

DECEMBER 15, 2008

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD IN THE CONFERENCE ROOM OF THE SCHOOL BOARD ADMINISTRATIVE BUILDING, 225 GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY, DECEMBER 15, 2008 AT 6:30 P.M.**

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

**Note Tape recorder was not working.**

**ROLL CALL**

**Present-** Councilman Batten, Councilman Morris,  
Council President DiGangi, Mayor Magazzu

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

**Absent-** Councilman McIntosh, Michael Hayden, Chief Of  
Police.

**GOOD AND WELFARE #1**

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

Mr. Brian Betze, Superintendent of Berlin Township schools talked about the possibility of the pre-k program becoming a full day Program. At this time the enrollment of the John F. Kennedy School is about 450 students and at Dwight D. Eisenhower is about 250 students. With the full day pre-k program it would mean more students at John F. Kennedy school so the School Board is considering moving 4 grade over to the Dwight D. Eisenhower School. Mayor Magazzu stated her concerns that the 4 grade class would be missing out of classroom activities and parties because of them moving to a middle school. Mr. Betze addressed Mayor Magazzu concerns and said that they are working on programs and activities just for the 4<sup>th</sup> and 5<sup>th</sup> grade.

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

**DEPARTMENTAL REPORTS**

**A. ENGINEER'S REPORT**

**2008 Street Improvement Program:**

We are currently processing Voucher No. 4-Final and Change Order No. 3-Final for DiMeglio Construction for review and consideration by the Governing Body at the December 15, 2008 Council Meeting.

**2007 Street Improvements Program:**

We are currently processing Voucher No. 4-Final for Cushman Avenue, for American Asphalt for review and consideration by the Governing Body at the December 15, 2008 Council Meeting.

**B. ENGINEER'S REPORT**

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

The Contractor has completed the project. We have performed an inspection and issued a Punch List of items requiring rework and/or correction, advising the Contractor that they have two weeks to complete these items. The Contractor has completed the Punch List with the exception of some minor ponding areas, which they are working on correcting.

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

The N.J.D.O.T. has announced the allotment of \$170,000.00 of FY2009 funding for a total allotment of \$320,000.00. At the last Council Meeting, the Governing Body authorized our office to perform the engineering design. We have commenced with the survey fieldwork and will follow with the engineering design.

Once the design is complete, we will submit the applications to the N.J.D.O.T. and The Pinelands Commission for their approval.

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It is probable that Mayor Magazzu will need to request an extension of time to award a contract and the funding allotment past the June 30, 2009 deadline date.

We are hopeful that the N.J.D.O.T. design included the management of the stormwater, which will be generated from the proposed sidewalk. We have contacted the N.J.D.O.T. design consultant and are waiting for their response, regarding this matter.

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

The Governing Body has determined that they will consider the project in 2009 for possible construction in 2010. Therefore, if the Governing Body decides to proceed with the project, the limits and the scope of work and authorization of the engineering will be considered in 2009.

I mentioned, last month, that Papparone Housing is preparing a developer's agreement, which will outline the responsibilities of the developer and Township, for the improvements along the street.

I have submitted the estimated construction, engineering and inspection costs, in two sections, for the street reconstruction.

**4. MULTI-YEAR CAPITAL IMPROVEMENTS PROGRAM:**

As mentioned, last month, once I received Mr. McGee's comments on the "Draft" copies of the Engineer's Report, I will make the necessary revisions and submit the final version to the Governing Body, Ms. Campisano, and Mr. McGee.

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

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

The New Jersey Department of Transportation has informed our office that the announcement of the selected projects will be made, this month.

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

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

The Township has received the final reimbursement of funds from the New Jersey Department of Transportation. However, as discussed by Ms. Campisano there was a shortfall of \$3,180.00.

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We have prepared and submitted a request to Assistant Commissioner Sharon Shinkle-Gardner, Government/Community Relations and Communications for her assistance in obtaining the \$3,180.00 reimbursement.

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

We have completed the amendments to the Construction Plans and Specifications and have resubmitted them to the Department, for authorization to schedule the receipt of bids. We have also provided Mayor Magazzu with copies of the manufacturer's information for the selection of the trash receptacle, bench, and bicycle rack for consideration.

**7. 2007 STREET IMPROVEMENTS PROGRAM:**

- a) Improvements to Veteran's Avenue- Krisanna Construction:

We have forwarded the final payment voucher in the amount of \$38,000.00 to the New Jersey Department of Transportation for their review and approval.

- b) Grove Avenue and Mink Avenue- American Asphalt:

The Contractor has responded to my correspondence, regarding the topsoil and seeding along Grove Avenue. They have decided to accept the option of receiving no payment for the topsoil and seed rather than performing the corrective work, in order to receive payment. We will prepare a change order to document the deletion of the item from the Contract.

**8. ANTICIPATED FEDERAL STIMULUS PLAN FOR INFRASTRUCTURE IMPROVEMENTS:**

There has been much discussion about President-Elect Obama's stimulus plan for infrastructure improvements. At this time, it appears that "ready to go" State projects, i.e., projects that could be started within a few months, will receive high priority. I have not heard any discussions, regarding the allotment of these funds for municipal "ready to go" projects.

Many years ago, there was a Federal program, which provided funds for construction ready municipal projects, through the State. I believe that it would be beneficial for municipal officials to discuss the inclusion of funds to municipalities with Congressman Andrews and the State Legislators.

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

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

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

The County Engineer has informed me that the property owners, which are concerned about the property acquisition and increased traffic volumes, have not contacted him to schedule a meeting with him and the consultant.

The Governing Body has not taken any action on passing a resolution, in support of the proposed improvements, due to the property owners' concerns. The County Engineer, some time ago, requested that the Governing Body consider passing a resolution, in support of the proposed improvements, before the end of this year. I have asked the County Engineer if there will be any issue if the Governing Body does not take any action until the beginning of 2009. Once I have received his response, I will inform the Governing Body.

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

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

I have forwarded the contact information, for N.J.D.O.T. Acting Commissioner Dilts, to the property owners, which had attended the meeting on November 24, 2008. I had informed the N.J.D.O.T. Assistant Commissioner Shinkle-Gardner of the opposition to the jughandle by the property owners. The Assistant Commissioner had questioned if the Governing Body would be passing a resolution of support for the jughandle. The Assistant Commissioner had noted that the N.J.D.O.T. will not consider any further requests for the traffic signal at D'Angelo Drive.

I recommend that the Governing Body discuss the matter and consider developing a strategy to address the issue with the property owners and the N.J.D.O.T.

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

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It is my understanding, from the discussions at a meeting with the Commissioner, that the N.J.D.O.T. will consider the request for payment for this additional work. To date, we have not received any further response from the N.J.D.O.T.

d. Maintenance Along N.J.S.H. Route 73 and the Constructed Wetlands/Stormwater Basin Along Walker Avenue:

The Governing Body determined that the Township would not be willing to perform the cutting of the grass, along the highway. I question if the Governing Body has submitted any correspondence to the New Jersey Department of Transportation, stating this position.

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

I had mentioned, at the last Council Meeting, that I had submitted a letter to the New Jersey Department of Transportation requesting certain conditions at the median opening at the proposed Golden Corral restaurant driveway. The applicant had mentioned, at the last Planning Board Meeting, that they expect to receive a response from the N.J.D.O.T., regarding their Highway Access Permit, in January 2009. I would expect the N.J.D.O.T. will respond to my letter, at that time.

**12. DELAWARE VALLEY REGIONAL PLANNING COMMISSION (DVRPC) ROUTE 73 CORRIDOR STUDY:**

On November 24, 2008, the Township Officials met with representative of the DVRPC to discuss transportation issues along and near N.J.S.H. Route 73. The DVRPC is compiling information for the section of the highway, from Evesham Township to Winslow Township. The Township Officials presented many traffic issues and discussed the status of various issues with the N.J.D.O.T.

The DVRPC, will be developing and issuing, a report outlining their findings and making recommendations, in the future.

**13. PRE-MITIGATION FLOOD CONTROL PROGRAM:**

No update to report at this time.

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

The application will be reconsidered, by the County, for Round 10, in 2009.

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

I am trying to schedule a meeting, with Mr. Kricun and the members of the Governing Body to discuss the status of the current sewer flow and increase in the sewer allocation. I hope to receive dates, which Mr. Kricun is available. Once I receive those dates, I will contact the Township Officials.

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

No update to report at this time.

**17. WATER USE REGISTRATION:**

We had previously requested, in writing, that the N.J.D.E.P. make corrections to the Water Use Registration Permit that was issued to the Township.

We had also requested relief from the condition that the Township install flow meters on all four permitted wells within 30 day of the receipt of the permit. The meters would have to have been installed by November 1, 2008 to comply with the permit.

We were contacted by the permit reviewer Mr. Akinsanya Ode. He had advised our office that the Township must commit to a date for the installation of the four meters, in writing, before they would issue the corrected permit.

After discussing the matter with Mr. Scott Smith and Mr. McGee, we drafted a letter for the Mayor's review and signature. The letter states that the meters will be installed no later than April 1, 2009.

Ms. Catherine Underwood was provided with an electronic copy of the letter, to be placed on Township letterhead.

It is our understanding that Ms. Underwood has printed the letter, obtained the Mayor's signature and mailed the letter to the N.J.D.E.P.

**18. COUNCIL ON AFFORDABLE HOUSING, ROUND 3 RULES:**

I have mentioned, in past reports, that the municipalities, which are petitioning for substantive certification, must do so by the end of the year.

The Council on Affordable Housing has issued the Round 3 Growth Share Obligation for the Township, which is 228 affordable housing units. The Round 2 obligation, is 109 units for a total obligation of 337 affordable housing units.

I had, previously, mentioned that builders have been encouraged to seek out those municipalities, which have not petitioned for certification, and consider filing a builder's remedy lawsuit to construct the affordable units, within those municipalities.

**19. TAX MAP REVISIONS:**

I am currently checking the revisions, which have been made to the Tax Maps. Once I have completed the review, I will issue the revised set to the Township.

We had revised the Tax Maps to depict the land transfers, between P.S.E.G. and the Township, for the Luke Avenue Recreation Complex. After discussing the issue with Ms. Zoppel, it appears that the deeds were not filed with the County Clerk's Office. I believe that Ms. Zoll will be contacting P.S.E.G. to determine the status of their signing and recording of the deeds.

**20. CHANGES TO THE ZONING AND LAND USE ORDINANCES (KEI# 185BT3662):**

a. Hotel/Motel Ordinance:

On November 24, 2008, the Governing Body introduced the ordinance. The Planning Board reviewed the content of the ordinance and recommended that it be adopted, as it is drafted.

I issued a letter to the Planning Board, dated November 25, 2008, with recommendations for the inclusion of additional conditions. I have, recently forwarded a copy of the letter to the members of the Governing Body.

b. Amendments to the Land Use and Zoning Ordinances:

I believe that the Planning Board will be reviewing these ordinances and submitting recommendations for amendments to the Governing Body in 2009.

**21. BOROUGH WATER ALLOCATION AND CONNECTIONS FOR NEW DEVELOPMENTS:**

I received a telephone message from the Berlin Borough Utilities Engineer, in response to my correspondence to him. He has informed me that he was going to discuss the issue with the Governing Body at the Council Meeting on December 1, 2008. I have contacted the engineer, requesting an update. Once I receive the update, I will inform the Governing Body.

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

We appreciate having the opportunity to serve the Governing Body and the residents of the Township of Berlin over the past years. We are, hopeful, for the opportunity to continue our service in 2009.

**SOLICITOR'S REPORT**

1. Water Agreement with Berlin Borough
2. Increase Sewer Allocation Buildout
3. Vacation Portion Kelley Drive
4. Municipal Building Redevelopment
5. Verizon Peg Channel
6. C & M Auto Repair
7. Richard Winans V. Berlin Township Walt Shendock
8. Salahuddin Smart V. Police Officer
9. Nancy Anderson V. Berlin Township
10. Shehata and Ibrahim V. Berlin Township
11. Tax Foreclosures
12. Pending Tax Appeals

**DIRECTOR OF PUBLIC WORKS**

Michael McGee said that he had received a phone call from Triboro stating that Luke Ave fields had been flooded out from water. Triboro banks of dirt had apparently washed away and flood the fields. They had been out all day fixing the issue.

Mike also stated that his crew was finishing up the leaf collections this week.

**ZONING DEPARTMENT**

Mike Laginestra noted that he was finishing up the renewals for the Mercantile License for the year 2009.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2008-14 AMENDING CHAPTER 125 OF THE CODE OF THE TOWNSHIP OF BERLIN CAPTIONED "WATER AND SEWER".**

**WHEREAS**, certain property owners and/or developers have requested extension of their sewer connection permits previously granted, due to an inability to proceed with development of the site; and

**WHEREAS**, the Township had granted such extensions as a matter of course, and is now presently required to grant such extensions, pursuant to the Permit Extension Act of 2008, N.J.S.A. 40:55D-136.1 et. seq.; and

**WHEREAS**, the sewer connection fees charged by the Township are periodically increased due to increasing costs to the Township, and such fees are based upon the costs at the time said

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permits are issued.

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

**SECTION 1:** Chapter 125 of the Code of the Township of Berlin entitled "Water and Sewer" is hereby amended to include the following provision:

**§125-14.1(C)** In the event the permit for the sewer connection is extended beyond the prior expiration date or otherwise tolled, and the sewer connection fee imposed pursuant to Section (A) above has increased following the initial grant of the permit, upon the extension thereof the permit holder shall pay the difference between the fee paid at the time the permit was issued and the fee currently charged pursuant to the Ordinance.

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

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

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

Motion by Council President DiGangi, second by Councilman Batten to open the meeting to the public. Motion carried by voice vote, all four present voting in favor. Mayor Magazzu opened the meeting to the public for questions or commented on Ordinance 2008-14. Solicitor Donafaye Zoll stated that she received a phone call about Ordinance 2008-14 and suggested to Mayor and Council to table the Ordinance till next meeting so she could review this information. Motion by Councilman Morris, second by Council President DiGangi to close the meeting to the public. Motion carried by voice vote, all four present voting in the favor. Motion by Council President DiGangi, second by Councilman Batten to tabled Ordinance 2008-14. Ordinance tabled by call of the roll, four of the members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2008-15 AN ORDINANCE AMENDING CHAPTER 125-14.1 SEC. A OF THE TOWNSHIP OF BERLIN - SEWER CONNECTION FEE**

**WHEREAS,** The Township of Berlin is required on an annual basis to evaluate its sewer connection fee; and

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

**WHEREAS,** as a result of this analysis, it is necessary for the Township to increase its sewer connection fee from \$2,186.00 to \$2,345.00; and

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

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

**SECTION 1:** As required by law, a public hearing will be held on December 8, 2008, to increase the Township sewer connection fee from \$2,186.00 to \$2,345.00.

**SECTION 2:** As a result of said public hearing, the Township has approved a revision to the sewer connection fee from \$2,186.00 to \$2,345.00 effective February 1, 2009.

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

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

Motion by Council President DiGangi, second by Councilman Morris to open the meeting to the public. Motion carried by voice vote, all four present voting in favor. Mayor Magazzu opened the meeting to the public for questions or commented on Ordinance 2008-15.

Mayor at this time we will have testimony from our Chief Financial Officer on the validity of the calculations of this Ordinance.

Solicitor, Mrs. Campisano will you please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you god.

Mrs. Campisano, I do.

Solicitor, Mrs. Campisano by whom are you employed?

Mrs. Campisano, Berlin Township.

Solicitor, what is your position with the Township?

Mrs. Campisano, Chief Financial Officer.

Solicitor, and have you been directed to reviews the Debt Service in the connection of sewer units for the Township in order to determine sewer connection fee?

Mrs. Campisano, yes.

Solicitor, are you familiar with the statutory requirements for the establishment of the sewer connection fee.

Mrs. Campisano, yes I am.

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Solicitor, have you completed those calculations?

Mrs. Campisano, yes I did.

Solicitor, and how were those calculations performed?

Mrs. Campisano, the calculations I prepared, were prepared in accordance with State Statute involving three items. The first item would be the amount of debt service paid to date. The second item would be any Capital outlay including Capital Expenditures made by the township not funded by a Bond Ordinance but through the operating budget. The third item being the number of service units. Debt Service, includes all Principal and Interest of, all Bonds and the amount of any Loans and Interest paid by the Township. The Capital outlay includes Capital Expenditures made by the Township not funded by a Bond Ordinance paid through our regular sewer operating budget. The total Debt Service and Capital Outlay, less any grants which are not to be repaid is divided by the number of service units served by the township at the end of the immediately preceding budget year, which was 6/30/08. The total Debt Service that was paid through June 30, 2008 of \$7,122,864.72, would be divided by the total number of service units totaling 3,037, obtained from the Tax Office. The result equals \$ 2345.00 which is the maximum sewer connection fee which may be charged

Solicitor, I believe you indicated that those calculations were performed in accordance with the statutory requirements.

Mrs. Campisano, yes they were.

Solicitor, in your opinion, would a connection fee of \$2345.00 meet the statutory requirements for establishing such a fee.

Mrs. Campisano, yes I do.

Solicitor, would this fee apply only to new connection permits which are issued on or after February 1, 2009.

Mrs. Campisano, yes.

Solicitor, thanked Mrs. Campisano, and stated for the record that the notice for this Ordinance was advertised in the required newspapers, and notice was given to Voorhees Township as well as Berlin Borough with respect to the sewer connection fee.

Mayor asked if anybody else from the public had any comments. There were no comments to be heard.

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Motion by Councilman Batten, second by Councilman Morris to close the meeting to the public. Motion carried by voice vote, all four present voting in the favor. Motion by Council President DiGangi, second by Councilman Morris to adopt Ordinance 2008-15. Ordinance adopted by call of the roll, four of the members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2008-16 OF THE TOWNSHIP OF BERLIN AMENDING CHAPTER 129 OF THE TOWNSHIP OF BERLIN ENTITLED "ZONING"**

**WHEREAS**, the Township of Berlin has reviewed certain provisions regarding commercial uses of property within the Township; and

**WHEREAS**, the Planning/Zoning Board and Governing Body have determined that it is necessary to establish amendments to the Township's ordinances concerning the development of properties for hotel or motel use, so as to protect the health and safety of the residents of the Township.

**NOW, THEREFORE, be it ORDAINED**, by the Mayor and the Township Council of the Township of Berlin, as follows:

**SECTION 1:** Article IX, Chapter 129, of the Code of the Township of Berlin, entitled "Highway Commercial Zones, C-1 and C-2, C-2RD and C-3" is hereby amended to include the following provisions:

**§129-54.2. Additional Requirements for Hotel and Motel Use and Development.**

The following requirements shall apply to all properties developed for hotel and/or motel or similar use, whether located in this zone or in any other zone of the Township:

A. All such uses shall include within the development an in-ground swimming pool for the use of guests, with a size of at least 20 feet by 40 feet, as well as an outdoor playground area and/or open space for the use of guests.

B. All such uses shall include a restaurant which is open to the general public.

C. All guest rooms shall be of a minimum size of 500 square feet.

D. All buildings shall be built and situated so as to provide access for fire trucks around the entire perimeter of the building.

**SECTION 2:** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Court to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

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

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

Motion by Council President DiGangi, second by Councilman Morris to open the meeting to the public. Motion carried by voice vote, all four present voting in favor. Mayor Magazzu opened the meeting to the public for questions or commented on Ordinance 2008-16. There were no comments to be heard. Motion by Councilman Batten, second by Councilman Morris to close the meeting to the public. Motion carried by voice vote, all four present voting in the favor. Motion by Council President DiGangi, second by Councilman Morris to adopt Ordinance 2008-16. Ordinance adopted by call of the roll, four of the members present voting in the affirmative.

**FIRST READING ORDINANCE 2008-17 FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY.**

Motion by Councilman Morris, second by Council President DiGangi to adopt Ordinance 2008-17 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2008: 206 AUTHORIZING PURCHASES BASED UPON THE AWARD OF CONTRACT TO INTERNATIONAL SALT CO., LLC IN ACCORDANCE WITH THE COOPERATIVE BID AWARDED BY THE COUNTY OF CAMDEN**

**WHEREAS**, the County of Camden, as the lead agency for the Camden County Cooperative Pricing System, in which Berlin Township is a member, system identifier #57-CCCPS (Cooperative), received and opened bids at its Division of Purchasing on October 8, 2008 at 10:00a.m., Prevailing Time, Bid B-11, Furnishing and Delivering Sodium Chloride, Pretreated Liquid Enhanced Sodium Chloride and Corrosion Inhibited de-icing Liquid, the receipt of which bids were duly advertised in accordance with law; and

**WHEREAS**, International Salt Co., LLC , is the lowest responsible bidder who complied with the specifications, bid the unit price of \$67.47 per ton for Item #1, Sodium Chloride, aggregate amount not to exceed 20,000 tons; and

**WHEREAS**, by resolution adopted on October 16, 2008, the Camden County Board of Chosen Freeholders awarded contracts for Camden County's needs and participating municipalities in the Cooperative, under the aforementioned bid to International Salt Co., LLC: and

**WHEREAS**, the term of the contract awarded shall be for one year commencing November 14, 2008; and

**WHEREAS**, funding for this purpose shall not exceed the maximum budgeted line items for streets and roads in the temporary and/or permanent SFY 2009 and SFY 2010 budgets and Snow Removal Trust of the Township and shall be encumbered in accordance with N.J.A.C. 5:34-5.3(b)(2); and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the Public Works Department is hereby authorized to purchase sodium chloride at a unit price of \$67.47 per ton pursuant to Camden County Bid B-11, Furnishing and Delivering Sodium Chloride, Pretreated Liquid Enhanced Sodium Chloride

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and Corrosion Inhibited de-icing Liquid for a one year term commencing November 14, 2008.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-206. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2008:207 ESTABLISHING SALARY AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNY OF CAMDEN, NEW JERSEY**

**WHEREAS**, N.J.S.A. 40A:5-19 permits the governing body of each municipality to establish an ordinance setting forth the salary ranges for municipal officers and employees; and

**WHEREAS**, the Mayor and Council of the Township of Berlin has adopted such an ordinance for calendar year 2009; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the following named officers and employees of the Township of Berlin shall be paid and receive for their services during the calendar year 2009 the salary or wages hereinafter set opposite the position as listed:

POSITION	AMOUNT PER YEAR
Mayor	\$ 10,787.00
President of Council	8,634.00
Councilpersons	6,485.00
Office Manager	16,224.00
Chief Financial Officer	75,945.00
Township Clerk	5,200.00
Deputy Township Clerk	28,080.00
Deputy Township Clerk – Additional	3,000.00
Assistant Township Clerk	21,840.00
Tax Assessor	22,880.00
Tax Collector	54,228.00
<b>Sewer Clerk</b>	<b>3,737.00</b>
Tax/Sewer Clerk	27,040.00
Finance Clerk	36,615.00
Municipal Judge	19,519.00
Municipal Court Administrator	50,024.00
Deputy Court Administrator	31,480.00
Court Recording Operator	77.00 per court
Prosecutor	12,110.00
Clerk Typist/Part Time	10.50, 11.15, 12.20 & 13.50 per hour
Student Clerk Typist	Minimum wage
Fire Sub Code Official	7,187.00
Const. Code Official/Building Inspector	20,956.00
Plumbing Inspector	9,780.00
Electrical Sub Code Official/Electrical Inspector	9,780.00
Administrative Secretary, Land Use	43,336.00
Sewer Department Standby	\$200.00 per month

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Crossing Guards		\$ 11.07 per hour
Secretary to Director of Public Works		44,375.00
Property Maint/Bd of Health/Zoning Officer		44,073.00
Librarian		14,082.00
Emergency Management Coordinator	\$	3,001.00
Grants Coordinator		19,394.00
Bus Driver	\$ 16.05 per hour	
Construction Mechanic	\$ 15.00 per hour	
Building Custodian	\$ 12.98 per hour	
Chief of Police		102,500.00
Lieutenants of Police		84,076.00
Sergeants of Police		79,635.00
Patrolmen:		
Date of Hire		43,697.00
Beginning of 2 <sup>nd</sup> year		49,315.00
Beginning of 3 <sup>rd</sup> year		54,933.00
Beginning of 4 <sup>th</sup> year		60,551.00
Beginning of 5 <sup>th</sup> year		66,169.00
Beginning of 6 <sup>th</sup> year		75,298.00
Clerk Typist – Police Department		38,339.00
Secretary, Police Department		42,839.00
Director of Public Work		84,930.00
Deputy Director of Public Works		50,593.00
Employees of Public Works Department	\$ 14.50 – 23.79 per hour	
Temporary Public Works Employees	\$12.00 per hour	

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2008-207. Resolution adopted by call of the roll, four members present voting in the affirmative.

**Resolution 2008:208                      Payment of Bills December 15, 2008**

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

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

<b>TO</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
CC Animal Shelter	Dog Trust	440.00
John Iannelli	Municipal Public Defender	450.00
David F. Carlamere	Planning Board Esc #208	300.00
	Planning Board Esc #339	110.00

**DECEMBER 15, 2008**

KEI Associates	Planning Board Esc #339	110.00
	Planning Board Esc #88888	224.46
	Zallie Shop Rite Bond	101.79
	Planning Board Esc # 32	597.50
	Planning Board Esc # 32	513.75
	Planning Board Esc # 153	227.50
	Planning Board Esc #267	837.50
	Planning Board Esc # 304	1,217.50
	Planning Board Esc # 336	3,948.75
	Planning Board Esc # 339	255.00
	Planning Board Esc # 339	680.00
	Planning Board Esc # 346	1,650.00

**CONFIRMING**

Dollar Tree	01-201-30-420-2105	135.15
Party City	01-201-30-420-2105	34.20
Harry McAllister	04-216-55-860-06017	100.00
S & H Electrical	04-215-55-860-07094	1,750.00
SMI	04-215-55-860-32203	3,704.00
S & H Electrical	04-215-55-860-32203	2,486.22
NJ State Health	01-201-23-220-2092	11,456.79
	01-201-23-220-2092	39,105.82
Payroll, Current Fund	11/6/2008	57,675.04
Payroll, Sewer	11/6/2008	4,720.52
Payroll, Current Fund	11/13/2008	57,579.04
Payroll Sewer	11/13/2008	4,670.61
Payroll, Current Fund	11/20/2008	58,246.97
Payroll, Sewer	11/20/2008	4,847.44
Payroll, Current Fund	11/26/2008	79,766.73
Payroll, Sewer	11/26/2008	4,637.38

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2008-208. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2008-209 FOR CHANGE ORDER NO. 2 FINAL FOR 2007 STREET IMPROVEMENT PROGRAM- GROVE AVENUE**

**DECEMBER 15, 2008**

**WHEREAS**, it was necessary to make changes in the scope of work to be done in completing the 2007 Street Improvements Program- Grove Avenue, in the Township Of Berlin, Camden County, New Jersey.

**WHEREAS**, Change Order No. 2- Final was developed to itemize and authorize those changes.

**WHEREAS**, Certification has been received by the Treasure / Finance Director that sufficient funds have been allocated for this Change Order.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Berlin that Change Order No. 2- Final is hereby authorized and approval is hereby granted to revise the contract amount from \$78,936.18 to \$70,815.31.

Motion by Council President DiGangi, second by Councilman Batten to adopt Resolution 2008-209. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2008-210 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-269 Brian Grabert 315 Washington 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.

## DECEMBER 15, 2008

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-210. Resolution adopted by call of the roll, four members present voting in the affirmative.

### **BUSINESS LICENSES**

1. **Proformance Cut**, 193 North Route 73, West Berlin. Barber Shop and Hair Salon.

Motion by Councilman Batten, second by Councilman Morris to approve business license for Proformance Cut. License approved by call of the roll, four members present voting in the affirmative.

2. **Route 73 Car Wash**, 240 North Route 73, west Berlin. Self Service Car Wash and Automatic Car Wash.

Motion by Council President DiGangi, second by Batten to approve business license for Route 73 Car Wash. License approved by call of the roll, four members present voting in the affirmative.

3. **Active Computers**, 357 Cleveland Avenue, West Berlin. Computer Services, Equipment is picked up and serviced and returned to customers.

Motion by Councilman Batten, second by Council President DiGangi to approve Business license for Active Computers. License approved by call of the roll, four Members present voting in the affirmative.

4. **Reviva Labs**, 556 South Route 73, West Berlin. Office Warehouse Cosmetic Distrbutors, wholesale for lotions and creams.

Motion by Councilman Batten, second by Council President Digangi to approve Business License for Reviva Labs. License approved by call of the roll, four members present voting in the affirmative.

### **CONSENT AGENDA**

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

### **APPROVAL OF MINUTES FOR NOVEMBER24, 2008**

Motion by Councilman Batten, second by Councilman Morris to approve the minutes of November 24, 2008. Motion carried by voice vote, four members present voting in the affirmative.

DECEMBER 15, 2008

**APPROVAL OF CLOSED MINUTES FOR NOVEMBER 24, 2008**

Motion by Councilman Batten, second by Councilman Morris to approve the minutes of November 24, 2008. Motion carried by voice vote, four members present voting in the affirmative.

**APPROVAL OF CORRESPONDENCE CALENDAR FOR NOVEMBER 2008**

Motion by Council President DiGangi, second by Councilman Batten to receive and file correspondence calendar for November 2008. Motion carried by voice vote, four members present voting in the affirmative.

**GOOD AND WELFARE #2**

Andrew Tindell from 368 Katherine Ave spoke about a raccoon hanging around an abandon house.  
Mayor Magazzu told him to call animal control and they would come and trap the raccoon.

**ALL OTHER BUSINESS FOR DISCUSSION**

**RESOLUTION 2008-211 OF THE TOWNSHIP OF BERLIN  
REGARDING THE PURCHASE OF PROPERTY**

**WHEREAS**, the Township of Berlin has been investigating various sites for the building and development of a new municipal building; and

**WHEREAS**, the Governing Body previously expressed an intention to engage in negotiations for the purchase of property located at 84 Haddon Avenue, designated as Block 701, Lot 1, to be purchased jointly with the Borough of Berlin; and

**WHEREAS**, the Borough of Berlin does not intend to jointly purchase property with the Township.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Governing Body of the Township of Berlin, that the Township hereby withdraws any interest in purchasing the property located at 84 Haddon Avenue, Block 701, Lot 1, as well as any prior offers or expressions of intent.

Motion by Council President DiGangi, second by Councilman Batten to adopt Resolution 2008-211. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2008-212 OF THE TOWNSHIP OF BERLIN  
FOR THE DEVELOPMENT OF A NEW MUNICIPAL BUILDING**

DECEMBER 15, 2008

**WHEREAS**, the Township of Berlin has been investigating various sites for the building and development of a new municipal building; and

**WHEREAS**, the Governing Body previously engaged in discussions with officials from the Borough of Berlin regarding the possibility of jointly purchasing property and developing a new building to be utilized by both entities; and

**WHEREAS**, the Borough of Berlin was to have adopted a binding Resolution to proceed with a joint purchase and/or joint building developed on Township property, which Resolution was to have been adopted on or before September 24, 2008; and

**WHEREAS**, the Borough of Berlin has advised that they do not intend to jointly purchase property with the Township of Berlin for the purpose of building a joint municipal complex, and do not intend to enter into an agreement for a joint building on property owned by the Township of Berlin or otherwise.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Governing Body of the Township of Berlin, that the Township shall proceed to purchase land as necessary and develop a new municipal complex, at its sole cost and expense, without involvement or participation by the Borough of Berlin.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-212. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2008- 213 RESOLUTION TO APPROVE THE HIRING OF A NEW SUBSTITUTE CROSSING GUARD**

**WHEREAS**, the current substitute crossing guard, Carol Cannan resigned, and **WHEREAS**, it is necessary to hire a new Crossing Guard, for the Township of Berlin; **BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that, **Charles Mauger**, 205 Second Avenue of Berlin Township, be hired as a Substitute Crossing Guard, effective immediately.

Motion by Council President DiGangi, second by Councilman Batten to adopt Resolution 2008-213. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2008-214 TO APPROVE TOWING COMPANIES TO PROVIDE TOWING SERVICES FOR THE TOWNSHIP OF BERLIN.**

**WHEREAS**, the Township of Berlin has reviewed the applications submitted to the Berlin Township as per Ordinance 110 and

**WHEREAS**, the Township of Berlin has effectively operated using three tow services and have found the rotation to be profitable and service reliable.

**DECEMBER 15, 2008**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Township of Berlin , County of Camden, New Jersey that the following Towing Companies provide towing services for the Township of Berlin effect for the period of January 1, 2009 through December 31, 2009.

- 1) **Paul's Towing**, 401 North Route 73, West Berlin
- 2) **Rick's Towing**, 401 South Route 73, West Berlin
- 3) **Albion Auto Parts**, 110 Cross Keys Road, Berlin

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-214. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2008-215 CLOSED SESSION TO DISCUSS THE DEVELOPMENT OF A NEW MUNICIPAL BUILDING**

**BE IT RESOLVED** by the Mayor and Council of the Township Of Berlin that the Mayor and Council are now going into closed session to discuss the development of a new municipality building.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2008-215. Resolution adopted by call of the roll, four members present voting in the affirmative.

**ADJOURNED**

Motion by Council President DiGangi, second by Councilman Batten to adjourn the meeting at 8:40 p.m. Motion carried by voice vote, all four members present voting in the affirmative.

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Jamey Eggers, Township Clerk