

NOVEMBER 21, 2011

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL NOVEMBER 21, 2011 AT 6:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

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

Also Present- Stuart Platt, Solicitor, Chuck Riebel, Engineer/ Director Public Works, Lori Campisano, CFO, Chief of Police J.Jackson Joshua Shellenberger, Maintenance

Absent-

Mayor Magazzu asked for a moment of silence for the recent death of a West Berlin Fire Fighter Brian Bodine who past away this weekend.

RESOLUTION TO FILL BERLIN TOWNSHIP COUNCIL MEMBER VACANCY

Stuart Platt stated that Council member Thomas DiGangi has retired so now that leaves a vacancy to be filled. The procedure according to N.J.S.A.40A:16-5 is that the appropriate political party of the member leaving will nominate three candidates to the governing body. Stuart asked the Township Clerk to read the three names submitted.

- 1) Frank McHenry
- 2) Frank Epifanio
- 3) Andrew Simone

Township Clerk Verified that all names submitted resided in Berlin Township.

Stuart stated that the Governing Body can make a motion to who they wish to select as council member at this time.

Council President Morris made a motion to select Frank Epifanio, Mayor Magazzu seconded the motion.

RESOLUTION 2011-196 RESOLUTION TO FILL BERLIN TOWNSHIP COUNCILMEMBER VACANCY

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WHEREAS, effective October 31, 2011, Mr. Thomas DiGangi resigned his position as a member of the Berlin Township Council in writing; and

WHEREAS, the Township of Berlin Governing Body shall fill the current vacancy within 30 days of the effective vacancy date by selecting one of three candidates nominated by the appropriate political party in accordance of N.J.S.A.40A:16-5;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Berlin, hereby appoints **Frank J. Epifanio** as a Council member of the Township of Berlin for the unexpired term expiring December 31, 2012.

Motion by Council President Morris, second by Mayor Magazzu to adopt Resolution 2011-196. Resolution adopted by call of the roll, four members present voting in the affirmative.

Proclamation Supporting the Drive Sober or Get Pulled Over 2011 Year End Statewide 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, 30% of motor vehicle fatalities in New Jersey are alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the season at 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 **Drive Sober or Get Pulled Over Year End Statewide Crackdown**; and

Whereas, the project will involve increased impaired driving enforcement from December 5, 2011 through January 2, 2012; 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 Berlin Township declares it's support for the **Drive Sober or Get Pulled Over 2011 Year End Statewide Crackdown** from December 5, 2011 through January 2, 2012 and pledges to increase awareness of the dangers of drinking and driving

Phyllis Magazzu, Mayor

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Departmental Reports

ENGINEER'S AND DIRECTOR'S REPORT
COUNCIL MEETING
November 21, 2011

A. CHANGE ORDERS AND VOUCHERS

1. Route 73 Sidewalk Project

I am hopeful that we can submit the Final Change Order and Voucher for consideration for approval by the Governing Body.

B. ENGINEER'S REPORT

1. CONSTRUCTION OF POROUS CONCRETE SIDEWALK ALONG N.J.S.H. ROUTE 73 NORTHBOUND- JACKSON ROAD TO EDGEWOOD AVENUE (N.J.D.O.T. FY 2008 AND 2009 FUNDING - \$320,000) (PROJECT NO. E-10-0004)

The contractor has completed the project. I expect to be submitting the Final Change Order and Voucher for consideration for the Governing Body. Once the contractor has been paid the final amount, we will submit the invoice to the N.J.D.O.T for final reimbursement.

2. 2011 STREET IMPROVEMENT PROGRAM

We are, currently, performing the design and preparing the bid documents for the following projects.

a. Base Bid

- 1) Mt. Vernon Avenue: Minck Avenue to Franklin Avenue (N.J.D.O.T. FY2010 funding - \$180,000)
Estimated Construction Cost: \$290,000
- 2) Edgewood Avenue: Cooper Road to limit of N.J.D.O.T. Project Near Rt. 73 (N.J.D.O.T. FY2011 funding - \$200,000)
Estimated Construction Cost: \$294,000

b. Alternate Bid No. 1

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- 1) Construction of Built up Bituminous Driveway Aprons at 136 and 138 Veterans Avenue (Township Funded)

Estimated Construction Cost: \$4,400

c. Alternate Bid No. 2

Reconstruction of the Intersection of Grove Avenue and Cleveland Avenue (Township Funded)

Estimated Construction Cost: \$57,000

d. Alternate Bid No. 3

Street Improvements at Storm Inlet, Along Mt. Vernon Avenue, at the School Property

Estimated Construction Cost: \$2,500

e. Alternate Bid No. 4

Grade and Construct Stone Surface-McClellan Avenue Dead End

Estimated Construction Cost: \$11,000

f. Alternate Bid No. 5

Trench pavement improvements along Krumm Avenue from McClellan Avenue to Franklin Avenue

Estimated Construction Cost: \$30,000

I expect to receive bids in December, 2011 for hopeful award in early 2012. It is my understanding that it will be necessary to amend existing ordinances to include several of the above mentioned projects.

3. CAPITAL IMPROVEMENTS PROGRAM

I have proposed a revised estimate, listing vehicles and equipment for Public Works and various improvement projects. I believe that

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the Governing Body will be reviewing the requested items and making an determination in early 2012.

4. HADDON AVENUE STREESCAPE, PHASE 1 AND 3
(FEDERAL AND STATE AID - \$677,000)

We are waiting for the Federal agency to approve the various documents. After the Federal approval is received, the N.J.D.O.T. will authorize the Township to advertise to receive bids.

5. CAMDEN COUNTY OPEN SPACE- RECREATION ENHANCEMENT PROGRAM

The County has approved the inclusion of the Round 10 funding with the current Round 12 funding for a total of \$50,000 for the band shell at the Luke Avenue Recreation Complex.

Round 12 funding, in the amount of \$25,000 has been allotted for the surface improvements to the basketball court and tennis court at the Spruce Avenue Recreation Complex.

We will be bidding the Spruce Avenue project, during the winter for construction to be performed in the Spring of 2012.

We will be preparing the bid documents for the construction of the concrete foundation and electrical work for the proposed band shell. It is the intent to have the Public Works Department construct the band shell structure.

6. HILL AVENUE STORM DRAINAGE IMPROVEMENTS
C.D.B.G. YEARS 32 (\$30,257) AND 33 (\$29,200±) FUNDING

It was anticipated that the C.D.B.G. funds would be used for the improvements to the roadway pavement. After investigation of the storm drainage system, as a result of the comments and concerns from the residents, the funds will be used for the storm drainage improvements.

The estimated construction cost for the improvements to the storm drainage system is \$263,400.00.

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We will be performing the design and preparing the bid documents for, hopeful, advertisement of bids in December 2012. It is my understanding that the Governing Body will be considering the allocation of funds in early 2012.

I have been contacted by a resident along Fairview Avenue, in close proximity to Hill Avenue. There are several driveways, along Fairview Avenue, which are relatively level. During rainstorms, the rainwater from the street travels into the properties. I recommend that, as an interim improvement, the driveway aprons be built up to prevent the rainwater from the street, for a majority of the storms, from traveling into the properties. The estimated construction cost for this work is \$25,000.00. The remainder of the improvements consists of extending storm drainage along Fairview Avenue, from Hill Avenue. The estimated construction cost for the storm drainage extension is \$116,700.00

7. RECYCLING CONTRACT

Re Community Camden, formerly FCR, has submitted a proposal, to the County, for a five year extension to the current Contract, with amendments. I believe that they have submitted the proposal to each municipality.

I believe that the Re Community is proposing to increase the single stream revenue share from 50 to 55% and provide a retroactive revenue share of \$1,040.00, effective August 1, 2011 if the Governing Body passes a resolution committing to the 5 year extension.

I have met with a representative of Omni Recycling, LLC of Mantua, N.J. At this time, it appears that the majority of the municipalities are considering the contract extension of Re Community Camden as, based upon their past performance and proposed contract terms. Therefore, based upon the information that has been presented, I recommend that the Governing Body consider passing the resolution, committing to the 5 year contract extension with Re Community Camden.

8. DISPOSAL OF SOLID WASTE

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I believe that the Contract document is in the process of being signed by Camden County Energy Recovery Associates (Foster - Wheeler). The contractor has informed me that they will honor the price of \$52.50/ton, effective November 1, 2011, even if the Contract date is after that date.

9. MUNICIPAL BUILDING

a. *HVAC SYSTEM*

No update to report

b. *POSSIBLE SEPARATION OF DOOR ACCESS AND SURVEILLANCE SYSTEMS*

I am waiting for the contractor to respond to my request for the status of the scheduling of the work.

c. *LANDSCAPING AND IRRIGATION SYSTEM*

I must submit the requests to landscapers, landscape materials suppliers and irrigation contractors for their contribution of materials and services.

It is my understanding that an Eagle Scout may be performing the landscape design and some installation, as part of his Eagle Scout project.

d. *MONUMENT SIGN ALONG ROUTE 73*

General Sign is fabricating the sign. We expect them to erect the sign in the near future.

The Township must hire an electrician to connect the LED sign and any lighting.

It is the intent to have the Public Works Department construct the brick planter base.

e. *SCHOOL BELL*

No update to report.

f. *WINTER HOLIDAY TREE*

We have ordered the artificial tree. The tree will be installed in the lobby.

10. REDIVISION OF LIBRARY LOTS

If the Governing Body intends to sell the library, in the future, I recommend that the Governing Body consider the redivision of the lots to allow for the parking area to be located in the same lot as the library building.

11. BATE AVENUE PLAYGROUND AND FORMER MUNICIPAL BUILDING SITE (PROJECT NO. E-10-0014)

We must still complete the surveying fieldwork.

12. LESTER AVENUE STORM DRAINAGE AND STORMWATER MANAGEMENT

We must, still perform the surveying fieldwork, design and preparation of the construction plans.

Once completed we must submit the plans to Public Service Electric and Gas Company for their consideration for the granting of a storm drainage easement, across their property.

We had discussed, as an interim measure, the construction of the storm drainage system on Lester Avenue and stormwater basin to try to alleviate some of the stormwater runoff issues.

At this time, I do not foresee the Public Works Department being able to devote the necessary time to perform the construction of these interim improvements.

13. STORMWATER DRAINAGE ISSUES WITHIN THE SOUTHWEST PORTION OF THE TOWNSHIP

I will be contacting FEMA to see if there are funds available for this project.

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14. REDISIGNATION OF PINELANDS ZONING AND EXTENSION OF SANITARY SEWER TO EDGEWOOD AVENUE AND ALLIED PARKWAY

Mr. Platt's office is working with the Pinelands Commission to resolve all open matters.

15. REQUEST FOR ADDITIONAL SEWER ALLOCATION

I will contact Mr. Andrew Kricun and request an update, regarding this matter.

16. TRAFFIC SIGNAL MAINTENANCE AND REPAIR PROGRAM

The County Shared Services Department has stated that only a few municipalities have provided the requested information, regarding the traffic signal inventory. Therefore, it is highly unlikely that the County will be receiving bids for a contract to be effective at the beginning of 2012.

17. BOND REDUCTION REQUEST- JERRY SILVI 157 COOPER ROAD, BLOCK 2502, LOT 7.02

I recommend that the Governing Body consider releasing the performance guarantee, conditional upon the posting of a two year maintenance guarantee, in the amount of \$ 4,110.68

18. N.J.D.O.T. SAFE ROUTES TO SCHOOL PROGRAM

The Governing Body decided, last month, to submit an application for sidewalks to the elementary school. I recommend that the Governing Body pass the resolution, endorsing and authorizing the submission of the application. The application must be submitted, electronically, to the N.J.D.O.T. by December 30, 2011.

19. NO PASSING ZONES ALONG COOPER ROAD

The County has informed the Township that I must perform the engineering study and report, justifying the creation of the no passing zones along the road. I believe the Governing Body must, then, pass a resolution accepting the no passing zone and recommending that the County pass the necessary resolution.

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20.NO CUT THROUGH TRAFFIC SIGNS

I have ordered the signs for the installation at the following intersections of:

- Haddon Avenue with Lester Avenue, McClellan Avenue and Boyer Avenue
- Franklin Avenue with First Avenue and Pine Avenue

C. PUBLIC WORKS DEPARTMENT

1. N.J.D.E.P. DIESEL RETROFIT PROGRAM

I must revise the submission to the N.J.D.E.P. in the immediate future.

2. GREASE TRAP MAINTENANCE

I recommend that the inspection and the enforcement actions be implemented by the Township as we are experiencing problems with grease in the receiving sanitary sewer collection and conveyance systems.

3. PERFORMANCE OF TASKS

4.

We are, currently, focusing our efforts to collect leaves and will be preparing the salting and snow removal equipment for the upcoming winter weather.

4. ANNUAL FIRE ALARM AND SPRINKLER SYSTEM INSPECTIONS

5.

I will be meeting with an inspection firm to discuss the possible performance of the required Township buildings.

D. SHARED SERVICES

1. ENGINEERING SERVICES WITH SOMERDALE BOROUGH

We have completed the bid documents and have received bids for the 2011 Street Improvement Program.

SOLICITORS REPORT

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

POLICE DEPAERTMENT

Chief of Police Joseph Jackson stated that the DWI Grant will take effect December 5, 2011 to January 12, 2012. Chief thanked Mayor and Council for the first two vehicles that they received. Chief also commented that he has just sat down with Dell in hopes of receiving a Grant to get computers for the police vehicles. Chief Jackson remarked that he has spoken to the Solicitor about putting a policy together for light duty and class two Officers and looks forward to the Solicitor review and Mayor and Council approval.

Mayor Magazzu asked the Chief about two Officers who were out on disability. Chief responded that both men will be back to work this Monday.

MAINTENANCE DEPARTMENT

Josh Shellenberger stated that he has talked to a business owner in Industrial Park in regards to trash. He has since started cleaning. Josh remarked that he has talked to a resident on Cushman for unlicensed vehicles on the street. Josh also stated that he has sent out a notice to a resident on Blaine Avenue for chickens with no permits.

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SECOND READING AND PUBLIC HEARING ORDINANCE 2011-13 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 22 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "POLICE DEPARTMENT"

WHEREAS, Chapter 22 of the Code of the Township of Berlin ("Township") establishes and sets forth the powers, duties, rules and regulations of and for the Township's police department; and

WHEREAS, the Governing Body, consistent with the authority vested in it pursuant to N.J.S.A. 40A:14-118, has determined that it is in the best interest of the police department, as well as the public health, safety and welfare of the municipality and its residents, to amend Chapter 22;

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

SECTION 1: Chapter 22 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

§ 22-1. Establishment of Department; composition.

A. There is hereby created in and for the Township of Berlin a police department, which shall consist of a Chief of Police, one lieutenants, up to five sergeants, and up to eleven patrolmen, to be appointed to these positions by the governing body of the Township.

B. In the event of an officer in any of these positions being on leave immediately preceding an announced retirement or a suspension with intent to dismiss, the Appropriate Authority may, for the efficiency of the department and subject to his discretion, appoint an interim replacement to serve in the vacant position, subject to that person meeting the qualifications for that position. Alternatively, the Appropriate Authority may leave a position vacant in its discretion.

C. The Mayor and Township Council may decrease the force for reasons of economy pursuant to N.J.S.A. 40A:14-143. In case of demotion from the higher ranks, the officers or members to be so demoted shall be in the inverse order of the dates of their appointment. When the service of members or officers is terminated, such termination shall be in the inverse order of their appointment. Any member or officer who is demoted or whose service is terminated by reason of such decrease shall be placed on a special employment list, and in the case of subsequent promotions, a person so demoted shall be reinstated to his former rank and, in the case of termination of service and new appointment, prior consideration shall be given to the persons on the special employment list.

D. The Mayor and Township Council may also appoint such clerical, secretarial and administrative employees, community service officers, school crossing

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guards and police technicians as they deem necessary and prudent. These employees shall not be members of the Police Department within the meaning of any provision of Chapter 14, Title 40A, of the Revised Statutes of New Jersey, as amended and supplemented. These employees shall carry out and obey all orders and instructions of the Chief of Police or any other officer having supervisory authority within the Department.

§22-1.1. Chain of Command.

- A. The following chain of command shall exist within the Police Department:
 - (1) Chief of Police;
 - (2) Lieutenant;
 - (3) Sergeant;
 - (4) Patrolman.
 - (5) Special officer (if any).
 - (6) Civilian employee.
- B. Each rank/position shall be subordinate to all higher ranks.
- C. Civilian employees shall report to their assigned supervisor or designee, or in his/her absence, the ranking officer on duty.

§ 22-2. Appointment and qualification.

- A. [NO CHANGE]
- B. [NO CHANGE]
- C. No applicant shall be appointed to any position with the Police Department until after the applicant has been fingerprinted and the fingerprints filed with the New Jersey State Police and Federal Bureau of Investigation. No applicant shall be appointed until after there has been a thorough background and character investigation of the candidate that will also determine the candidate's fitness for the position.

§ 22-3. General powers and duties of department. [NO CHANGE]

§ 22-4. Chief of Police; powers and duties; appointment.

- A. – G. [NO CHANGE]

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H. Candidates for the position of Chief of Police shall participate in a promotional procedure administered by the Appropriate Authority. The reviewing committee, which shall be made up of the Appropriate Authority, the current Chief of Police (unless he/she is involved in pending discipline or litigation with the Township) and two police executives from other agencies. The reviewing committee shall consider the following: the candidate's knowledge of criminal law and procedure, police science and police administration, leadership and management ability, general knowledge of Berlin Township local government and N.J.S.A. 40A:14-118, knowledge of budgeting and personnel management, the candidate's poise, alertness, ability to communicate clearly and effectively, ability to effect good working and public relations and moral character. To be considered for the position of Chief of Police, the candidate must hold the rank of lieutenant or sergeant.

I. The Appropriate Authority shall appoint the Chief of Police and may appoint a reviewing committee to assist in the process.

J. Promotional testing procedure. The promotional testing procedure for the Berlin Township Police Department for the position of Chief of Police shall consist of a written examination (and/or narrative) and an oral examination in which all candidates will be given the same questions, a personal interview with the Mayor and Township Council, a review of the candidate's service record, education, merit and experience.

(1) Written examination.

(a) The written test shall be supplied by a professional testing company, professional law enforcement organization or such other written examination approved by the Appropriate Authority. The written examination shall be given and supervised by a designee of the Appropriate Authority.

(b) To proceed to the oral portion of the examination procedure, a candidate must achieve a score of at least 70%. Candidates will be notified in writing of their grades on the written portion of the exam by the Appropriate Authority or its designee.

(2) Oral examination.

(a) Candidates who achieved a minimum qualifying score (70%) on the written examination will be permitted to sit for an oral examination by the reviewing committee.

(b) The oral examination by the reviewing committee shall focus on leadership and management skills, knowledge of police practices and procedures, knowledge of the laws applicable to police work, knowledge about Berlin Township and its form of government, knowledge of the Police Department Ordinance, and knowledge of N.J.S.A. 40A:14-118. The reviewing committee shall grade each candidate on a one-hundred-point scale.

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(c) The reviewing committee shall grade each candidate's oral interview on a 100 point basis. In order to proceed to the final portion of the promotional process, a candidate must achieve a score of at least 70%.

(3) Personal Interview.

Candidates for the rank of Chief of Police may be interviewed by the Appropriate Authority.

(4) Record review.

(a) Candidates that successfully achieve a score of 70% on the written examination or written submission and 70% on the oral examination shall proceed to the next step in the promotional process, the review of service record.

(b) The reviewing committee shall examine the length and merit of candidate's service. The examination process shall give specific weight to performance evaluations, experience, military service, demonstrated leadership ability, education and disciplinary history.

(c) The weight to be given each portion of the review shall be:

Type	Weight (percentage)
Written test or submission	20%
Oral exam	20%
Interview with Appropriate Authority	20%
Performance evaluations	20%
Leadership evaluation	10%
Experience	5%
Education	5%
Associates degree or 60 college credits = 2.5%	

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Type	Weight (percentage)
	Bachelors degree = 5%
	Two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard can be substituted for Associates Degree or 60 college credits, if honorably discharged.
	Associates Degree or 60 college credits and two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard will be worth 5%, if honorably discharged

Discipline shall be a minus depending on seriousness and timeliness of the infractions.

K. The review committee shall rank each candidate based on the total score as outlined above. The candidates shall then be ranked from the highest to lowest based on score. The list shall include the candidate's names and the final scores.

L. The results of the promotional process with the final scores of the candidates and any other information that may be pertinent shall be submitted to the Appropriate Authority, which shall make the final promotional decision.

M. Test results shall remain valid for a period of two years and subsequent promotions may be made based upon these test result. However, the Township may call for a new promotional process at any time.

§ 22-5. Appropriate Authority.

A. The Governing Body of the Township of Berlin shall be designated as the "Appropriate Authority," pursuant to N.J.S.A. 40A:114-118. The Appropriate Authority shall be responsible for the overall performance of the Police Department.

B. The Appropriate Authority shall adopt rules and regulations, or amendments thereto, for the government of the Police Department and for discipline of its members. Proposed rules and regulations may be submitted by the Chief of Police, the Township Solicitor or Special Counsel to the Appropriate Authority.

C. The Appropriate Authority shall adopt the rules and regulations in writing which will be sent to the Chief of Police along with a true copy of the rules and regulations or any amendments thereto.

D. Upon receipt of written notice of the adoption of rules and regulations by the Appropriate Authority, the Chief of Police shall publish and distribute copies to the

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members of the Department, who shall review and become familiar with the contents and provisions thereof.

E. Failure to follow or comply with the rules and regulations shall subject any member of the Police Department to discipline pursuant to N.J.S.A. 40A:14-147.

§22-5.1. Promotions.

A. The Mayor and Township Council desire to promote the most qualified candidates to positions of higher rank. This section establishes the eligibility requirements and the process for promotion to all higher ranks.

(1) Promotions shall be made on the basis of merit, experience, education, demonstrated ability and competitive examinations. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer must be made from the membership of the Department.

(2) No person shall be eligible for promotion unless he or she shall have served as a full-time police officer in the Berlin Township Police Department for a period of three years as required by N.J.S.A. 40A:14-130.

(3) No person shall be eligible for promotion unless he or she has previously served as patrolman in the Department as required by N.J.S.A. 40A:14-129.

(4) Promotions shall be open to members of the next lowest rank, unless the Appropriate Authority, in the best interest of the Department, chooses to test a wider pool of candidates. Generally, a pool of less than three eligible candidates will not generally be considered "in the best interest of the Department."

B. Upon receiving instructions from the Appropriate Authority to do so, the Chief of Police shall announce the promotional process to members of the Department at least 45 days before a written test is to be given and at least 15 days before a written submission is to be submitted. The announcement shall be posted in common areas of the Department accessible to all members and shall also be sent in writing to each eligible officer's home address. The announcement shall contain, at a minimum, the rank to be filled, the date(s) of the exam(s), source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates who qualify shall notify the Chief of Police of his/her interest in taking the examination by submitting a letter of interest no later than 10 calendar days after the promotion announcement. This time period may be extended at the discretion of the Appropriate Authority. Failure to submit a timely letter of interest will make an officer ineligible to participate in the promotional process.

C. Where two or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or to a resident of the Township of Berlin over a nonresident pursuant to N.J.S.A. 40A:14-122.6.

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D. The Appropriate Authority shall make all department promotions and may appoint a reviewing committee to assist in the process.

E. Promotional testing procedure. The promotional testing procedure for the Berlin Township Police Department shall consist of a written examination (and/or narrative) and an oral examination in which all candidates will be given the same questions, a review of the candidates' service record, education, merit and experience.

(1) Written examination.

(a) The written test shall be supplied professional testing company, professional law enforcement organization or such other written examination approved by the Appropriate Authority. The written examination shall be given and supervised by the Chief of Police or his/her designee.

(b) To proceed to the oral portion of the examination procedure, a candidate must achieve a score of at least 70%. Candidates will be notified in writing of their grades on the written portion of the exam by the Chief of Police or his/her designee.

(2) Oral examination.

(a) Candidates who achieved a minimum qualifying score (70%) on the written examination will be permitted to sit for an oral examination by the Appropriate Authority or its designee.

(b) The oral examination shall focus on leadership and management skills, knowledge of police practices and procedures, knowledge of the laws applicable to police work, knowledge about Berlin Township and its form of government, knowledge of the Police Department Ordinance, and knowledge of N.J.S.A. 40A:14-118. The reviewing committee shall grade each candidate on a one-hundred-point scale. The Appropriate Authority, or its designee, shall be present at this step.

(c) The Appropriate Authority, or its designee, shall grade each candidate's oral interview on a 100 point basis. In order to proceed to the final portion of the promotional process, a candidate must achieve a score of at least 70 %.

(3) Personal Interview.

Candidates may be interviewed by the Chief of Police and/or the Appropriate Authority, or its designee.

(4) Record review.

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(a) Candidates that successfully achieve a score of 70% on the written examination or written submission and 70% on the oral examination shall proceed to the next step in the promotional process, the review of service record.

(b) The reviewing committee shall examine the length and merit of candidate's service. The examination process shall give specific weight to performance evaluations, experience, military service, demonstrated leadership ability, education and disciplinary history.

(c) The weight or percentage of each portion of the process shall be as follows:

[1] Sergeant.

Type	Weight (percentage)
Written test	30%
Oral exam	30%
Performance evaluations	20%
Leadership evaluation	10%
Experience	5%
Education	5%

Associates degree or 60 college credits = 2.5%

Bachelors degree = 5%

Two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard can be substituted for Associates Degree or 60 college credits, if honorably discharged.

If Associates Degree or 60 college credits and two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard will be worth 5%, if honorably discharged.

Discipline shall be a minus depending on seriousness and timeliness of the infractions.

[2] Lieutenant.

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Type	Weight (percentage)
Written test or submission	20%
Oral exam	20%
Interview with Appropriate Authority	20%
Performance evaluations	20%
Leadership evaluation	10%
Experience	5%
Education	5%
	Associates degree or 60 college credits = 2.5%
	Bachelors degree = 5%
	Two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard can be substituted for Associates Degree or 60 college credits, if honorably discharged.
	Associates Degree or 60 college credits and two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard will be worth 5%, if honorably discharged

Discipline shall be a minus depending on seriousness and timeliness of the infractions.

F. The review committee shall rank each candidate based on the total score as outlined above. The candidates shall then be ranked from the highest to lowest based on score. The list shall include the candidates' names and the final scores.

G. The results of the promotional process with the final scores of the candidates and any other information that may be pertinent shall be submitted to the Appropriate Authority, which shall make the final promotional decision.

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H. Test results shall remain valid for a period of two years and subsequent promotions may be made based upon these test result. However, the Township may call for a new promotional process at any time.

§ 22-6. Discipline.

A. No Discipline Without Just Cause.

Pursuant to N.J.S.A. 40A:14-147, and except as otherwise provided by law, no permanent member of the Police Department shall be removed from office, employment or position for political reasons or for any cause other than incapacity, misconduct or disobedience of the rules and regulations established for the government of the Police Department, nor shall such member be suspended, removed, fired or reduced in rank from or in office, employment or position therein, except for just cause or as otherwise provided in this section.

B. Preliminary investigation.

(1) Upon an allegation of wrongdoing made by a citizen or another officer against any officer of the Police Department, the allegations of wrongdoing shall be investigated in accordance with the "Internal Affairs Policy and Procedures" of the Police Management Manual promulgated by the Police Bureau of the Division of Criminal Justice in the Department of Law and Public Safety, which are hereby adopted.

(2) These guidelines shall be applied and followed consistent with any with any applicable tenure or civil service laws, and shall not supersede any provisions relating to internal affairs investigations contained in any collective bargaining agreement.

(3) After completion of the investigation, if the investigating officer believes that there is sufficient cause to file a formal complaint, he/she shall prepare a written report, together with all supporting documentation, which shall be forwarded to the Chief of Police.

C. Review by Chief of Police.

(1) If, after reviewing said report and supporting documentation, the Chief of Police believes that sufficient cause exists to file a formal complaint, the Chief shall prepare and serve said formal complaint, specifying a time, date and place for a hearing within the time limits and as required in N.J.S.A. 40A:14-147.

(2) Consistent with the Attorney General's Internal Affairs Policy and Procedures Guidelines, the Appropriate Authority shall be provided with a copy of the report summarizing the nature and disposition of all internal affairs investigations upon their completion. These reports, and the information

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contained therein, shall be deemed confidential and shall not be released except as permitted by law.

D. Hearing.

(1) At the time and place fixed for such hearing, the hearing officer shall receive evidence concerning the charges and shall afford the accused an opportunity to be heard, to cross-examine witnesses appearing in support of the charges, to present evidence on his own behalf, to be represented by counsel and, in general, permit the accused every opportunity to provide his defense.

(2) The hearing officer shall have the power to hear and determine the charge or charges against the officer. The hearing officer shall have the power to subpoena witnesses and documentary evidence, which said subpoena may be enforced by the Superior Court in accordance with N.J.S.A. 40A:14-148.

(3) A verbatim transcript shall be made of said hearing, the cost of which shall be paid by the Township.

E. Hearing officer.

(1) The hearing officer shall be an independent third party appointed by the Appropriate Authority.

(2) The hearing officer shall make findings of fact and recommendations in within 30 days of the date of the close of evidence. The hearing officer shall decide the guilt or innocence of the accused based on a preponderance of the evidence. The decision of the hearing officer shall be set forth in a detailed report, including specific findings of fact. In the event that the guilt of the accused is established, the report shall contain a detailed explanation for any suggested penalty, including a discussion of any aggravating or mitigating factors.

F. Appropriate Authority's Determination.

(1) Within 30 days of the date of the receipt of the hearing officer's report, the Appropriate Authority will issue the final decision, which may affirm, modify or reject the report of the hearing officer.

(2) In the event that the officer is found guilty of any charges, the Appropriate Authority shall impose a penalty which may include any of following:

(a) Removal from office as a member of the Police Department and employee of the Township.

(b) Reduction in rank.

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(c) Suspension from duty without pay for any period not to exceed six months.

(d) Suspension with pay for any period.

(e) Public Reprimand.

(f) Private Reprimand.

(g) Restitution for loss of property or costs of investigations or other actions.

(h) Fines.

(i) Any of the above penalties singly or in combination with each other.

(3) In the event that the hearing officer determines that the accused is not guilty of all of the offense(s) charged, that charge(s) will be dismissed and the accused shall be reinstated, and if the accused had been suspended without pay, any back pay accrued during the period of suspension shall be paid to the accused, less any funds earned by the officer from other sources during the time of his/her suspension.

G. Appeals.

Any member of the Police Department who has been convicted after any hearing offenses may seek review of the conviction in the Superior Court pursuant to N.J.S.A. 40A:14-150.

H. Suspension of officer charged with offense.

(1) Notwithstanding any other provision of this section, pursuant to N.J.S.A. 40A:14-149.1, whenever an officer of the Township Police Department is charged under the laws of this state, another state or of the United States with an offense, the police officer may be suspended from performing his/her duties with pay until the case is disposed of at trial, until the complaint is dismissed or until prosecution is terminated.

(2) If a grand jury returns an indictment against the officer or the said officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, the officer may be suspended from his duties without pay until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated.

(3) If a suspended police officer is found not guilty at trial of all charges, all charges are dismissed or the prosecution is terminated completely, the officer shall be entitled, as required by N.J.S.A. 40A:14-149.2, to recover all pay

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withheld during the period of suspension, subject to the results of any disciplinary proceeding or administrative action instituted pursuant to this section.

(4) If any municipal police officer is suspended with pay and is found guilty of the charges brought against him, the police officer shall reimburse the Township for all pay received by him during the period of his suspension according to N.J.S.A. 40A:14-149.3.

I. Alternative Procedures.

(1) In the event that the Chief of Police suffers from incapacity, or has committed misconduct or disobedience of the rules and regulations established for the government of the Police Department, the Appropriate Authority shall act as the charging official and may file disciplinary charges as permitted by law.

(2) The Appropriate Authority may appoint an investigator, who need not be a member of the Police Department, to conduct an investigation. All members of the Police Department and all other Township employees shall cooperate with the investigation.

(3) Any hearing of the charges against the Chief of Police shall be heard by a hearing officer in the manner set forth in Paragraph E above. The disposition of the matter, including the imposition of any penalty, shall be made by the Appropriate Authority.

§ 22-7. Salaries. [NO CHANGE]

§ 22-8. Employment other than regularly assigned working hours. [NO CHANGE]

§ 22-9. Required training course; probationary status.

A. All members of the Police Department shall successfully complete the Basic Police Training course given at an academy or facility approved by the New Jersey Police Training Commission pursuant to N.J.S.A. 52:17B-66 et seq.

B. The Appropriate Authority may waive the attendance of a police training academy for those applicants who have previously been certified as a municipal police officer by the New Jersey Police Training Commission and if satisfactory certification of previous accredited schooling under the Mandatory Police Training Act of the State of New Jersey is presented. The Appropriate Authority may permit an applicant to undergo a modified course of training with the prior approval of the New Jersey Police Training Commission of such training Police officers hired pursuant to this section shall be classified as probationary employees with the Police Department for a period of one year from the date of hire.

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C. During the period of required training, the employee shall hold the rank of probationary officer. Employees shall be entitled to a leave of absence with pay during the period of the police training course. Following the completion of an employee's police training course, he/she shall be classified as a probationary employee with the Police Department for a period of one year.

D. Probationary officers will be evaluated on a monthly basis throughout the entire period of their probation in an effort to determine their suitability for continued employment. Probationary employees will be advised of their progress and counseled when necessary in an effort to correct any deficient performance or behavior.

E. No later than 30 days before the expiration of an officer's probationary period, the Chief of Police shall submit a written evaluation of the officer to the Appropriate Authority regarding the fitness of the officer for permanent employment. The Appropriate Authority may retain the employee, dismiss the employee, or with the agreement of the employee, extend the probationary period for an additional six months, at which time the Chief of Police shall reevaluate the probationary officer and submit a written evaluation no later than 30 days before the expiration of the extended probationary term. The Appropriate Authority shall either retain or dismiss the employee.

F. Notwithstanding the foregoing provisions, the Chief of Police may recommend the dismissal of a probationary officer at any time if he/she believes that the officer does not have the ability, aptitude or willingness to adequately perform the duties of Berlin Township police officer. The Appropriate Authority may accept the Chief of Police's recommendation and terminate the officer or may decide to continue the officer's employment on a probationary basis.

G. Whenever the Chief of Police recommends the dismissal of a probationary officer, the probationary officer shall be given a copy of the Chief of Police's evaluations and shall be permitted to present his/her response to the Appropriate Authority within 10 days of receipt of the evaluation. The response may either be written or given orally, at the discretion of the Appropriate Authority.

H. All non-sworn employees of the Police Department shall serve a probationary period of six months before becoming regular employees.

I. Probationary employees will be evaluated on a monthly basis throughout the entire period of their probation in an effort to determine their suitability for continued employment. Probationary employees will be advised of their progress and counseled when necessary in an effort to correct any deficient performance or behavior.

J. No later than 30 days before the expiration of a non sworn employee's probationary period, the Chief of Police shall submit a written evaluation of the employee to the Appropriate Authority regarding the fitness of the employee for regular employment. The Appropriate Authority may retain the employee, dismiss the employee,

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or with the agreement of the employee, extend the probationary period for an additional six months, at which time the Chief of Police shall reevaluate the probationary employee and submit a written evaluation no later than 30 days before the expiration of the extended probationary term. Thereafter, the Appropriate Authority shall either retain or dismiss the employee.

K. Notwithstanding the foregoing provisions, the Chief of Police may recommend the dismissal of a probationary employee at any time if he/she believes that the officer does not have the ability, aptitude or willingness to adequately perform the duties of the employee. The Appropriate Authority may accept the Chief of Police's recommendation and terminate the employee or may decide to continue the employee on a probationary basis.

L. Whenever the Chief of Police recommends the dismissal of a probationary employee, the probationary employee shall be given a copy of the Chief of Police's evaluations and shall be permitted to present his/her response to the Appropriate Authority within 10 days of receipt of the evaluation. The response may either be written or given orally, at the discretion of the Appropriate Authority.

M. None of the foregoing provisions shall be construed as providing any employee with tenure status.

§ 22-10. Oath or affirmation.

Every member of the Police Department and special police officers, before entering upon the performance of their duties, shall take and subscribe an oath or affirmation to bear true faith and allegiance to the government established in this state under the authority of the people, to support the Constitution of the United States and the Constitution of the State of New Jersey and to faithfully, impartially and justly discharge and perform all the duties of their offices, which oaths or affirmations shall be filed with the Township Clerk.

§ 22-11. Special Emergency Directives.

Pursuant to N.J.S.A. 40A:14-118, the Appropriate Authority shall have the authority to issue special emergency directives for the management, operation and discipline of the Police Department and its members and to promote the health, safety and welfare of the residents of the Township of Berlin. For the purposes of this section, an "emergency" means any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel as shall be determined by the Appropriate Authority, the Chief of Police or such other officer who has been given the authority of designating an "emergency" within or effecting the Township of Berlin.

§ 22-12. Applicability of Policies and Procedures Manual of the Township of Berlin.

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The provisions of the Berlin Township Policies and Procedures Manual, as amended, shall apply to all members and employees of the Berlin Township Police Department. In the event that the provisions of this Chapter, the Rules and Regulations of the Berlin Township Police Department, any applicable collective bargaining agreement or any federal or state law provide greater or more liberal benefits to the member of the Police Department, those provisions shall be applied.

§ 22-13. Off Duty Employment by Police Officers.

A. Off-duty employment is any employment or position that will not require the use, or potential use of law enforcement powers by the off-duty employee.

B. Sworn police officers may engage in off-duty employment, subject to the restrictions or limitations stated herein, that (1) is not law enforcement in nature; (2) does not require the use of police powers as a condition of employment (3) presents no potential conflict of interest with the officer's responsibilities as a law enforcement officer and (4) is not performed during assigned hours of duty. Some examples of employment representing conflicts of interest are:

1. Process servers, repossessions, bill collectors, towing of vehicles, collection of monies or merchandise for private purposes.
2. Personnel investigations for the private sector or any employment, which might require the police officer to access police information, files, records, services as condition of employment or use such thereof.
3. Appearing in uniform during the performance of tasks other than that of police nature.
4. Assisting, in any manner, in the case preparation for the defense in any criminal proceeding.
5. Conducting activities for a business or labor group that is on strike.
6. Working in occupations that are regulated by, or that must be licensed through the police department.
7. Employment that constitutes a threat to the status or dignity of the police department or law enforcement, such as:
 - a. Establishments that sell sexually explicit books, magazines, sexual devices, videos, cd's, or services of a sexual nature.
 - b. Any groups dedicated to racist, ethnic or gender related beliefs or philosophies.

C. Sworn police officer wishing to engage in regular off-duty employment will submit a memo to the Chief of Police through the proper and established chain of

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command and receive permission from the Chief of Police (or his designee) to engage in regular off-duty employment. The memo shall contain:

1. The name, address, telephone number, email address and business website of the employer.
2. The nature of the work performed.
3. The officer's off duty work schedule, including the days and hours worked.
4. Such other information as the Chief of Police may require.

D. Eligibility for Off Duty Employment.

1. Members of the Police Department are eligible to accept off duty employment only during periods when they are not assigned to regular duty and at times when such off duty employment will not interfere with the efficient performance of their regularly scheduled police duties. The Chief of Police or his/her designee shall monitor all off duty employment to ensure that the Township's interests are protected.

2. To be eligible for off duty employment, a sworn officer must be in good standing with the Department. Officers who have not completed their probationary periods or who are on medical or disability leave are not eligible for extra-duty assignments.

3. The following conditions apply to off-duty employment:

a. Sworn officers may work no more than four hours of extra-duty work in a work day while working a normal 12 hour shift. Sworn officers may work no more than 8 hours of extra-duty work in a work day while working a normal 8 hour shift. At no time are sworn officers permitted to work more than 16 hours in a 24 hour period

b. Sworn officers assigned to extra-duty work may be subject to a recall for regular duty at any time and shall immediately leave the extra-duty assignment and shall respond as required by the Department of Police.

4. The Chief of Police shall include in his/her monthly report to the Appropriate Authority information about the off duty work of members of the Department.

5. A member of the Department may be required to limit or terminate off duty employment if the Chief of Police determines that the off-duty employment interferes with or threatens the status and dignity of the Department or ability of the member to perform his/her duties as a sworn police officer.

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SECTION 2: The Table of Contents of Chapter 22 shall be amended to add a new “Section 22-1.1 – “Chain of Command”; “Section 22-5.1 – Promotions”; “Section 22-9 – “Required training course; probationary status”; “Section 22-10 – Oath or affirmation”; “Section 22-11 – Special Emergency Directives”; “Section 22-12 – Applicability of Policies and Procedures Manual of the Township of Berlin”; and “Section 22-13 – Off Duty Employment by Police Officers.”

SECTION 3: Except as set forth in Sections 1-2 above, the balance of Chapter 22 shall not be affected by this Ordinance.

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

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

SECTION 6: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Stuart Platt stated since the Chief was not at last meeting when the Ordinance was introduced, he wanted the Chief of Police to know that he had contacted the Prosecutors Office and had clarified the issues the department had with the ordinance.

Chief Jackson Stated that he had also spoken to the Prosecutors Offices and was also in agreement with the Solicitor and the changes made. Chief stated that the Ordinances was acceptable with him.

Motion by Council President, 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 2011-13.

No comments were to be heard.

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

Motion by Council President Morris second by Councilman McIntosh to adopt Ordinance 2011-13 Ordinance approved by call of the roll, four members present voting in the affirmative, one abstain.

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ORDINANCE 2011- 23 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 107 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "TAXICABS"

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Ordinance 2011-23 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

ORDINANCE 2011- 24 AMENDING ORDINANCE 2011-16 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, ESTABLISHING BACKGROUND CHECKS FOR VOLUNTEER SPORTS ORGANIZATIONS

Motion by Council President Morris, second by Councilman McIntosh to adopt Ordinance 2011-24 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

ORDINANCE 2011-25 AN ORDINANCE FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY

Motion by Council President Morris, second by Councilman McIntosh to adopt Ordinance 2011-25 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-202 RESOLUTION TO AMEND CAPITAL BUDGET

WHEREAS, the Mayor and Members of Township Council of the Township of Berlin, County of Camden desires to amend the fiscal year 2012 Capital Budget by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

Adding and amending the cost of projects which were not foreseen at the time of adoption of the capital budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Members of Township Council of the Township of Berlin, County of Camden that the following changes be made to the Capital Budget of the fiscal year 2012.:

**AMENDMENT TO
CAPITAL BUDGET OF THE
TOWNSHIP OF BERLIN
COUNTY OF CAMDEN, NEW JERSEY**
Project Schedule for Fiscal Year 2012
Method of Financing

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PROJECT	ESTIMATED COST	CAPITAL IMP. FUND	FUNDS & GRANTS	DEBT AUTHORIZED
Acquisition of Information Technology Equipment for the Finance Department	\$72,345.00	\$3,895.50	---	\$68,449.50
Construction, Reconstruction And/or Resurfacing of various Streets and Roadways	139,650.00	7,519.62	---	132,130.38
Drainage Improvements	279,980.00	15,075.85	---	264,904.15
Acquisition of Public Works Vehicles and Equipment	46,200.00	2,487.69	---	43,712.31
Improvement to Various Township Buildings	28,875.00	1,554.80	---	27,320.20
Improvement to Township Recreation Facilities	5,250.00	282.69	---	4,967.31
Acquisition of two four-Wheeled drive vehicles For the police department	77,700.00	4,183.85	---	73,516.15
Total	\$650,000.00	\$35,000.00	\$615,000.00	

Council Members	Introduced	seconded	Aye	Naye	Abstain
Absent					
M. Bodanza			X		
F. Epifano			X		
J. McIntosh		X	X		
C. Morris	X		X		
P. Magazzu			X		

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the office of the Director of the Division of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget adopted by the governing body on the 21st day of November, 2011

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-202. Resolution adopted by call of the roll, five members present voting in the affirmative.

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TOWNSHIP OF BERLIN, NEW JERSEY

ORDINANCE 2011-26

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS PIECES OF EQUIPMENT IN AND FOR THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$650,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$615,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Township Council of the Township of Berlin, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Berlin, County of Camden, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$650,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$615,000;
- (c) a down payment in the amount of \$35,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11; and

Section 3. The sum of \$615,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$35,000, which amount represents the required

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down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$615,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$615,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$130,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligation</u>	<u>Period of Usefulness</u>
			<u>\$</u>	<u>\$</u>
A. Construction, Reconstruction and/or Resurfacing of Various Township Roadways, Curbs and Sidewalks including, but not limited to, Hill Avenue, Krum Avenue, Fairview Avenue, McClellan, Cleveland and Grove, all as more particularly described in the information on file and available for inspection in the Township Clerk's office, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$139,650.00	\$7,519.62	\$132,130.38	10 years
B. Drainage Improvements on Hill Avenue,	279,980.00	15,075.8	264,904.15	40 years

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<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligation</u> \$	<u>Period of Usefulness</u> \$
together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto		5		
C. Acquisition of Vehicles and Equipment for the Public Works Department including, but not limited to, plows, snow blowers, saws, trimmers and front end loader claws, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	46,200.00	2,487.69	43,712.31	5 years
D. Improvements to Various Township Buildings including, but not limited to, replacement of roof at Senior Center, Door Replacement at Edgewood Avenue Field House, Security Improvements for the Public Works Yard and Recreation Buildings, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	28,875.00	1,554.80	27,320.20	15 years
E. Improvements to the Township's Recreational Facilities including, but not limited to, installation of a large door at the Hockey Rink at Robert T. Clyde Park, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	5,250.00	282.69	4,967.31	10 years
F. Technology and Computer Upgrades at Various Township Offices including, but not limited to, computers and related hardware, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	72,345.00	3,895.50	68,449.50	5 years
G. Acquisition of Two (2) Four-Wheel Drive Vehicles for the Police Department, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	77,700.00	4,183.85	73,516.15	5 years
TOTALS	\$650,000.00	\$35,000.00	\$615,000.00	
		0	0	

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond

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anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 21.63 years.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$615,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget of the Township is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

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(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Introduction Bond Ordinance 2011-26

<u>Council Members</u>	<u>Introduced</u>	<u>seconded</u>	<u>Aye</u>	<u>Naye</u>	<u>Abstain</u>
Absent					
M. Bodanza		X	X		
F. Epifano			X		
J. McIntosh			X		
C. Morris	X		X		
P. Magazzu			X		

Motion by Council President Morris, second by Councilman McIntosh to adopt Bond Ordinance 2011-26 on first reading . Ordinance adopted by call of the roll, five members present voting in the affirmative.

ORDINANCE 2011-27 AMENDING ORDINANCE 2011-20 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, AMENDING CHAPTER 3 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ADMINISTRATION OF GOVERNMENT"

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Motion by Council President Morris, second by Councilwoman Bodanza to adopt Ordinance 2011-27 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 194 DESIGNATING RECIPIENT FOR THE CAMDEN COUNTY HOUSING REHABILITATION PROGRAM AND AUTHORIZING CAMDEN COUNTY COMMUNITY DEVELOPMENT AS ADMINISTRATIVE AGENT

WHEREAS, the Township of Berlin Housing rehabilitation Agency, hereinafter referred to as " Agency " has received and reviewed application by certain homeowners specified Herein for rehabilitation of their dwelling under the Camden County Community Development Block Grant Program; and

WHEREAS, said Agency has determined that said homeowner are eligible under said guidelines of said program;and

WHEREAS, the County of Camden has been authorized by Cooperation Agreements between the County and the various participating Municipalities to administer the Housing Rehabilitation Program from funds received under Community Development Block Grant Program;

NOW THEREFORE, BE IT RESOLVED, that the following homeowners are hereby determined eligible for assistance under the Camden County Home Improvement Program:

1. 06-D-276 Geraldine Breland 322 Franklin Avenue

2. That the Camden County Division of Community Development is hereby authorized to process the aforementioned homeowner's application for rehabilitation of their dwelling as specified herein.

3. That the Camden County Division of Community Development is further authorized to do the following:

- a) Execute any and all documents and perform all administrative functions which may be required or desired in order to carry out the terms and conditions of the Community Development Block Grant Program.
- b) Make payments to the homeowners and contractors in amounts determined by Community Development for services performed in rehabilitating the dwelling specified herein.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-194. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 195 LIST OF UNCOLLECTIBLE TAXES

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To the Mayor and Council to the Township of Berlin:

I hereby submit to you a list of taxes, which in my opinion are uncollectible. I give the reasons why I deem them uncollectible, and I request that same be remitted and that I be relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4.

Dated: November 4, 2011

Diane Zoppel, CTC - Tax Collector

NAME	YEAR	DESCRIPTION	AMOUNT	REASON
Donald A. Keir	2011	613.4.01	\$ 250.00	Senior Citizen
			\$ 250.00	TOTAL to Nov 2011

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-195. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 197 RESOLUTION AUTHORIZING ADVERTISEMENT OF RFQ'S FOR PROFESSIONAL SERVICE CONTRACTS

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that the Municipal Clerk is hereby authorized to advertise for RFQ's for the calendar year 2012 for professional service contracts, in the 12/1/11 issue of the Record Breeze.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2011-197. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-198 RESOLUTION AUTHORIZING PURCHASES OF ELECTRIC GENERATION SUPPLY SERVICES BASED UPON THE AWARD OF CONTRACTS TO SOUTH JERSEY ENERGY AND HESS CORPORATION IN ACCORDANCE WITH THE COOPERATIVE BID AWARDED BY THE COUNTY OF CAMDEN FOR THE SOUTH JERSEY POWER COOPERATIVE

WHEREAS, the County of Camden, on behalf of the South Jersey Power Cooperative ("SJPC"), in which Berlin Township is a member, received and opened bids at its Division of Purchasing on October 28, 2011 at 11:00 a.m., Prevailing Time, for Electric Generation Supply Service for the South Jersey Power Cooperative (Bid A-47); and

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WHEREAS, bids were received from two of the three pre-qualified vendors consistent with the County of Camden's requirements for terms of 12 and 18 months beginning December 2011; and

WHEREAS, South Jersey Energy was the lowest responsible bidder who complied with the specifications and submitted the following rates:

Option 4 which is the 18 month option for the smaller class of "FP" account in the Atlantic City Electric territory at a rate of \$0.0600 per kWh.

Option 5 which is the 12 month option for all "CIEP" accounts in the Atlantic City Electric territory at a rate of \$0.08075 per kWh; and

WHEREAS, Hess Corporation was the lowest responsible bidder who complied with the specifications and submitted the following rates for PSE&G Accounts in the Atlantic City Electric territory:

Option 3 which is the 18 month option for all "FP" accounts in the Atlantic City Electric territory at a rate of \$.08695 per kWh; and

WHEREAS, by resolution adopted on October 20, 2011, the Camden County Board of Chosen Freeholders awarded contracts for Camden County's needs and participating members of the SJPC as described above commencing on the above-specified dates; and

WHEREAS, the term of the contracts awarded shall be for 18 months for the Option 4 "FP" accounts, and 12 months for the Option 5 "CIEP", and 18 months for the Option 3 "FP" accounts commencing on the above-specified dates; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Chief Financial Officer/Qualified Purchasing Agent is hereby authorized to purchase electric energy services for the terms listed above.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-198. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-199 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948) – BODY ARMOR REPLACEMENT GRANT

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

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

WHEREAS, the Chief Financial Officer has certified that the Township has received a Body Armor Replacement Grant 2011 from the NJ Division of Criminal Justice for \$2,033.73;

BE IT FURTHER RESOLVED that a like sum of \$2,033.73 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Body Armor Replacement Grant 2011	\$2,033.73

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

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-199. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-200 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR OVER THE LIMIT UNDER ARREST GRANT

WHEREAS, a receivable and reserve balance of \$900.00 titled Over the Limit Under Arrest Grant remains on the balance sheet at 10/31/11; 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 \$900.00 titled Over the Limit Under Arrest Grant is hereby canceled.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-200. Resolution adopted by call of the roll, five members present voting in the affirmative.

Resolution 2011- 201

Payment of Bills November 21, 2011

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the

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Township of Berlin that the following claims are hereby approved and the bills be paid.

TO	ACCOUNT	AMOUNT
Camden County Clerk's Office	Berlin Twp Rehab Loan Fund	\$ 77.00
	Berlin Twp Rehab Loan Fund	11.00
	Berlin Twp Rehab Loan Fund	11.00
Ronald Conklin	Berlin Twp Rehab Loan Fund	375.00
Jackson Pointe	Planning Board Escrow #312	1,767.00
Marrazzo & Platt, PC	Planning Board Escrow #208	110.00

CONFIRMING

America on Line	01-201-31-443-2077	32.90
Printing Plus	01-201-20-165-2023	247.40
	01-201-26-510-2036	454.00
Verizon Communications	01-201-20-120-2105	140.54
Verizon Communications	01-201-31-443-2077	99.99
State of NJ Health Benefits	01-201-23-220-2092	52,659.61
State of NJ Health Benefits	01-201-23-220-2092	20,756.88
Ford Motor Credit Co.	01-201-25-240-2051	10,266.51
Post Master, Cherry Hill	01-201-20-120-2022	292.52
Camden County Treasurer	01-208-55-020-3000	1,029,959.69
	01-208-55-020-3000	64,608.42
	01-211-55-020-3000	59,485.77
Verizon Communications	01-201-31-443-2077	99.99
Payroll, Current Fund	10/6/2011	55,579.07
Payroll, Sewer Operating Fund	10/6/2011	3,453.44
Payroll, Current Fund	10/13/2011	55,037.60
Payroll, Sewer Operating Fund	10/13/2011	3,143.39
Payroll, Current Fund	10/20/2011	56,739.08
Payroll, Sewer Operating Fund	10/20/2011	3,469.09
Payroll, Current Fund	10/27/2011	96,222.54
Payroll, Sewer Operating Fund	10/27/2011	3,143.39

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2011-201. Resolution adopted by call of the roll, four members present voting in the affirmative, one abstain

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RESOLUTION 2011-203 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR FY 2012 "SAFE ROUTES TO SCHOOL PROGRAM"

WHEREAS, the New Jersey Department of Transportation has available grant funding for municipalities, through the Safe Routes to School Program; and

WHEREAS, the objectives of the "Safe Routes to School Program" are to enable and encourage children, including those with disabilities, to walk and bicycle to school, to make walking and bicycling safer and more appealing transportation alternatives, thereby, encouraging a healthy and active lifestyle from an early age, and to facilitate the planning, development and implementation of projects and activities that will improve safe and reduced vehicular traffic, fuel consumption, air pollution in the vicinity (approximately two miles) of primary and middle schools (grades K to 8).

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 Mayor and Council, formally, approve the grant application for "FY 2012 Safe Routes to School Program".
2. A copy of said application will be kept on file with the Township Clerk's Office.
3. The Mayor and Clerk are, hereby, authorized to submit an electronic grant application, identified as SRS-I-2012-Berlin Township-00066, to the New Jersey Department of Transportation.
4. The Mayor and Clerk are, hereby authorized to sign the grant agreement, on behalf of the Township of Berlin, and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
5. A certified copy of this resolution shall be provided to the New Jersey Department of Transportation and any other interested parties.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2011-203. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 204 RESOLUTION DENYING THE REQUEST RELEASE OF PERFORMANCE GUARANTEE FOR MAGIMA LLC, 157 COOPER ROAD BLOCK 2502, LOT 7.02, BUT AUTHORIZING THE REDUCTION OF PERFORMANCE GUARANTEE

WHEREAS, Magima LLC, 157 Cooper Road, Township of Berlin, Camden County, New Jersey, Block 2502, Lot 7.02., has requested the release of the performance Guarantee No.2028-1001; and

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WHEREAS, the Engineer has recommended that the Township of Berlin not grant the request for the release of the performance guarantee until all requirements below have been met;

- 1) The proposed 400 watt pole mounted site light must be installed on the existing utility pole, along the south side drive, near Cooper Road.
- 2) The plastic trash receptacle storage unit shall be place on the concrete pad, along the rear of the building, rather than the currant location of along the north side of the building.

WHEREAS, the Engineer has recommended that the Township of Berlin reduce the Performance Guarantee from \$32,885.40 to \$9,865.62

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the Performance Guarantee reduction from \$32,885.40 to \$9,865.62 is hereby granted.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2011-204. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-205 GRANTING ARCADE AMUSEMENT GAMES LICENSES TO SAHARA SAM'S OASIS, LLC

WHEREAS, Sahara Sam's Oasis has filed applications with the Township of Berlin, County of Camden, New Jersey, for a Amusement Games License for January 1, 2012 and expiring on December 31, 2012;

**Sahara Sam's Oasis, LLC
Arcade
535 North Route 73 West Berlin N.J.**

**License # 36-2000-1-00117
Tr. No. 1330
Control No. 00117**

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, 2012 and ending December 31, 2012.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2011-205. Resolution adopted by call of the roll, four members present voting in the affirmative, one abstain.

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**RESOLUTION 2011- 206 APPROVING ADOPTION OF A CAFETERIA PLAN
FOR THE EMPLOYEES OF THE TOWNSHIP OF BERLIN**

WHEREAS, on March 22, 2010, the State of New Jersey adopted P.L. 2010, C.2, which amended, in part, N.J.S.A. 52:14-17.25, et seq., and required, inter alia, that public employees begin to contribute a minimum amount towards the costs of their medical benefits costs; and

WHEREAS, on June 28, 2011, the State of New Jersey adopted P.L. 2011, c.78 which amended, in part, N.J.S.A. 40A:10-16, et seq., and required, inter alia, that public employees begin to contribute a minimum amount towards the costs of their health benefits; and

WHEREAS, the Township has reviewed and considered the implementation of these required amendments to the type of insurance plan offered to its employees, including changes to the Cafeteria Plan which it currently offers to its employees as authorized under Section 125 of the Internal Revenue Code of 1986; and

WHEREAS, the Township agrees that it should implement a revised Cafeteria Plan to be effective, January 1, 2012, in order to implement the required amendments;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Berlin, County of Camden and State of New Jersey that the Township of Berlin, as the “Employer”, hereby authorizes the approval of said Cafeteria Plan subject to a final review from the Township Solicitor and Chief Financial Officer ; and

BE IT FURTHER RESOLVED that the initial Plan Year shall run for a period beginning on January 1st and ending December 31st; and

BE IT FURTHER RESOLVED that the Township, as the Employer under the Cafeteria Plan, shall contribute to the Plan amounts sufficient to meet its obligation under the Cafeteria Plan, in accordance with the terms of the Plan Document, and shall notify the Plan Administrator to which periods said contributions shall be applied; and

BE IT FURTHER RESOLVED that the Township hereby designates the Chief Financial Officer as the Plan Administrator as defined in the Cafeteria Plan; and

BE IT FURTHER RESOLVED that that the proper officers of the Township are hereby authorized and directed to execute and deliver to the Plan Administrator one or more copies of the attached Cafeteria Plan; and

BE IT FURTHER RESOLVED that the Township, as the Employer, further approves and adopts the Summary Plan Description subject to final review from the Township Solicitor and Chief Financial Officer, which is to be distributed to the Township’s Employees as contemplated below; and

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BE IT FURTHER RESOLVED that the proper officers of the Township, as the Employer, shall act as soon as possible to notify employees of the adoption of the Cafeteria Plan by delivering to each Employee a copy of said Summary Plan Description .

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2011-206. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 207 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE CREATION OF BANK ACCOUNTS TO ADMINISTER CONTRIBUTIONS BY TOWNSHIP EMPLOYEES TOWARDS THE TOWNSHIP-OFFERED CAFETERIA PLAN INCLUDING VOLUNTARY CONTRIBUTIONS T FLEXIBLE SPENDING ACCOUNT

WHEREAS, on November 21, 2011, the Township of Berlin ("Township") adopted Resolution #2011-206, which established certain amendments to the Cafeteria Plan offered by the Township to its employees, pursuant to Internal Revenue Code Section 125, for the purpose of complying with certain amendments to the New Jersey State Health Benefits Program Act, N.J.S.A. 52:14-17.25, et seq., and amendments to N.J.S.A. 40A:10-16, et seq., relating to health insurance benefits and employee contributions thereto; and

WHEREAS, in furtherance of Resolution 2011-206, and in accordance with the requirements established by the statutory amendments referenced above, the Township desires to open a separate bank account for the purpose of administering the Cafeteria Plan FSA (Flexible Spending Account) options:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that the Chief Financial Officer is hereby authorized to open a Flexible Spending Account with the Bank of America as designated by P.L. 2011 c. 78, Section V, entitled Section 125 Plans, and that all checks for this account shall require the following signatures, effective January 1, 2012;

Chief Financial Officer, Lori Campisano.
Mayor, Phyllis Magazzu
Township Clerk, Catherine Underwood

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BE IT FURTHER RESOLVED, that the said Bank of America is hereby authorized and instructed to honor checks, executed as aforesaid, upon this checking account of the Township of Berlin, until further notice, unless specifically otherwise authorized by Resolution of the Mayor and Council.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-207. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 208 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE IMPLEMENTATION OF A TOWNSHIP-PROVIDED FLEXIBLE SPENDING ACCOUNT PROGRAM AND DESIGNATING AMERIFLEX AS THE FLEXIBLE SPENDING ACCOUNT PROGRAM ADMINISTRATOR

WHEREAS, on November 21, 2011, the Township of Berlin ("Township") adopted Resolution 2011-206, which established certain amendments to the Cafeteria Plan offered by the Township to its employees, pursuant to Internal Revenue Code Section 125, for the purpose of complying with certain amendments to the New Jersey State Health Benefits Program Act, N.J.S.A. 52:14-17.25, et seq., and amendments to N.J.S.A. 40A:10-16, et seq., relating to health insurance benefits and employee contributions thereto; and

WHEREAS, on November 21, 2011, the Township adopted Resolution 2011-207, Authorizing the creation of a bank account with Bank of America for the purposes of administering the Flexible Spending Account programs; and

WHEREAS, in furtherance of Resolutions 2011-206 and 2011-207, and in accordance with the requirements established by the statutory amendments referenced above, the Township desires to create a Flexible Spending Account program and to designate itself as the Flexible Spending Account provider for said program; and

WHEREAS, in furtherance of Resolutions 2011-206 and 2011-207, and in accordance with the requirements established by the statutory amendments referenced above, the Township further desires to designate and authorize AmeriFlex, Inc., to be the Flexible Spending Account Administrator for the Township's self-administered Flexible Spending Account program;

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 Township of Berlin hereby establishes the Township of Berlin Flexible Spending Account Program, as part of the Township's Section 125 Cafeteria Plan, in accordance with Internal Revenue Code Section 125 and the above-cited

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amendments to the New Jersey State Health Benefits Program Act as set forth in N.J.S.A. 52:14-17.25, et seq., and N.J.S.A. 40A:10-16, et seq.; and

2. The Township of Berlin is hereby designated as the plan provider for the Township of Berlin Flexible Spending Account Program which shall hereafter be offered to Township employees as part of the Township's Section 125 Cafeteria Plan; and

3. AmeriFlex is hereby designated as the Administrator of the Township of Berlin Flexible Spending Account Program such that AmeriFlex is authorized to perform administrative services pertaining to the operation of the Township of Berlin Flexible Spending Account Program in accordance with a certain AmeriFlex Administrative Services Agreement, as otherwise referenced herein below; and

4. The Governing Body is hereby authorized to enter into and execute the AmeriFlex Administrative Services Agreement subject to a final review from the Township Solicitor and Chief Financial Officer ; and

5. The Township of Berlin hereby designates that the Chief Financial Officer to communicate with AmeriFlex, on behalf of the Township of Berlin, regarding the administrative services to be provided by AmeriFlex to the Township pursuant to the AmeriFlex Administrative Services Agreement.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-208. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-209 RESOLUTION TO EXTENDING CONTRACT WITH RE COMMUNITY CAMDEN RECYCLING FOR FIVE YEARS

WHEREAS, the Township of Berlin previously entered into a contract agreement with RE COMMUNITY CAMDEN RECYCLING ; and

WHEREAS, RE COMMUNITY CAMDEN RECYCLING has extended the contract to five more years for the municipalities: and

WHEREAS, Public Works Director Recommends, based on past performance and proposed contract terms that the governing body consider the extension.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin hereby authorizes the contract extension for five years with RE COMMUNITY CAMDEN RECYCLING.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-209. Resolution adopted by call of the roll, five members present voting in the affirmative.

BUSINESS LICENSE

1) Traditional Floor Company, Michael Chmielewski, 465 E. Taunton Avenue. Hardwood Flooring, install, repair and refinished

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

CONSENT AGENDA

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

APPROVAL OF CORRESPONDENCE CALENDAR FOR OCTOBER 2011

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

APPROVAL OF MEETING MINUTES FROM OCTOBER 24, 2011

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve the minutes for October 24, 2011. Motion carried by voice vote, four present voting in the affirmative, one abstain.

ALL OTHER BUSINESS

Mayor Magazzu discussed the plans for the Holiday Tree Lighting on December 9th 2011 at 7:00 pm. Mayor stated that PEACE, Surrounding Churches and schools will be participating in the event.

Councilman McIntosh talked about the New Jersey League of Municipalities Convention and how Mayor and Council have completed of the classes for Best Practice.

PUBLIC PORTION

Motion by Council President Morris, 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.

No Comments were to be heard

Motion by Council President Morris, second by Councilman McIntosh 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.

New Councilmember Frank Epifanio thanked Mayor and Council for the opportunity to sever as Councilmember. Councilman Epifanio stated that he is honored for this opportunity to serve the public and will do his best.

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ADJOURN

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

Meeting adjourned 7:25 pm

Catherine Underwood, Township Clerk