

FEBRUARY 11, 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, FEBRUARY 11, 2008 AT 6:30 P.M.**

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

All in attendance joined in the Salute to the Flag

ROLL CALL: Present- Councilman McIntosh, Councilman Morris, Council President DiGangi, Mayor Magazzu

Also Present- Lori Campisano, CFO; Engineer, Charles Riebel, Jr.; Solicitor, Donafaye Zoll; Michael Hayden, Police Chief; Michael McGee, Public Works Director

Absent - Councilman Batten on Vacation

**GOOD AND WELFARE #1**

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

There were no comments to be heard.

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.

**DEPARTMENTAL REPORTS**

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

- **Haddon Avenue Streetscape Improvements - Phase 2:** We anticipate submitting Voucher No. 3-Final for consideration and approval by the Governing Body at the Council Meeting on February 25, 2008.

**B. ENGINEER'S REPORT**

1. **2007 CAPITAL IMPROVEMENTS PROGRAM (KEI #458BT0506):**

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- a. **Krisanna Construction Contract – Veteran’s Avenue (N.J.D.O.T. Funding) and Minck Avenue:** The corrective work will not be performed until the weather becomes suitable, which will be in the early Spring 2008.
- b. **American Asphalt Company, Inc. – Cushman Avenue (C.D.B.G. Funded) and Grove Avenue:** The corrective work will not be performed until the weather becomes suitable, which will be in the early Spring 2008.

**2. SIDEWALK ALONG N.J.S.H. ROUTE 73, NORTHBOUND (N.J.D.O.T. FY2008 FUNDING - \$150,000):**

The N.J.D.O.T. has allotted \$150,000 for the section, which is between Jackson Road and Edgewood Avenue. The estimated construction cost is \$289,000. The estimated cost for construction, engineering and inspection is \$381,000.

There has been discussion that the project could be performed in phases, if contracted over a period of years. Mr. McGee mentioned the possibility, in an effort to complete the project in 2008, of the Public Works Department performing the construction. Since it is N.J.D.O.T. funded, it will be necessary to obtain their approval of this proposal.

The Governing Body also discussed the submission of a request for the allotment of the N.J.D.O.T. Commissioner’s Discretionary Funds. I recommend that Mayor Magazzu submit this request, in the immediate future. We will prepare a draft letter for consideration for use by Mayor Magazzu.

It will be necessary for the New Jersey Department of Transportation to approve and permit the construction, within their right-of-way. It will also be necessary to obtain the necessary approval from the Pinelands Commission.

We recommend that the Governing Body consider authorizing our office to proceed with the performance of the engineering and submission to the New Jersey Department of Transportation and Pinelands Commission. I have contacted the design engineer for the N.J.D.O.T. Circle Elimination Project, requesting any information on design and N.J.D.O.T. and Pinelands approvals, which may have included the sidewalk.

**3. C.D.B.G. PROGRAM, 2008-2009 (YEAR 30) FUNDING:**

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The program has allotted \$32,454 for this round of funding. A project must be selected, the Project Description Form completed and the Governing Body must pass a resolution selecting the project. The Project Description Form and resolution must be submitted to the Camden County Community Development Block Grant Program by March 20, 2008. It was anticipated that a street, within the East Berlin Section, would be selected. The original East Berlin section is not within the eligible C.D.B.G. area. Chestnut Avenue is an eligible street. The Centaurian Woods development is, also, within the eligible area.

**4. 2008 CAPITAL IMPROVEMENT PROGRAM:**

On January 11, 2008, we met with Mayor Magazzu, Council President DiGangi and Mr. McGee to discuss possible projects for 2008 and the future. I have attached a listing of possible projects for consideration for 2008.

I recommend that the Governing Body review the listing, select the desired projects, appropriate the necessary funds and authorize our office to perform the engineering and prepare the bid documents. I recommend the opening of bids, as early in the year as possible, to obtain the most competitive bids for construction.

I would be glad to discuss this matter, in further detail, with the Governing Body and other Township Officials.

Other eligible projects, within the eligible are, are pocket parks and recreation areas and sewer and water lines servicing the immediate neighborhood, handicap curb ramps and downtown revitalization.

We will discuss possible projects with Mr. McGee and submit a recommendation to the Governing Body for your consideration. I recommend that the Governing Body select the project and pass the resolution no later than the Council Meeting on March 10, 2008.

**5. HADDON AVENUE STREETScape IMPROVEMENTS (KEI #430BT1104 and #431BT1104):**

- a. **Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$200,000.00) (KEI #431BT0105):** Asphalt Paving Systems has completed the project. We anticipate submitting Voucher No. 3-Final for consideration and approval by the Governing Body at the Council Meeting on February 25, 2008.

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Upon completion of the project and final payment, we will assist Ms. Campisano with the reimbursement from the New Jersey Department of Transportation.

- b. **Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (KEI #29-430BT1104):** The N.J.D.O.T., Office of Local Aid recently advised our office that the Earmark Funds are available for authorization from the F.H.W.A.

The Department of Transportation anticipates scheduling the kick-off meeting this month. We have prepared and submitted a Funding/Construction Cost Analysis for review and consideration by the Governing Body. We are scheduled to meet with Ms. Campisano on February 7, 2008, at 10:00 a.m., to review the analysis.

**6. REQUEST FOR COUNTY ASSISTANCE FOR IMPROVEMENTS ALONG COUNTY ROADS:**

On January 29, 2008, Mayor Magazzu and I met with Freeholder Greco, Mr. Vesper and County Engineer Robert E. Kelly. I believe that the meeting was very productive and beneficial for all parties. The following is a listing of the projects, which were discussed at the meeting:

- a. **Traffic signal at Cooper Road and Taunton Avenue.** The Freeholders are ready to fund this project if the Township can acquire the necessary land for the widening of the right-of-way, along one corner of the intersection. Mayor Magazzu has informed me that she has spoken to the property owner and he is willing to convey the land.

We have submitted a copy of the legal description and print of the parcel acquisition plan to the owner and Ms. Zoll.

- b. **Streetscape Improvements along Haddon Avenue.** The County is not able to provide any funding in 2008. They recommended that the Township contact the Delaware Valley Regional Planning Commission (D.V.R.P.C.) to request funds. Since the Federal and State agencies are requiring that the project be completed, in the near future, it is improbable that any D.V.R.P.C. funding could be secured, prior to the commencement of construction.

- c. **Traffic Signal at Intersection of Franklin Avenue and Clifton Avenue/Egg Harbor Road.** Even though they felt that it was a needed project, the County requires that the Township perform the design.
- d. **Reconfiguration of the Intersection of Haddon Avenue/Walker Avenue, Veteran's Avenues and Bate Avenue.** We presented this project, as part of the redevelopment of the Haddon Avenue corridor and the creation of the Town Square. I noted that we request that the Freeholders consider providing funding assistance in the near future. The County Engineer stated that this project could be placed on the Federal Transportation Program (T.I.P.) list. He noted that a T.I.P. meeting was being held on February 5, 2008. The project would be submitted to the D.V.R.P.C.
- e. **Traffic Signal and Geometric Improvements to the Intersection of Haddon Avenue and Franklin Avenue.** The County Engineer has requested that a meeting be held, with Township Officials, to discuss the additional options for possible improvements. I recommend that the meeting be scheduled, as soon as possible, in order to continue with the required process. I would be glad to arrange for the scheduling of the meeting.  
The County Engineer noted that this project must be placed back onto the T.I.P. list.
- f. **Continuation of Four Lanes along Haddon Avenue.** The County representatives acknowledged the traffic conditions and stated that they will discuss the matter, amongst the County Officials. They did note that they will require support from the Governing Body for the project.
- g. **Coordination of Traffic Signals along Haddon and Walker Avenues.** They are going to review their files to see if this analysis was performed by the design engineer for the County project along Haddonfield-Berlin Road.
- h. **Extension of Lafayette Avenue to Egg Harbor Road.** This proposal was included as one of the options to address traffic congestions at the intersection of Haddon and Franklin Avenues. This project was noted more for planning purposes for the future.

- i. **Sidewalks along Haddon and Franklin Avenues.** The County representatives noted that they do not fund sidewalk projects.
- j. **Traffic Calming Measures along Franklin Avenue.** Mr. Vesper mentioned that the County and a few other municipalities have initiated discussion for the sharing of the cost for the installation of permanent, solar powered radar speed sign. If this pilot program proves to be successful, the County would be willing to offer the same proposal to Berlin Township.
- k. **Vehicle Wash Facility.** The County is not willing to participate with municipalities.  
Mr. Vesper noted that the County Shared Services Coordinator is attempting to assist municipalities in sharing vehicle wash facilities, amongst themselves.

**7. SAFE ROUTES TO SCHOOLS PROGRAM:**

The N.J.D.O.T. has announced the acceptance of applications for the next round of funding. Applications must be submitted by April 18, 2008. The program provides grants for non-infrastructure and infrastructure projects. Non-infrastructure projects include enforcement, education and encouragement programs. Infrastructure projects could be sidewalks, crosswalks, bike lanes, multi-use paths and traffic calming measures, within two miles of an elementary or middle school.

I recommend that the Governing Body consider applying for funds for traffic calming, including the radar speed signs, along Franklin Avenue.

**8. N.J.D.O.T. MATTERS:**

**a. Request for Traffic Signal at N.J.S.H. Route 73 and D'Angelo Drive:**

I believe that a meeting with the New Jersey Department of Transportation is being scheduled with the Township Officials.

**b. Request to N.J.D.O.T. for Payment of Additional Inspection Costs for Sanitary Sewer Work:**

At the last Council Meeting, Ms. Campisano had stated that the Township has not received the check, in the amount of \$32,000, for reimbursement of the inspection costs. We have contacted the N.J.D.O.T. to obtain a status on the payment. Once we receive a response, we will inform the Governing Body.

c. **Landscaping along Jug Handle, between Oak and Taunton Avenues:**

I have sent a letter to the N.J.D.O.T. requesting the planting of a landscape buffer, along the road, to screen the view of the rear of the retail stores. To date, I have not received any response from the N.J.D.O.T.

d. **Maintenance of Stormwater Management Facility and Made Wetlands, along Walker Avenue.** As directed by the Governing Body, I have sent a letter to the N.J.D.O.T., requesting their maintenance of these facilities and lands.

9. **AMENDMENTS TO THE STORMWATER MANAGEMENT ORDINANCE:**

On January 28, 2008 the Panning Board held the public hearing and passed Resolution No. 2008-8 for the amendments to the Stormwater Management Plan and Stormwater Control Ordinance. I believe that the Governing Body will be holding the public hearing and intends to adopt the amending ordinance, in February. Once adopted, the Plan and Ordinance will be sent to the Pinelands Commission, N.J.D.E.P., N.J. Soil Conservation District and County Planning Board.

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

I have requested an update from Mr. Kricun, regarding his discussions with the N.J.D.E.P. and the amendment to the Wastewater Management Plan. Once I receive a response, I will inform the Governing Body.

11. **CAMDEN COUNTY OPEN SPACE, ROUND 9:**

I believe that there was some discussion regarding the submission of an application for a portable movie screen, seating and amphitheater for the movie nights and other events at the Luke Avenue Recreation Complex.

Even though there are no specific submission deadline dates, I recommend that the application be submitted, in the immediate future.

12. **MONTEBELLO AGE RESTRICTED DEVELOPMENT**

I believe that the Township has authorized the installation of three, additional streetlights, which I had previously recommended.

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We continue to perform inspections of the street and sanitary improvements and lot grading.

**13. EXPANSION OF WAL\*MART:** No update to report at this time.

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

We have obtained the design engineer's storm drainage plan and calculations for the basin design. The as-built conditions of the contributing watershed differ from the design. Therefore, we have performed calculations of the contributing flows and expect to submit our findings within the next two weeks.

**15. MEETING WITH BERLIN BOROUGH PLANNING BOARD:**

As discussed, at the last Council Meeting, I will contact the Borough Planning Board Secretary to request the scheduling of a meeting or attendance at one of their meetings.

**16. PINELANDS MAINTENANCE AGREEMENT WITH CURRENT DEVELOPERS:**

As discussed in November, 2007, I will notify the developers, which have posted cash guarantees to provide them with the opportunity to develop agreements, in lieu of the posted cash. The agreements must be approved by The Pinelands Commission, before the cash guaranty is released.

**17. PRE-DISASTER MITIGATION – COMPETITIVE GRANT:**

No update to report at this time

**SOLICITOR'S REPORT**

1. Water Agreement with Berlin Borough – Information from Berlin Borough received by Ms. Campisano
2. Increase in Sewer Allocation/Buildout Analysis – No update.
3. Vacation of a Portion of Kelley Drive – No update.
4. Haddon Avenue Redevelopment Plan/New Municipal Building – No update.
5. Stormwater Control Ordinance – To be adopted on February 11, 2008.
6. Kelley Drive Basin – Waiting for list of property owners.
7. Tree Removal in Right of Way Areas – Issue remains open.
8. C&M Auto Repair – Letter from State DEP
9. Richard Winans v. Berlin Twp and Walter Shendock
10. Salahuddin Smart v. Berlin Township and Police Officers
11. Bonnie Ferreri v. Berlin Township

**PUBLIC WORKS DEPARTMENT**

Michael McGee reported that he has been in touch with the NJDOT

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with regards to sewer pipes and a sign on Fairfax Avenue that need to be fixed by them. Also, there are problems on Route 73 behind the Fat Tomato Restaurant.

**POLICE DEPARTMENT**

Michael Hayden, Police Chief sent letter out to Roma Pizza on January 30, 2008 with regards to Mayor and Council's decision not to approve their business license.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2008-1 AN  
ORDINANCE AMENDING CHAPTER 79 OF THE CODE OF THE TOWNSHIP  
OF BERLIN TITLED "LICENSED OCCUPATIONS", SECTION 79-9  
"TERMINATION OF LICENSE"**

**WHEREAS**, the Township previously adopted an Ordinance requiring certain businesses located within the Township to obtain a mercantile license, and, in connection with the issuance of the license, to pay certain fees for issuance and renewal of such licenses; and

**WHEREAS**, the term of the license must be amended to be consistent with the practice of the Township.

**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:** Article I, Section 79-9 of the Code of the Township of Berlin is hereby repealed and replaced with the following:

**§79-9. Termination of licenses.**

All annual licenses shall terminate on the 30<sup>th</sup> day of September of each year.

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

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

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

Motion by Councilman Morris, second by Council President DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2008-1. There were no requests to be heard. Motion by Councilman Morris, second by Council President DiGangi to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Council President DiGangi, second by Councilman Morris to adopt Ordinance 2008-1. Ordinance adopted by call of the roll, four members present voting in the affirmative.

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**SECOND READING AND PUBLIC HEARING ORDINANCE 2008-2 AN  
ORDINANCE AMENDING CHAPTER 79A OF THE CODE OF THE  
TOWNSHIP OF BERLIN TITLED “REGISTRATION OF BUSINESSES”,  
SECTION 79A-5 “EXPIRATION OF REGISTRATION STATEMENTS”**

**WHEREAS**, the Township previously adopted an Ordinance those businesses located within the Township, not otherwise subject to licensing and regulation by the Township, to register the business with the Township and, in connection with the registration, to pay certain fees; and

**WHEREAS**, the term of the registration statement must be amended to be consistent with the practice of the Township.

**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:** Article I, Chapter 79A, §79A-5 of the Code of the Township of Berlin is hereby repealed and replaced with the following:

**§79A-5. Expiration of registration statements.**

All registration statements shall be effective for a one-year period and shall expire on September 30 of each year, or in the event of any change of ownership or location of the business. All registration statements shall be posted on the premises, in a conspicuous place, at all times.

**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 Morris to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2008-2. There were no requests to be heard. Motion by Councilman Morris, second by Council President DiGangi to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Council President DiGangi, second by Councilman McIntosh to adopt Ordinance 2008-2. Ordinance adopted by call of the roll, four members present voting in the affirmative.

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**SECOND READING AND PUBLIC HEARING ORDINANCE 2008-3 AN  
ORDINANCE AMENDING CHAPTER 77 OF THE CODE OF THE TOWNSHIP  
OF BERLIN CAPTIONED "LAND USE AND DEVELOPMENT" AND  
ADOPTING A NEW STORMWATER CONTROL ORDINANCE**

(Ordinance inserted Pages 1 – 55)

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Motion by Council President DiGangi, second by Councilman Morris to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2008-3. There were no requests to be heard. Motion by Councilman Morris, second by Council President DiGangi to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Council President DiGangi, second by Councilman McIntosh to adopt Ordinance 2008-3. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**FIRST READING ORDINANCE 2008-6 REFUNDING BOND ORDINANCE**

**PROVIDING FOR THE Refunding of the Township's outstanding callable: (i) General Obligation Bonds, Series of 1997, Dated April 15, 1997; and (ii) General Obligation Rural Development Bond, Dated June 25, 1998; Authorizing the Issuance of up to \$3,450,000 of General Obligation Refunding Bonds of the Township of Berlin, County of Camden, NJ to Finance the Costs thereof; making certain determinations and covenants in connection therewith; and authorizing certain related actions in connection with the Foregoing**

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Refunding Bond Ordinance 2008-6 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2008-78 RESOLUTION REQUESTING THE RELEASE OF LETTER OF CREDIT AND ESCROW AMOUNT FOR COOPER AND TAUNTON, LLC**

**WHEREAS**, Continental Cast Stone, known as Cooper and Taunton, LLC, at 400 Cooper Road, West Berlin, New Jersey; Block 1907, Lot 10, has requested the release of their Letter of Credit No.136192070186, Amendment No. 5 in the amount of \$41,392.70, and

**WHEREAS**, the Engineer has recommended that the Township grant the request for the release of the Letter of Credit contingent upon all outstanding vouchers be paid in full, the posting of a two year Maintenance Bond in the amount of \$64,491.57, dated January 4, 2008, and release of their escrow balance. Engineer also requested that copies of the Deed of Easement (shade tree easement) and Deed of Dedication for the right-of-way are also submitted to our office.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Letter of Credit No. 136192070186 and escrow balance for Continental Cast Stone, known as Cooper and Taunton, LLC, are hereby granted with the conditions stated above.

Motion by Councilman Morris, second by Councilman McIntosh to table Resolution 2008-78, until revisions have been made to Maintenance Bond. **RESOLUTION 2008-78 TABLED** motion carried by voice vote, all members present voting in the affirmative.

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**RESOLUTION NO. 2008-79 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY AUTHORIZING THE PREPARATION AND SUBMISSION OF AN APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51 et. seq.**

**BACKGROUND**

**WHEREAS**, the Township of Berlin, County of Camden, New Jersey ("Township"), desires to make application to the New Jersey Local Finance Board seeking its approval for the adoption by the Township of a refunding bond ordinance authorizing the issuance of general obligation refunding bonds of the Township in the aggregate principal amount of up to \$3,450,000; and

**WHEREAS**, the Township believes:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for health, welfare, convenience or betterment of the inhabitants of the Township;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, AS FOLLOWS:**

**Section 1.** The application to the Local Finance Board is hereby approved, and the Township's Bond Counsel, Solicitor and Auditor, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

**Section 2.** A copy of this resolution shall be prepared and filed with the Local Finance Board as part of such application.

**Section 3.** The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey law.

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Recorded Vote:

<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
McIntosh	None	None	Batten
Morris			
DiGangi			
Magazzu			

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-79. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2008-80 RESOLUTION OF THE TOWNSHIP OF BERLIN AUTHORIZING IN REM TAX FORECLOSURE PROCEEDINGS**

**WHEREAS**, the Township of Berlin has determined that there are various parcels of land within the Township of Berlin for which there remain outstanding tax sale certificates; and **WHEREAS**, the Governing Body of the Township has determined that it is in the best interests of the residents of the Township to perfect title to these lands through in rem foreclosure proceedings to be instituted, so as to generate revenue from the potential sale of such lands; and

**WHEREAS**, pursuant to NJSA 54-5-104.29 et.seq., the Township is authorized to proceed with in rem tax foreclosure proceedings.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Township of Berlin, that the Township Solicitor is hereby directed to take steps to institute and prosecute in rem tax foreclosure proceedings against the land designated as Block 517, Lot 2 titled to John and Valerie Keys under Certificate No. 3522.

Motion by Councilman Morris second by Councilman McIntosh to adopt Resolution 2008-80. Resolution adopted by call of the roll, four members present voting in the affirmative.

**CONSENT AGENDA**

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

**CORRESPONDENCE CALENDAR FOR JANUARY 2008**

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

**APPROVAL OF MINUTES**

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Motion by Councilman McIntosh, second by Councilman Morris to approve the minutes of January 28, 2008. Motion carried by voice vote, all present voting in the affirmative.

**GOOD AND WELFARE #2**

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

No comments to be heard.

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

**ALL OTHER BUSINESS**

Council President DiGangi suggested that the township might want to send out some people to look at the structural condition of the building we are looking at on Rt. 73 for the municipal building in order to see what kind of condition it is in. Perhaps we could send out a structural engineer and/or building inspector, electrical and plumbing inspector.

**RESOLUTION 2008-81 CLOSED SESSION FOR LITIGATION TOWNSHIP OF BERLIN AND BONNIE FERRERI**

**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 a litigation Township of Berlin and Bonnie Ferreri.

Motion by Councilman Morris, second by Council President DiGangi to adopt Resolution 2008-81. Resolution adopted by call of the roll, four members present voting in the affirmative.

**REOPENED PUBLIC MEETING**

Motion by Council President DiGangi, second by Councilman Morris to reopen to public meeting. Motion carried by voice vote, four members present in the affirmative.

**RESOLUTION 2008-82 A RESOLUTION PERMITTING SCIBAL ASSOCIATES TO CONTINUE TO REPRESENT BERLIN TOWNSHIP AND CAMDEN COUNTY FROM THE SAME BRANCH OFFICE**

**WHEREAS**, a claim had been made against the Township by Bonnie Ferreri as a result of an alleged personal injury sustained on May 24, 2007; and

**WHEREAS**, the claim had been previously denied by Scibal Associates indicating the Township has no direct responsibility for this alleged incident; and

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**WHEREAS**, suit has now been filed by the claimant against the Township as well as the County of Camden, Scibal Associates also represents Camden County, and Scibal has requested the Township's determination as to whether the matter should be handled by Scibal, on behalf of the Township, at a different branch office; and

**WHEREAS**, in light of the factors of the incident and the prior denial of liability on the part of the Township, it does not appear that there is any direct conflict between the County of Camden and Berlin Township.

**NOW, THEREFORE**, be it resolved, by the Mayor and Governing Body of the Township of Berlin, that Scibal Associates be permitted to continue to represent the Township and handle this matter from the same branch office without the need to transfer the matter.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-82. Resolution adopted by call of the roll, four members present voting in the affirmative.

**ADJOURNED**

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

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Jamey Eggers  
Township Clerk