous sequence at the time when and place where the player or players are all present.

"Regulations" means New Jersey Administrative Code Title 13, Chapter 3.

"Township" means the Township of Berlin, County of Camden, State of New Jersey.

§ 37-13. Authority of the Township to license owners and operators of amusement games.

It shall be lawful for the Township except when prohibited by law, to license the owner and

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operator of any amusement game(s), whether of skill or chance, or both and whether said game be played and operated with or without numbers or figures, to hold and operate such amusement game(s), which term is defined as a game(s) played for amusement or entertainment, in which the person or player actively participates and the outcome of which is not in the control of the operator, and which is so conducted that the sale of a right to participate, the event which determines whether a player wins or loses and the award of the prize, tickets, or tokens, all occur as a continuous sequence at the time when and place where the player or players are all present, provided that the same are to be held and operated at a recognized amusement park in that part thereof customarily constituting an amusement or entertainment area according to the customary understanding of said terms in the community, and provided that the same shall be held, operated and conducted pursuant to the law and this Chapter and such license and the license issued by the State Legalized Games of Chance Control Commission, as herein provided, and under such conditions and regulations for the supervision and conduct thereof as shall be prescribed by rules and regulations duly adopted from time to time by the Commission, not inconsistent with the provisions of the Amusement Games Licensing Law and this Chapter, and for any person or persons to participate in and play such amusement games conducted under such licenses.

§ 37-14. License required to operate Redemption Amusement Game.

- A.** It shall be unlawful for any person to own or operate within the Township, any Redemption Amusement Game without first having obtained a proper license from the Township and the Commission. The license shall be issued only pursuant to the provisions of the Law and Article II of this Chapter.
- B.** Each applicant for such a license shall file with the Township Clerk a written application therefore in the form prescribed by the Commission duly executed and verified together with the fees specified by Law and this Chapter
- C.** Each license issued by the Township shall be inoperative unless the licensee named therein shall also, within 90 days from the issuance thereof and prior to the conduct or operation of amusement games there under, procure a State license authorizing the licensee holding the Township license to operate and conduct certain games according to the terms of the Township license.

§ 37-15. ~~D.~~ Township license required for each game and premises; license fees.

- A.** A separate Township license shall be issued for each specific kind of game authorized to be held, operated and conducted on the licensed premises by the licensee, except that a single license may be issued for all games classified under Certification No. 2 pursuant to N.J.A.C. 13:3-7.9(a)2 and operated in an arcade at a single location.
- B.** As a condition of granting an amusement game license the applicant therefore shall pay to the Township an annual fee of \$25 per game for games in Certifications 1, 3, 4, 5, 6, 7, 8 and 9.
- C.** An applicant who is the owner of a Recognized Amusement Park with an arcade shall pay to the Township an annual fee of \$100 for the first 50 machines in Certification 2, plus an additional fee of \$10.00 per machine for each machine in excess of 50 machines operated or to be operated at the arcade.
- D.** No licensee shall hold, operate or conduct on the licensed premises any unlicensed game required to be licensed pursuant to the Amusement Games Control Law or the Amusement Games Licensing Law or the Legalized Games of Chance Control Commission Regulations.

§ 37-16. License restrictions.

- A.** No license shall be issued to authorize the operation and conduct of any amusement game in the Township unless the game is:
 - 1. Played for amusement or entertainment;
 - 2. One in which the person or player actively participates;
 - 3. One in which the outcome is not in the control of the operator; and
 - 4. One which is so conducted that when and where all of the players are present

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there occurs in continuous sequence:

- i. The sale of a right to participate;
- ii. The event which determines whether a player wins or loses; and
- iii. The award of a merchandise prize or tokens or tickets which may be accumulated or immediately redeemable for a merchandise prize.

B. No licensee shall hold, operate or conduct or allow, permit or suffer the holding, operation or conduct of any amusement game on the licensed premises during hours or on days prohibited by municipal ordinance or during hours or on days not authorized by the license as indicated on the license certificate.

C. No amusement game license shall be issued for any premises which holds an alcoholic beverage license.

§ 37-17. Bingo or raffles.

No license shall be issued under the law or this Ordinance to authorize the holding, operation or conduct of any bingo game nor for any draw raffle.

§ 37-18. Certification requirements for amusement game.

No license shall be issued to authorize the holding, operation or conduct of any game not certified as permissible by the Commission pursuant to N.J.A.C. 13:3-7, Certification, and any license issued with respect to any certified game shall authorize it to be held, operated and conducted only with the limitations and restrictions of its Certification.

§ 37-19. Types of prizes permitted; value of prize.

A. No licensee shall offer or give, directly or indirectly, any prize in any single amusement game except merchandise other than alcoholic beverages; drug or narcotic paraphernalia; obscene or indecent recordings, printings, writing, pictures or other matter; or weapons as defined in N.J.S.A. 2C:39-1r.

B. The retail value of any merchandise prize(s) offered or awarded in any game or for an accumulation of wins from a series of games or plays shall not exceed an average retail value prescribed by N.J.A.C.13:3-3.5(b).

§ 37-20. License term; investigation fees.

A. All licenses shall be issued on a calendar-year basis, with a maximum term from January 1 to December 31 of the year within which the license is to be operative, or for such shorter term within the year as may be fixed by law, ordinance or resolution.

B. In any event, the full annual fee as fixed by ordinance shall be payable without proration and shall accompany the license application.

C. In the event of denial or withdrawal of the application, or in the event of denial or withdrawal of application for a State license filed with the Commission pursuant to N.J.A.C. 13:3-2, Issuance of Licenses, the full fee up to \$10.00 or 25 percent of the fee, whichever shall be the greater, shall be retained by the Township as and for an investigation fee, and the remainder of the fee, if any, shall be refunded to the applicant.

§ 37-21. Application form and license certificate.

A. Each application for a license shall be submitted in duplicate in a form prescribed by the Commission. The application requests information which includes the following: name and address of the applicant, type and location of the game, and identification of the business form.

B. The original shall be retained by the Township and, in the event the application is granted, the copy shall be transmitted forthwith to the Commission.

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§ 37-22. Qualification of applicant; conviction of crime.

No Township license shall be issued to any applicant if any of the persons required by N.J.A.C. 13:3-1.11 to be fingerprinted in connection with the application are not of good moral character or have ever been convicted of a crime unless the disqualification resulting from such conviction has been removed by the Commission pursuant to P.L. 1962, c.200.

§ 37-23. Refusal to issue license; notice and hearing.

In the event the Township determines the license should not be granted, the applicant shall be granted a hearing, held on due notice to the applicant, at which time the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

§ 37-24. Fingerprinting.

A. Each individual applicant, the officers, directors, and stockholders (including the officers, directors and stockholders of any corporation holding five percent or more of the capital stock) of any corporate applicant, as well as the partners or members as the case may be, of any partnership, association, or organization applicant, upon filing of an initial application or any employee of an applicant, may, if so required by the Commission or Township, be fingerprinted under the supervision of the Township Chief of Police.

B. The fingerprint records so obtained shall be marked "Applicant" and shall be submitted to the Federal Bureau of Investigation and the New Jersey State Police Bureau of Identification and upon receipt of returns from such Bureaus, the Chief of Police shall make a report thereof to the Council, together with a report of any other arrest or conviction record which may be obtained from other sources.

C. Failure or refusal of any of the above-designated persons to submit to fingerprinting shall be deemed cause for denial of the application.

D. Any fees for fingerprinting or any other investigations shall be paid for by the applicant.

§ 37-25. Employee qualification.

A. No licensee shall employ in any capacity on the licensed premises any person who would fail to qualify as a licensee by reason of conviction of a crime or otherwise.

B. The licensee may require employees to complete an application or affidavit certifying the employee's eligibility for employment under the terms of this section adopted by the Commission..

§ 37-26. Fingerprinting employees.

No licensee shall employ or have connected with him in any business capacity whatsoever any adult person who refuses to submit himself or herself for fingerprinting when required to do so by any agent of the Township or the Commission.

§ 37-27. Interest held in business by person other than licensee.

No licensee shall allow any person other than the licensee to exercise or attempt to exercise, or hold himself or herself out as authorized to exercise, the rights and privileges of the license issued to the licensee, or allow any person other than the licensee to share in the profits of the licensed business except by way of bona fide rental agreements with landlords, bona fide commission or bonus agreements with amusement game/ride operating companies or personnel, first approved by the Commission.

§ 37-28. Township resolution to authorize license.

A. No Township amusement game license shall be issued unless and until the issuance thereof has been authorized by a resolution duly adopted by the Council. The resolution shall, among other things, specifically recite that the premises to be licensed are located in a recognized amusement park in the Township.

B. A certified copy of the resolution, together with a copy of the application endorsed to show the granting of a Township license, shall be transmitted to the Commission by the Township within

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three business days of the Township license being granted.

§ 37-29. Township license certificate contents.

Each license certificate shall indicate:

- A. The name of the licensee;
- B. The address of the licensed premises;
- C. The name and detailed description of the kind of game licensed;
- D. The amount of fee paid;
- E. A statement of the dates and the hours between which such game may be conducted;
and
- F. Such other information as may be required on a form prescribed by the Commission.

§ 37-30. Conspicuous display of license.

- A. No licensee shall hold, operate, conduct or allow any amusement game on the licensed premises unless a current, original, license certificate is conspicuously posted.
- B. The license certificate shall be maintained in a manner so that it may be easily read.
- C. The license certificate shall be presented upon request without delay or interference to:
 - 1. An authorized representative of the licensing municipality;
 - 2. Commission member or a Commission representative; or
 - 3. A member of the general public.

D. The person requesting the license certificate shall be afforded the opportunity to review and record any and all information on the license certificate.

E. A photocopy or other reproduction of the license certificate shall not be acceptable for purposes of compliance with this section. The original license certificate shall not be photocopied or reproduced.

§ 37-31. Amendment to license; notice.

- A. Any license may be amended, upon application to the Township, a copy of which application must be submitted to the Commission, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license, and upon payment of such additional license fee, if any, as would have been payable.
- B. Notice of any such amendment shall be certified to the Commission by the Township within three days, along with a \$25.00 amendment fee, payable by the licensee to the Commission.
- C. No licensee who has applied for an amended license shall operate a game other than that which has been licensed by the Township and the Commission until an amended license certificate has been issued.

§ 37-32. Reporting change in application information

Whenever any change shall occur in the facts as set forth in any application for a license, the licensee shall file with the Commission and the Township a notice in writing of such change within 10 days after such change in information, which notice of change shall become part of the application.

§ 37-33. Devolution of license upon death, bankruptcy, receivership or incompetency of licensee.

A. In case of death, bankruptcy, receivership or incompetency of the licensee, or if for any other reason the operation of the business covered by the license shall devolve by operation of law upon a person other than the licensee, application for extension of the license for a limited time, not exceeding its term, shall be made promptly by the Executor, Administrator, Trustee, Receiver, or other person upon whom operation of the business covered by the license shall have devolved

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by operation of the law.

B. Application for such extension shall be made in the form of a petition addressed to and acted upon by the municipal governing body.

C. If the petition for extension is granted, the license certificate shall be appropriately endorsed by the municipal governing body without fee and a report of the extension shall be made to the commission by the municipal governing body within 10 days.

§ 37-34. Control and supervision of amusement games by municipality; suspension and revocation of license; hearing; right of entry.

A. The Township and the Commission shall have and exercise control and supervision over all amusement games held, operated or conducted under any Amusement Game License, issued to the end that the game(s) are fairly held, operated and conducted in accordance with the provisions of the license, the rules and regulations promulgated by the commission and the provisions of this Chapter governing the holding, operation and conduct of the games.

B. The Township and the Commission shall have power and authority to suspend any license issued by the Township and to revoke the same, after hearing, for any violation of the law or this Chapter, and shall have the right of entry, by its officers and agents at all times during normal business hours as posted for the general public, into the premises where any such amusement game(s) is being held, operated and conducted or where it is intended that any such amusement game(s) shall be held, operated and conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

§ 37-35. Offenses; violators as disorderly persons; forfeiture of licenses.

Any person, association or corporation who or which shall make any false statement in any application for an amusement game license or shall fail to keep such books and records as shall fully and truly record all transactions connected with the holding, operating or conducting of amusement games under any such license or shall falsify or make any false entry in any books or records so far as they relate to any transaction connected with the holding, operating and conducting of any amusement game under any such license or shall violate any of the provisions of the law or this Chapter or of any term of such license shall be a disorderly person and if convicted as such shall, in addition to suffering any other penalties which may be imposed, forfeit any license issued to it under the law or this Chapter.

§ 37-36. Gambling on licensed premises.

No licensee shall allow on the licensed premises any playing for money or other valuable thing at any game other than that permitted by the license issued pursuant to the application and description of the game for that licensed premises, and in no event shall any prize be conditioned in any way upon any occurrence at or upon the outcome of any athletic, sporting game or contest or lottery.

§ 37-37. Licensee responsible for acts of employees.

A. In any disciplinary proceedings to suspend or revoke any amusement games license, it shall be sufficient, in order to establish the guilt of the licensee, to show that the violation was committed by an agent, servant or employee of the licensee.

B. The fact that the licensee did not participate in the violation or that his agent, representative or employee acted contrary to instructions given to him by the licensee or that the violation did not occur in the licensee's presence, shall constitute no defense to the charges preferred in such disciplinary proceedings.

§ 37-38. Tickets or tokens awarded; expiration; arcade with other games.

A. There shall be no limit on the time within which tokens or tickets must be redeemed in any arcade licensed pursuant to N.J.A.C. 13:3-7.9(a)2 under Certification No.2. Debit cards with unused credits that are inactive (not activated or used) for a period of two (2) years shall become void and licensee shall have the right to retain these funds as income.

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B. The transfer of ownership of any Recognized Amusement Park arcade licensed by the Township under Certification No. 2, N.J.A.C.13:3-7.9(a)2 shall specifically provide that all tickets and tokens and debit card credits awarded by the transferor shall be honored by the transferee.

C. All winners shall be determined and all prizes or tickets or tokens that may be accumulated for a prize shall be awarded in any game forthwith upon the completion of the game and before making or accepting any charge for participation in any subsequent game or play.

D. Where games licensed and certified pursuant to N.J.A.C. 13:3-7.9(a)1, 3, 4, 5, 6, 7, 8 or 9 are operated in conjunction with an arcade licensed pursuant to N.J.A.C. 13:3-7.9(a)2 under Certification No.2, the arcade licensee may also award as prizes, tickets or tokens redeemable toward merchandise, prizes available in the arcade, provided that the value of any single prize ticket shall not permit redemption for a prize valued in excess of an average retail value prescribed by N.J.A.C.13:3-3.5(d). Such tickets may be combined with tickets or tokens awarded in the arcade for redemption purposes.

§ 37-38. Redemption of prize or cash.

A. No licensee shall redeem for money or for the playing of any additional game, any prize, ticket or token or allow, permit or participate in such redemption.

B. Notwithstanding (A) above, a licensee may, at the conclusion of the game and at the player's option, award an additional game as a prize when operating an amusement game certified pursuant to N.J.A.C. 13:3-7.9(a)2.

§ 37-39. Deceptive, fraudulent or misleading advertising or practice; conduct of games.

A. No licensee shall allow or engage in any deceptive, misleading or fraudulent advertising or practice in connection with the holding, operating or conducting of any licensed game.

B. All games, including free, sample or tryout games, must be conducted in their original certified form. No licensee or operator shall demonstrate any game from any position other than the position from which the player will participate.

C. All prizes that are available to be won shall be displayed, and requirements to win such prizes shall be clearly stated. If multiple wins are required for a prize, such requirements shall be clearly posted.

§ 37-40. Maximum fee for participation in game.

A. No licensee shall charge or accept, directly or indirectly, more than prescribed by N.J.A.C.13:3-3.15(a) from any one player for an opportunity to participate in any one amusement game.

B. All prizes, or tickets or tokens redeemable for a prize, awarded in a game shall be awarded immediately upon completion of the game and before making or accepting a charge for participation in any subsequent game.

C. No charge may be made or accepted for participation in a game in excess of the posted charge for the opportunity to participate in the game. Nothing in this section shall be construed to prohibit a licensee from offering a discounted entry fee for multiple opportunities to participate in a single game not in excess of that prescribed by N.J.A.C. 13:3-3.4.

D. Upon receipt of currency greater than the charge to play a game, the licensee shall immediately remit the appropriate change to the player. Debit cards do not constitute currency but only the charge shall be deducted from the debit card.

§ 37-41. Hindering inspection or investigation.

No licensee or employee, agent or representative shall, directly or indirectly, hinder or delay or cause the hindrance or delay of any investigation by the Commission or the municipal governing body or its agents, or fail to facilitate such inspection or investigation in anyway whatsoever.

§ 37-42 Incorporating provisions of Law, Regulations and this Chapter.

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Each provision of the amusement Games Control Act N.J.S.A. 5:8-78 through N.J.S.A. 5:8-99 inclusive, Amusement Games Licensing Law, N.J.S.A. 5:8-100 through N.J.S.A. 5:8-119 inclusive, and the regulations promulgated by the Commission, governing the licensing and operation of Amusement Games N.J.A.C. 13:3-1 through N.J.A.C.13:3-7.9 inclusive, including any amendments thereto duly enacted subsequent to the effective date of this Article are by reference hereby incorporated as provisions of this Article as if they were herein at length set forth. Any violation of any provision of law or regulations by a licensee shall be a violation not only of the law or regulation, but also of this Article. Any duty or responsibility of a licensee set forth in the law or regulations is also of a duty or responsibility of the licensee under this Article.

SECTION 3: Any ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed to the extent of the inconsistency.

SECTION 4: If any section, paragraph, clause or provision of this ordinance shall be adjudicated invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudicated and the remainder of the ordinance shall be deemed valid and effective.

SECTION 5: This Ordinance shall take effect upon final passage and publication pursuant to law.

Motion by Council President DiGangi, second by Councilman McIntosh 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 2008-11. There were no requests to be heard. Motion by Councilman Batten, second by Council President DiGangi 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 2008-11. Ordinance adopted by call of the roll, four members present voting in the affirmative, one abstained.

ORDINANCE 2008- 12 AMENDING ORDINANCE 2007-27 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 2007-27 on January 14, 2008 fixing and determining salary ranges for the officers and employees for the calendar year 2008; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary ranges effective September 29, 2008:

POSITIONSALARY RANGE.....	
	FROM	TO
Deputy Township Clerk	\$ 27,000.00	\$ 32,000.00
Assistant Township Clerk	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.

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Motion by Councilman Batten, second by Councilman Morris to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2008-12. There were no requests to be heard. Motion by Councilman Batten, second by Councilman McIntosh to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman Batten, second by Councilman Morris to adopt Ordinance 2008-12. Ordinance adopted by call of the roll, five members present voting in the affirmative.

ORDINANCE 2008-13 AMENDING CHAPTER 3 OF THE CODE OF THE TOWNSHIP OF BERLIN CAPTIONED "ADMINISTRATION OF GOVERNMENT"

WHEREAS, the Municipal Land Use Law authorizes a municipal entity to appoint an administrative officer responsible for the preparation of certified property owner lists for the purpose of providing notice regarding land use applications pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, the Governing Body desires to make such an appointment and to assign responsibility for this task.

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

SECTION 1: Chapter 3 of the Code of the Township of Berlin is hereby amended to include the following provisions:

• **3-6A(1) Planning/Zoning Board Secretary.** The Secretary of the Planning/Zoning Board is hereby appointed as the administrative officer of the the municipality responsible for providing a certified list of property owner pursuant to '77-36 of this Code.

SECTION 2: Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause or phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

SECTION 3: All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency only.

SECTION 4: This Ordinance shall take effect twenty (20) days following adoption and publication as required by law.

Motion by Councilman Batten, second by Councilman Morris to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2008-13. There were no requests to be heard. Motion by Councilman Morris, second by Councilman Batten to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman Batten, second by Councilman Morris to adopt Ordinance 2008-13. Ordinance adopted by call of the roll, five members present voting in the affirmative.

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RESOLUTION 2008-189 APPROVING REQUEST FROM THOMAS DiGANGI OF BERLIN TOWNSHIP FOR A ONE YEAR SEWER EXTENSION ON SEWER CONNECTION PERMIT #255

WHEREAS, Thomas DiGangi of Berlin Township, Camden County, New Jersey request for a one year sewer extension from the date of expiration on the following permit

Permit # 255 Block 1605, Lot 1.02 at 785 Route 73 South.

WHEREAS, the adoption of this resolution is contingent upon payment of any additional fees due for said connection if the current connection fee per EDU differs from the connection fee paid at the original time of purchase.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the request by Thomas DiGangi of Berlin Township, for a sewer extension on the above permit are hereby granted.

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2008-189. Resolution adopted by call of the roll, four members present voting in the affirmative, one abstained.

RESOLUTION 2008-190 TO AUTHORIZE ADVERTISEMENT FOR PUBLIC SALE OF VEHICLES AND OTHER MISCELLANEOUS ITEMS

WHEREAS, the Township of Berlin has two vehicles and other miscellaneous items which are no longer needed for municipal purpose; and

WHEREAS, it has been determined that said equipment should be advertised for public sale pursuant to statute, at a price established by the Township as per the following:

1. 1996 Dodge Intrepid, 4dr, red, VIN#1B3HD46T2TF102841
No Minimum bid
2. 1987 Chevy Truck, VIN#1GBE6DIA7HB112574
No Minimum bid
3. Bicycles, and miscellaneous items

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that it hereby authorizes the advertisement for public sale of vehicles and other miscellaneous items on November 24, 2008

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2008-190. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-191 APPOINTMENT OF DEPUTY REGISTRAR OF VITAL STATISTICS

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WHEREAS, N.J.S.A. 40-69a-124 provides that the Mayor with the advice and consent of the Council, shall appoint such other officers and employees not otherwise provided for in this Title or by general law:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, in the County of Camden, State of New Jersey, that appointment for Deputy Registrar of Vital Statistics be made effective October 27, 2008.

Donna DeCinque

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-191. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008:192 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR CLICK IT OR TICKET GRANT

WHEREAS, a receivable and reserve balance of \$172.80 titled Click it or Ticket Grant remains on the balance sheet at 9/30/08; and

WHEREAS, the grant is complete and it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the receivable and reserve balance of \$172.80 titled Click it or Ticket Grant is hereby canceled.

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2008-192. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008:193 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR SMOOTH OPERATOR GRANT

WHEREAS, a receivable and reserve balance of \$249.60 titled Smooth Operator Grant remains on the balance sheet at 9/30/08; and

WHEREAS, the grant is complete and it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the receivable and reserve balance of \$249.60 titled Smooth Operator Grant is hereby canceled.

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2008-193. Resolution adopted by call of the roll, five members present voting in the affirmative.

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RESOLUTION 2008-194 RESOLUTION AUTHORIZING THE PURCHASE OF ITEMS FROM VENDORS WITH STATE CONTRACTS IN EXCESS OF BID THRESHOLD DURING SFY 2009

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

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

WHEREAS, the following purchases were made or will be made during SFY2009 in excess of the bid threshold:

CONTRACT#	VENDOR	ITEM	DATE OF EXPIRATION
1. A65044	Majestic Oil	Gasoline	3-31-09
2. A41864	Majestic Oil	Diesel Gasoline	12-31-08

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 Batten, second by Councilman Morris to adopt Resolution 2008-194. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008:195 RESOLUTION AUTHORIZING EMERGENCY TEMPORARY 2008/2009 BUDGET APPROPRIATIONS

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

WHEREAS, the local emergency temporary resolutions adopted in the year 2008/2009 pursuant to the provisions of N.J.S.A. 40A-20 (Chapter 96,P.L. 1951 as amended) including this resolution totaling \$3,560,499.52 for Current Fund, \$360,300.00 for Sewer Utility Fund and \$68,500.00 for Open Space, Recreation, Farmland and Historic Preservation Fund.

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

1. An emergency temporary appropriation be and the same is hereby made to provide for operations of the Township of Berlin through December 31, 2008 in the total amount of \$3,560,499.52 for Current Fund, \$360,300.00 for Sewer

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Utility Fund and \$68,500.00 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

2. That said emergency appropriation will be provided for the 2008/2009 budget.
3. That a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

GENERAL GOVERNMENT:

Mayor & Council

Salaries & Wages	\$ 20,000.00
Other Expenses	12,000.00

Township Clerk

Salaries & Wages	54,000.00
Other Expenses	18,000.00

Finance Administration

Salaries & Wages	53,000.00
Other Expenses	6,000.00

Audit Services

Other Expenses	10,000.00
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Revenue Administration

Salaries & Wages	36,000.00
Other Expenses	6,000.00

Tax Assessment Administration

Salaries & Wages	11,000.00
Other Expenses	8,000.00

Legal Services and Costs

Expenses	8,000.00
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Engineering Services and Costs

Other Expenses	8,000.00
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LAND USE ADMINISTRATION

Planning Board

Other Expenses	5,000.00
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CODE ENFORCEMENT AND ADMINISTRATION

Uniform Construction Code

Salaries & Wages	45,000.00
Other Expenses	10,000.00

Other Code Enforcement

Salaries & Wages	18,000.00
Other Expenses	1,000.00

INSURANCE

Liability Insurance

Other Expenses	70,000.00
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Workers Compensation Insurance

Other Expenses	60,000.00
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Employee Group Insurance

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Other Expenses	600,000.00
Unemployment Insurance	
Other Expenses	1,600.00
PUBLIC SAFETY FUNCTIONS	
Police Department	
Salaries & Wages	1,000,000.00
Other Expenses (including vehicles)	80,000.00
Emergency Management	
Salaries & Wages	1,600.00
Other Expenses	800.00
Aid to Volunteer Ambulance Company	
Other Expenses	25,000.00
Municipal Prosecutor	
Salaries & Wages	7,000.00
Other Expenses	1,000.00
PUBLIC WORKS FUNCTION	
Streets and Road Maintenance	
Salaries & Wages	73,000.00
Other Expenses	6,000.00
Solid Waste Collection	
Salaries & Wages	150,000.00
Other Expenses	8,000.00
Buildings & Grounds	
Salaries & Wages	38,000.00
Other Expenses	35,000.00
Vehicle Maintenance	
Salaries & Wages	52,000.00
Other Expenses	45,000.00
NJPDES-Storm water	
Salaries & Wages	23,000.00
Other Expenses	9,000.00
HEALTH AND HUMAN SERVICES FUNCTIONS	
Public health services	
Salaries & Wages	5,000.00
Other Expenses	500.00
PARKS AND RECREATION	
Recreation Services and Programs	
Other Expenses	6,000.00
Maintenance of Parks	
Salaries & Wages	45,000.00
Other Expenses	7,000.00
Maintenance of Free Public Library	
Salaries & Wages	15,000.00
Other Expenses	4,000.00

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OTHER COMMON OPERATING FUNCTIONS	
(UNCLASSIFIED)	
Accumulated Leave Compensation	1,000.00
Celebration of Public Events	
Other Expenses	11,000.00
UTILITIES EXPENSES AND BULK PURCHASES	
Electricity & Natural Gas	25,000.00
Street Lighting	50,000.00
Telephone	20,000.00
Water	7,000.00
Petroleum Products (Fuel Oil & Gas)	82,000.00
Sewerage	5,000.00
Landfill/Solid Waste Disposal Costs	100,000.00
STATUTORY EXPENDITURES	
Public Employees Retirement System	0.00
Social Security	120,000.00
Police & Fire Retirement System	0.00
FEDERAL & STATE GRANTS	
Supplemental Fire Services Grant	2,780.00
Drunk Driving Enforcement Grant	3,719.52
Over the Limit Under Arrest 2008 Grant	5,000.00
MUNICIPAL COURT	
Municipal Court	
Salaries & Wages	51,000.00
Other Expenses	19,000.00
Public Defender	
Other Expenses	500.00
CAPITAL IMPROVEMENTS (AND CAPITAL IMPROVEMENT FUND)	
Capital Improvement Fund	80,000.00
MUNICIPAL DEBT SERVICE	
Bond Principal	160,000.00
Bond Interest	120,000.00
Note Interest	0.00
TOTAL EMERGENCY TEMPORARY CURRENT FUND APPROPRIATIONS	
	\$ 3,560,499.52

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**EMERGENCY TEMPORARY APPROPRIATIONS
SEWER OPERATING FUND**

OPERATING	
Salaries & Wages	120,000.00
Other Expenses	115,000.00
Debt Service	
Bond Principal	110,000.00
Bond Interest	5,000.00
STATUTORY EXPENDITURES	
Public employees Retirement System	0.00
Social Security	10,000.00
Unemployment Compensation Insurance	300.00
TOTAL EMERGENCY TEMPORARY SEWER OPERATING FUND APPROPRIATIONS	\$ 360,300.00

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

Salaries & Wages	\$23,000.00
Other Expenses	10,000.00
Bond Principal	6,000.00
Interest on Bonds	29,500.00
TOTAL OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION FUND APPROPRIATIONS	\$ 68,500.00

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-195. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-196 APPOINTMENT OF MEMBERS TO THE PLANNING BOARD

WHEREAS, N.J.S.A. 30:44-1.4 provides for the creation, membership and terms of a PLANNING BOARD; and

WHEREAS, Section 20-2 et seq., of the Code of the Township of Berlin provides for the creation of a PLANNING BOARD shall consist of the following;

JOSEPH PANTANO- as an Alternate until 12/31/08

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NOW, THEREFORE, BE IT RESOLVED that the above named individual shall serve his respective term pursuant to the provisions set forth in the New Jersey Statutes Annotated 40:55-1 et seq., and pursuant to the Code of the Township of Berlin, Section 20-1 et seq.

Motion by Councilman Morris, second by Councilman McIntosh to adopt Resolution 2008-196. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-197 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE BOND FOR CHERRY PLAZA SHOPPING CENTER AND POSTING OF MAINTENANCE BOND

WHEREAS, Cherry Plaza Shopping Center of Route 73; Block 1301, Lot 2, West Berlin, New Jersey; has requested the release of their Performance Bond No. S040308, and **WHEREAS**, the Engineer has recommended that the Township grant the request for the release of the Performance Bond contingent upon the posting of a two year Maintenance Bond in the amount of \$32,121.45, beginning on the date of the release of the Performance Bond.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Bond No S040308, is hereby granted with the conditions stated above.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-197. Resolution adopted by call of the roll, five members present voting in the affirmative.

Resolution 2008:198 Payment of bills October 27, 2008

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
CC Animal Shelter	Dog Trust	440.00
Countywide Animal Control	Dog Trust	50.00
Robert E. DePersia, II	Mun Public Defender	375.00
	Mun Public Defender	225.00
Lanigan Associates	Forfeiture FED	2,580.00
David F. Carlamere	Planning Board Esc #332	95.00

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	Planning Board Esc #333	95.00
	Planning Board Esc #336	110.00
	Planning Board Esc #337	125.00
	Planning Board Esc # 342	110.00
KEI Associates	Planning Board Esc# 208	3,548.75
	Planning Board Esc # 219	2,112.50
	Planning Board Esc # 308	2,608.75
	Planning Board Esc # 319	1,452.50
	Planning Board Esc # 332	1,645.00
	Planning Board Esc # 333	370.00
	Planning Board Esc # 335	540.00
	Planning Board Esc # 337	1,396.25
	Planning Board Esc # 342	2,197.50

CONFIRMING

Big Boulder Stone	04-215-55-860-07094	15,600.00
DiMeglio Construction	04-204-55-865-08071	141,158.43
America On Line	01-201-20-120-2105	32.90
	01-201-20-120-2105	32.90
Greenworks Inc	01-213-85-029-3000	4,630.00
MCAA	01-201-43-490-2041	200.00
NJAPZA	01-201-22-200-2042	50.00
Postmaster West Berlin	01-201-20-110-2120	324.00
	01-201-20-110-2120	37.00
Trump Plaza	01-201-20-110-2041	840.00
NJ State Health	01-201-23-220-2092	11,456.79
	01-201-23-220-2092	39,043.81
Twp of Berlin Payroll Acct	01-201-23-225-2168	237.02
Payroll, Current Fund	9/4/2008	59,519.45
Payroll, Sewer	9/4/2008	4,852.67
Payroll, Current Fund	9/11/2008	59,532.41
Payroll Sewer	9/11/2008	4,700.38
Payroll, Current Fund	9/18/2008	57,321.72
Payroll, Sewer	9/18/2008	4,637.39
Payroll, Current Fund	9/25/2008	82,091.76
Payroll, Sewer	9/25/2008	4,637.38

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Motion by Councilman Batten second by Council President DiGangi to adopt Resolution 2008-198. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-199 CHANGE ORDER NO. 3 FOR COMPLETING THE 2008 STREET IMPROVEMENTS

WHEREAS, it was necessary to make changes in the scope of work to be done in completing the **2008 Street Improvements** in the Township of Berlin, Camden County, New Jersey;
WHEREAS, Change Order No. 3 was developed to itemize and authorize those changes.
WHEREAS certification has been received by the Treasurer/Finance Director that sufficient funds have been allocated for this Change Order;
NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin that Change Order No. 3 if hereby authorized and approval is hereby granted to adjust the contract amount from \$282,477.53 to 270,640.30 (decrease of 11,837.23).

Motion by Councilman Batten second by Council President DiGangi to adopt Resolution 2008-199. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-200 TO GRANT THE RELEASE OF PLANNING BOARD ESCROW FOR 10 YEAR STORMWATER MAINTENANCE

WHEREAS, Carl Purcell of Edgewood Avenue, Block 1702, Lot 1, in the Township of Berlin, and
WHEREAS, Carl Purcell has requested the release of the remaining escrows presently held with respect to this property; and
WHEREAS, the Engineer has recommended that the Township grant the request for the release of the remaining escrow funds in the amount of \$18,045.11
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the request for the release of the escrow for Carl Purcell of Edgewood Avenue, Block 1702, Lot 1, is hereby granted.

Motion by Council President DiGangi second by Councilman Batten to adopt Resolution 2008-200. Resolution adopted by call of the roll, five members present voting in the affirmative.

APPROVAL OF BUSINESS LICENSES

A) Erwin Comp.com. 1019 Industrial Drive, Office for online retail Store

Motion by Council President DiGangi, second by Councilman McIntosh to Approve business licenses for Erwin Comp.com. License approved by call of

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The roll, five members present voting in the affirmative.

B) EZ Pantry 415 Commerce Lane, Grocery Shopping and Delivery Service for Senior Citizens and Disabled

Motion by Councilman Batten, second by Council President DiGangi to

Approve business licenses for EZ Pantry. License approved by call of

The roll, five members present voting in the affirmative

CONSENT AGENDA

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

APPROVAL OF CLOSED SESSION OF SEPTEMBER 8, 2008 TO DISCUSS NEW MUNICIPAL BUILDING

Motion by Councilman Batten, second by Council President DiGangi to approve the closed session minutes of September 8, 2008. Motion carried by voice vote, all present voting in the affirmative.

APPROVAL OF MINUTES OF SEPTEMBER 22, 2008

Motion by Council President DiGangi, second by Councilman McIntosh to approve the minutes of September 22, 2008. Motion carried by voice vote, all present voting in the affirmative.

APPROVAL OF CORRESPONDENCES CALENDAR FOR SEPTEMBER

Motion by Councilman Batten, second by Councilman Morris to receive and file the correspondences calendar for September 2008. Motion Carried by voice vote, all present voting in the affirmative.

GOOD AND WELFARE #2

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 the affirmative. Mayor Magazzu opened the meeting to the public for comment.

Joe McShea, 257 MT. Vernon, asked if Berlin Township and Berlin Boro were still considering building a Municipal Building on the Walker Avenue site.

Mayor Phyllis Magazzu responded to the question and said that Berlin Boro has not definitely said yes or no, so we are going to move ahead on the Bate Avenue location, unless we hear differently from the Boro.

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Andrew Tindell, 368 Katherine Avenue spoke about trash pick up on Thanksgiving for this year.

Mike McGee told Andrew that all Holiday trash schedules were on the Township calendar.

Council President Tom DiGangi spoke about inquiring some property on Haddon Avenue to front our Municipal Building and that he welcomed had any comments or suggestions. Tom stated it would be a shame to build a new building and put it in the back where no one could see, and that before any final decisions are to be made that the Governing Body would have a public meeting.

Joe McShea commented that he thought the building would look nice on Haddon Avenue as long as we could afford it, but why not just build it where it's been the past few years, then purchase the property on Haddon later.

Mayor Phyllis Magazzu said then the building would not be able to face Haddon Avenue.

Tom said that the Governing Body wants to make sure in the long run they make the right decision on where to put our Municipal and where it best service our community in the near future.

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

ADJOURN

Motion by Council President DiGangi, second by Councilman Batten to adjourn the meeting at 8:15 p.m. Motion carried by voice vote, all members voting in the affirmative.

Jamey Eggers, Township Clerk