

FEBRUARY 13, 2012

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL FEBRUARY 13, 2012 AT 5:00 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- Council President Morris, Councilwoman Bodanza, Councilman Epifanio, Councilman McIntosh, Mayor Magazzu

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

Absent-

DEPARTMENTAL REPORTS

A. CHANGE ORDERS AND VOUCHERS

None at this time

B. RESOLUTIONS FOR CONSIDERATION

1. Camden County Community Development Block Grant Program, Year 34 (\$24,000)

I recommend that the Governing Body consider passing a resolution for the street improvements to Hill Avenue, from Fairview Avenue to the dead end or another eligible project.

2. Haddon Avenue Steetscape, Phases 1 and 3 (Federally Funded - \$555,420)

I request that the Governing Body pass a resolution authorizing the Mayor to sign the Federal Aid Agreement.

C. ENGINEER'S REPORT

1. Camden County Community Development Block Grant Program Year 34 (\$24,000)

FEBRUARY 13, 2012

I recommend that the Governing Body consider selecting an eligible project and passing the necessary resolution (the County has provided a model resolution) at the Council Meeting in February. We will prepare the Project Description Form and submit it with the signed and sealed resolution to the County C.D.B.G., prior to the submission deadline of March 23, 2012.

2. Construction of Porous Concrete Sidewalk Along N.J.S.H. Route 73 Northbound – Jackson Road to Edgewood Avenue (N.J.D.O.T. FY's 2008 and 2009 Funding)

We have met with the Contractor, porous concrete supplier, and a representative of the concrete association to discuss the quality of the material and corrective measures to be taken by the Contractor.

The Contractor will be applying a sealing and binding treatment when the weather becomes more suitable for the application. The Contractor will also be providing a multi- year maintenance guarantee. I continue to recommend that final payment not be made and the retainage to be held until the corrective work is performed by the Contractor. Since the closing of the project will be delayed, we will submit an invoice for partial payment for the amount, which has been paid to the Contractor to date.

3. N.J.D.O.T. FY 2012 MUNICIPAL AID APPLICATIONS

I have recently spoken to a representative of the N.J.D.O.T., Local Aid Office. They expected to make the announcement of the selected projects at the end of January, 2012.

The Township submitted applications for the following street improvements projects.

Priority No. 1 – Oak Avenue

N.J.D.O.T. Ramp to 80 feet past Clover Avenue \$94,000

Priority No. 2 – Hazel Avenue

Cushman Avenue to Chestnut Avenue \$236,000

4. N.J.D.O.T. FY 2012 Safe Routes to School Program

After reviewing the application requirements for this Federally funded program, it became evident that we were not able to submit an application in December 2011. In anticipation and preparation for the submission of an application for next year, we have scheduled a Kick-Off Meeting for February 2, 2012 at 2:00pm.

5. 2011 Street Improvement Program

We are currently performing the design and preparation of the construction/bid documents. It appears that the bids will be received in March, 2012.

The following projects are included in this program:

a. Base Bid

1) Mt. Vernon Avenue: Minck Avenue to Franklin Avenue
Partial N.J.D.O.T. Funding

2) Edgewood Avenue: Cooper Road to limit of N.J.D.O.T.
Project Near Rt. 73
Partial N.J.D.O.T. Funding

FEBRUARY 13, 2012

Reconstruction of the Intersection of Grove Avenue and
Cleveland Avenue

Funded in Bond Ordinance No. 2011-26

- 3) Trench pavement improvements along Krumm Avenue from
McClellan Avenue to Franklin Avenue
Funded in Bond Ordinance No. 2011-26

b. Alternate Bid No. 1

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

Funded in Bond Ordinance No. 2011-26

c. Alternate Bid No. 2

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

Funded in Bond Ordinance No. 2011-26

d. Alternate Bid No. 3

Grade and Construct Stone Surface-
McClellan Avenue Dead End

Funded in Bond Ordinance No. 2011-26

We expect to receive bids in February 2012.

6. Haddon Avenue Streetscape, Phases 1 and 3
(Federal Funding - \$555,420)

The last Council Meeting on January 23, 2012, the Governing Body authorized the advertisement for the receipt of bids. The N.J.D.O.T. is requiring that the advertisement be published by February 27, 2012.

We are currently, reviewing the bid documents to confirm that they comply with the N.J.D.O.T. requirements.

7. Hill Avenue Storm Drainage Improvements
(C.D.B.G Years 32 (\$30,257) and Year 33 (27,900))

We are currently performing the design and construction/bid documents. It, now appears that bids were received in March, 2012.

The Governing Body has adopted Ordinance No. 2011-26, authorizing the funding for this project.

8. Camden County Open Space Recreation Enhancement Program

We will be performing the design and preparing the construction documents for the following projects:

- a. Surface improvements to the basketball and tennis courts at the Spruce Avenue Recreation Complex (Round 12 funding) \$25,000
- b. Band Shell at Luke Avenue Recreation Complex (Round 10 and 12 funding) \$50,000

FEBRUARY 13, 2012

I anticipate the receipt of bids in the Spring, 2012. I am hopeful that the Public Works Department staff will be able to erect the band shell structure in mid to late 2012.

9. Municipal Building

a. HVAC System

Mayor Magazzu and Mr. Shellenberger have met with representatives of Tozour-Trane to discuss current operational issues and possible preventative maintenance services. Mayor Magazzu has given me the proposal for maintenance services. Once I have reviewed the document, I will submit my recommendations to the Governing Body for your consideration.

b. Freestanding Monument Sign

General Sign has fabricated and installed the sign and LED sign. We are in the process of obtaining a price for the installation of ground mounted sign lighting and electrical connection for the LED sign. The Public Works Department will be constructing the planter walls, in the immediate future.

c. Installation of Wallboards Within the Unfinished Rooms

If time permits, this winter, the Public Works Department may install the electrical conduit, receptacle boxes and wallboards, where possible.

d. School Bell

The bell is being stored at the Public Works Department. I believe that the intent is to mount the bell on a platform and place it in the lobby.

e. Roof Membrane

The roofing sub-contractor, for initial building construction, has been repairing leaks as they become evident, under the current warranty. I recommend, in the near future, that the Governing Body consider the installation of a new roof membrane and insulation system.

f. Irrigation and Landscaping

We are currently preparing a landscape plan for consideration for plantings, in the future. We may perform the design for the irrigation systems or have this work performed by a designer.

Once the designs have been completed and accepted, we will be contacting irrigation, landscape suppliers and contractors to see if they would be willing to donate materials and services for this work.

10. Bate Avenue Playground and Former Municipal Building

Key Engineers, Inc. has completed the additional, updated work to verify the locations of the control points. We are, currently, finalizing the establishment of the boundary lines and I expect to issue the final survey in the immediate future.

11. Storm Drainage Improvements

a. Storm Drainage Issues Within the Southwest Portion of the Township

I will be contacting the N.J.D.O.T. to determine the status of their removal of the blockage on their property, which contains the stormwater management facility.

FEBRUARY 13, 2012

I have received a response from the Delaware Valley Regional Planning Commission, regarding my request for their possible assistance to address the drainage issues. They have informed me that they do not have any funding programs to address this matter and have suggested possible programs, through other agencies. Most of these programs, also, would not be applicable for this matter.

b. 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 at the Luke Avenue Recreation Area 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.

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

On occasion, the street has flooded, due to the apparent, limited capacity of the drainage system and receiving ditch, which is on the Board of Education property. I have discussed the matter with Mr. Pfluger, School Buildings and Grounds Superintendent. The ditch must be reconstructed to provide additional capacity and a positive outflow.

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

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

c. Maintenance of the Spillway/Outlet Structure at Berlin Circle Plaza

I will perform periodic inspections and notify the property manager of any undesirable storm water outflow conditions.

12. Redesignation of Pinelands Zoning and Extension of Sanitary Sewer to Edgewood Avenue and Allied Parkway

The Governing Body had introduced amending Ordinance No. 2012-1. The Planning Board, prior to the Governing Body holding the public hearing and adoption of the ordinance, must review and submit their recommendation to the Governing Body. Once the ordinance is adopted, the Pinelands staff members expect the Commission staff to expedite the review and approval process.

13. Request For Additional Sewer Allocation

We are waiting for the N.J.D.E.P. to approve the increase in allocation, which is expected to occur this month.

14. Request For Ordinance Amendment For Responsibilities For Sanitary Sewer
As directed by the Governing Body, I am researching the matter to determine what has been the past polic
15. No Passing Zone Along Cooper Road
I must complete the engineering study and submit my recommendations to the Governing Body.

D. PUBLIC WORKS DEPARTMENT

1. GREASE TRAP MAINTENANCE

I recommend that the Township inspect and enforce the regulations, as we are experiencing problems with the grease accumulation in the Township sanitary sewer system. I recommend that the Governing Body consider amending the ordinance to allow for the sewer staff to inspect and enforce the regulations, in addition to the Plumbing Sub-Code Official.

2. CAPITAL PURCHASES

The Governing Body has passed Ordinance No. 2011-26, authorizing the funding for various pieces of equipment. We are in the process of purchasing the snow removal equipment.

3. NO CUT THROUGH TRAFFIC SIGNS

The signs have been installed.

4. FEMA REIMBURSEMENT FOR PUBLIC WORKS DEPARTMENT COSTS FOR HURRICANE IRENE

I continue to provide the additional, required information to the FEMA representative, while he continues to reduce the amount of eligible costs.

5. COLLECTION OF SOLID WASTE

I recommend that a trash collection vehicle be purchased in the immediate future to allow for the replacement of one of the aged trash trucks. I would be glad to discuss this matter, with the Governing Body, in further detail.

E. SHARED SERVICES

1. ENGINEERING SERVICES WITH SOMERDALE BOROUGH

Both municipalities have passed resolutions to continue the services for 2012. I must prepare the Contract document and submit it to Mr. Platt's office for their review and comments.

Mayor Magazzu asked if we could look into possibly doing a dog park with the Open space Enhancement program and if that could qualify for that and program. Chuck replied that he would look into that. Mayor also commented that with the school bell platform that maybe Andy Simone could help out with that.

SOLICITORS REPORT

1. Water Agreement with Berlin Borough

FEBRUARY 13, 2012

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. Pine lands Comprehensive Management Plan
9. Berlin Township ADS. Estate of Raj Kumar Chopra
10. Berlin Township ADS. David Carp
11. Berlin Twp.ADS. Linda Fabrico
12. Mustafa Muhammad ADS. Berliin TWP Police Department
13. Berlin Twp. ADS. Abdul Mansary
14. Berlin Twp. ADS.Jennifer Vernacchio as Guardian Hannah Maslanka
15. Open Space Camden County Round 12 Enhancement
16. Pineland Zone Changes
17. DPW Labor Negotiations
18. Revision to Animal Shelter

POLICE DEPARTMENT

Police Chief Joseph Jackson stated that the shared services have been working well in solving crimes and helping with coverage on calls with Berlin Borough and surrounding towns. Chief remarked that our two new Tahoe vehicles shall be arriving in the next two weeks. Chief Jackson informed the Governing Body that the arson that was profiled on ABC news is now in custody and that he will be leaving to conduct the interview. But Chief left he thanked Mayor and Council President Morris for coming out to a house fire this past Saturday, stating that it meant a lot to the fireman to see them out early in the morning snow.

MAINTENANCE DEPARTMENT

Josh Shellenberger stated that he had met with Michael DePlama, Building Inspector about two properties one on Haddon Avenue and one on Chester Avenue in regards to unsafe structures. He sent out notices to both properties and has begun the process of addressing the violations. Josh remarked that he is working with the banks on the foreclosure properties in the Township. Josh stated that he has recently exchanged the filters from the VAV's inside and replaced the filters and belts on the rooftop units.

PROCLAMATION TO "READ ACROSS AMERICA"

WHEREAS, the citizens of the Township of Berlin stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparations for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Township of Berlin has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that

FEBRUARY 13, 2012

educational investment is the key to the community's well-being and long term quality of life; and

WHEREAS, NEA's Read Across America, is a national celebration of reading, will be conducted on March 2, 2012, in which would have been the 108th Birthday of Theodor Seuss Geisel, better know as Dr. Seuss; and

WHEREAS, Read Across America- NJ is being conducted statewide by the New Jersey Education Association, in leadership with the New Jersey League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin calls on the citizens of Township of Berlin to assure that every child is in a safe place reading together with a caring adult on March 2, 2012.

AND BE IT FURTHER RESOLVED that this governing body enthusiastically endorses NEA's Read Across America and Read Across American-NJ and recommits our community to engage in programs and activities to make America's children the best readers in the world.

FIRST READING AND INTRODUCTION ORDINANCE 2012-2 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "DOGS AND OTHER ANIMALS"

Motion by Council President Morris, second by Councilman McIntosh to adopt Ordinance 2012-2 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

FIRST READING AND INTRODUCTION BOND ORDINANCE 2012-3 REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF THE TOWNSHIP'S OUTSTANDING CALLABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003, DATED JANUARY 1, 2003; AUTHORIZING THE ISSUANCE OF UP TO \$5,100,000 OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, 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 Councilman McIntosh, second by Council President Morris to adopt Bond Ordinance 2012-3 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012 - 69 Resolution Supporting the Board of Education on Establishing the Election of Members of the Township of Berlin Board of Education As the First Tuesday after the First Monday in November

FEBRUARY 13, 2012

WHEREAS, P.L. 2011, c. 202 authorizes changing the election date of school board members from the third Tuesday in April to the first Tuesday after the first Monday in November (the General Election); and

WHEREAS, Such action requires the adoption of a resolution by a school district or the municipality or municipalities constituting such district, as set forth in P.L. 2011, c. 202; and

WHEREAS, P.L. 2011, c. 202 requires that the change to a November election remain in effect for four years; and

WHEREAS, P.L. 2011, c. 202 eliminates the annual voter referendum on the proposed general fund tax levy (i.e., the base budget which is at or below the statutory tax levy cap) in school districts where board of education members are elected at the General Election; and

WHEREAS, P.L. 2011, c. 202 requires that an additional general fund tax levy proposal (i.e., for an expenditure in excess of the tax levy cap) be presented to voters as a separate question at the General Election; and

WHEREAS, The Mayor and Council of the Township of Berlin believes that the financial interest of its constituents is safeguarded by the state's tax levy cap and the thorough review of the proposed school budget by the Executive County Superintendent and the Executive County School Business Administrator; and

WHEREAS, The Mayor and Council of the Township of Berlin believes that more citizens will participate in the selection of school board members at the General Election than on the third Tuesday in April and that the higher level of participation will foster positive interest in our public schools; and

WHEREAS, The Mayor and Council of the Township of Berlin is committed to the non-partisan status of school board membership and the non-partisan conduct of school elections, and believes this principle will not be compromised by conducting board member elections in November.

NOW, THEREFORE, BE IT RESOLVED,

That, pursuant to P.L. 2011, c. 202, the Mayor and Council of the Township of Berlin changes the annual election date for school board members from the third Tuesday in April to the November General Election, beginning in 2012; and be it further

RESOLVED, That, pursuant to P.L. 2011, c. 202, the annual organization meeting of the Township of Berlin Board of Education will take place in the first

FEBRUARY 13, 2012

week of January following the November General Election and that the board of education's next organization meeting will take place in the first week of January 2013; and be it further

RESOLVED, That, pursuant to P.L. 2011, c. 202, members of the Township of Berlin Board of Education whose terms would have expired by May 2012 will continue to serve in office until the January 2013 organization meeting; and be it further

RESOLVED, That this resolution be transmitted to the Camden County Clerk; the Camden County Board of Elections and/or Superintendent of Elections; the Township of Berlin municipal clerk and school board secretary; the Department of State, Division of Elections; the Department of Education's Executive County Superintendent; and the Department of Community Affairs, Division of Local Government Services; and be it further

RESOLVED, That a copy of this resolution also be provided to the New Jersey School Boards Association and New Jersey State League of Municipalities.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-69. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-70 RESOLUTION AUTHORIZING EXTENSION OF CONTRACT FOR THE PURCHASES OF OFFICE SUPPLIES WITH OFFICE BASICS AS PART OF THE CAMDEN COUNTY COOPERATIVE PRICING SYSTEM

WHEREAS, by resolution adopted on January 25, 2010, the Mayor and Council of the Township of Berlin agreed to take part in the Camden County Cooperative Pricing System and award a contract to Office Basics at a cost of 75 % off catalog prices for those items included, 36% off catalog prices for those items not included, 27% off of electronics, and 31% off of computer related supplies at a cost of \$100 and under as specified in County Bid A-51 , for a term of two years; and

WHEREAS, the bid provided for a two one year options, said options to be utilized at the sole discretion of the County; and

WHEREAS, because the Camden County Board of Chosen Freeholders agreed to exercise the first of two one year options for a term commencing February 1, 2012 through January 31, 2013, the Township of Berlin agrees as well; and

WHEREAS, funding for this purpose shall not exceed the maximum line items for office supplies in each department line item in the Township's Emergency Temporary and SFY 2012 and/or 2013 temporary and/or permanent budgets and shall be encumbered in accordance with N.J.A.C. 5:30-5.3(b)(2); and

FEBRUARY 13, 2012

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that department heads are hereby authorized to continue purchasing office supplies pursuant to Camden County Bid A-51 from February 1, 2012 through January 31, 2013.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2012-70. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-71 RESOLUTION FOR PLACE TO PLACE TRANSFER, EXTENSION OF PREMISES ON LIQUOR LICENSE FOR ERIN COURT LLC.

WHEREAS, an application has been filed for a place- to place transfer of Plenary Retail Consumption License 0406 -33-003-004, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized: and

WHEREAS, the submitted application form is completed in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of Berlin does hereby approve, effective February 13, 2012, the expansion of the aforesaid Plenary Retail Consumption Licensed premises located at 588 North Route 73, West Berlin to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-71. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-72 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.

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 \$5,100,000; and

WHEREAS, the Township believes:

- (a) it is in the public interest to accomplish such purpose;

FEBRUARY 13, 2012

- (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, Financial Advisor 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.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2012-72. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-73 RESOLUTION TO RECOMMEND THE APPOINTMENT OF ALTERNATE CLASS 2 MEMBER OF THE PLANNING AND ZONING BOARD.

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

WHEREAS, The Mayor and Council recommended that **JOSEPH FABRICO** be appointed class member for a two year term expiring December 31, 2014; and

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

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-73. Resolution adopted by call of the roll, five members present voting in the affirmative.

FEBRUARY 13, 2012

RESOLUTION 2012- 74 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR CONFLICT SOLICITOR

WHEREAS, the Township of Berlin has a need to acquire a Conflict Solicitor, as a non-fair and open contract to the provisions of N.J.S.A. 19:44A-20.4 ; and

WHEREAS, Jack L. Turner Jr. Esquire has submitted an application to provide services for Conflict Solicitor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, that **Jack L. Turner Jr. Esquire** of 165 Bate Avenue, West Berlin New Jersey be appointed the Conflict Engineer for a period of one year until December 31, 2012 to perform professional services. These professional services are necessary and are required by this municipality.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-74. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-75 FOR APPLICATION FOR PROGRAM YEAR 34 FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the Township of Berlin is entitled to Community Development Block grant funding; and

WHEREAS, the Mayor and Council have chosen to submit an application for Program Year 34 (2012-2013); and

WHEREAS, the grant allocation for 2012-2013 for the Township of Berlin is \$24,000.00; and

WHEREAS, the governing body has agreed to apply for funding for the following activity(ies);

Improvements to Hill Avenue, from Fairview to the dead end

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign the Project Description Form for Program Year 34 (2012-2013).

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2012-75. Resolution adopted by call of the roll, five members present voting in the affirmative.

FEBRUARY 13, 2012

RESOLUTION 2012- 76 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.

WHEREAS, recently the Camden County Prosecutor's Office mandated that in an accident where there has been a fatality or serious bodily injury, we are to notify the Camden County Fatal Accident Team. This team, with approval of the County Prosecutor has designated the tow company for these types of accidents to be Helmrich's Towing from Pennsauken.

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 February 13, 2012 through December 31, 2012.

- 1) **Linden Towing**, 2715 Egg Harbor Road, Lindenwold
- 2) **Albion Auto Parts**, 110 Cross Keys Road, Berlin
- 3) **RHP Towing**, 238 White Horse Pike, Atco
- 4) **Helmrich's Towing**, 4450 Marlton Pike , Pennsauken

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-76. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-77 RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE PAYMENT PROCESSING INSTRUCTIONS AND GUIDELINES FOR AGREEMENT WITH LINK2GOV AND CHASE PAYMENTECH FOR PROCESSING OF ONLINE PAYMENTS OF TAXES AND SEWER

WHEREAS, the Township of Berlin has awarded a contract on January 23, 2012 to Edmunds and Associates, Inc. by Resolution 2012-57 to provide various administrative computer application software and services; and

WHEREAS, part of the award is to provide a feature that includes web account inquiry and an online payment portal for tax and sewer payments at no cost to the Township; and

WHEREAS, Edmunds and Associates has an exclusive agreement with Link2Gov and Chase Paymentech due to programming for their online payment portal; and

WHEREAS, in order for the Township of Berlin to provide the online payment portal feature with the Edmunds and Associates software, at no cost to the Township, it is

FEBRUARY 13, 2012

necessary to acknowledge and agree to the Payment Processing Instructions and Guidelines provided by Link2Gov and Chase Paymentech;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor be and is hereby authorized to sign the Payment Processing Instructions and Guideline provided by Link2Gov and Chase Paymentech for processing of online payment of taxes and sewer.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-77. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-78 RESOLUTION ENDORSING THE TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act. P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for calendar year 2011 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Township of Berlin to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that they hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Charles Riebel to ensure that the application is properly filed and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-78. Resolution adopted by call of the roll, five members present voting in the affirmative.

FEBRUARY 13, 2012

RESOLUTION 2012-79 RESOLUTION AUTHORIZING MAYOR TO SIGN THE FEDERAL AID AGREEMENT FOR THE HADDON AVENUE STREETScape, PHASES 1 AND 3

WHEREAS, the Engineer has received notification from the NJDOT that the funding has been reduced from \$677,000.00 to \$555,420.00 from the anticipated amount which reflects the reduced scope of construction for Haddon Avenue Streetscape; and

WHEREAS the Engineer recommends that the Mayor signs the Federal Aid Agreement for the Haddon Avenue Streetscape Phase1 and 3 and meets all conditions as set forth in the agreement. (See attached agreement)

**Agreement # STP-HPP-4072 (108) Construction, Agreement amount:
\$555,420.00**

Name: Berlin Township TE Project (a.k.a. Haddon Avenue, phases 1-3/Berlin Township Streetscape project)

(Limits: Jefferson Avenue to Lucas Avenue)

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign the Federal Aid Agreement for Haddon Avenue Streetscape, Phase 1 and 3.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-79. Resolution adopted by call of the roll, five members present voting in the affirmative.

BUSINESS APPROVALS

MERCANTILES

1) Custom Floors Inc, David Michel, 1008 Industrial Drive, Suite G.
Tile, Marble and Granite Store.

2) American Thrift, Marion Oliver, 299 Route 73 South. Selling used clothing, household goods and small furniture.

3) American Icon Home Improvement Inc, Micheal Orem, 443
Route 73 North. Home Improvements.

4) Serview Inc, Steven Le Blanc, 420 Kelley Drive "D". Engineer Services and Consulting.

5) Ryan & Emma Goodies, Jennifer Angelone, 19 Cross Keys Road.
Candy Shop, Personalized gifts.

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

FEBRUARY 13, 2012

BUSINESS REGISTRATION

1) Taylor Chiropractic LLC, Rosann M Taylor. 701 Route 73 South suite D. Chiropractic Services.

Motion by Councilman McIntosh, second by Councilman Epifanio to approve business registration. License approved by call of the roll, five members present voting in the affirmative.

SOLICITOR PERMIT

East Coast Business Concept / Verizon Fios, Pres. Gary Lolli

- 1) Carolyn Adair- door to door sales**
- 2) Robert Avena- door to door sales**

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve solicitors permit. License approved by call of the roll, five members present voting in the affirmative.

APPROVAL OF MEETING MINUTES FROM JANUARY 23, 2012

Motion by Councilman McIntosh, second by Council President Morris to approve the minutes for January 23, 2012. Motion carried by voice vote, five present voting in the affirmative.

ALL OTHER BUSINESS

Mayor stated that on May 30 ,2012 the Camden Riversharks will be hosting a "Berlin Night" for all residents in Berlin Township and Berlin Borough. Both Mayor John Armano and Mayor Phyllis Magazzu will being throwing the first pitch. Tickets will be discounted on line for \$7.00 dollars.

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.

Robert Lightcap 339 Lincoln Avenue asked the following questions

- 1) Has the Mayor and Councils family or members been hired or considered for this special police job?
- 2) Has anyone begun training for the position?
- 3) What is the pay scale for these officers?

FEBRUARY 13, 2012

- 4) Is this open to anyone in the Township, can anyone apply?
- 5) We have recently had officers let go. Will the positions be offered to them first?
- 6) Bob stated that he and his wife requested a lot of OPRA and notices that a lot of them go through the solicitor. Why? Is there a lot going on in town to pay him \$50,000 a year?

B.T.S.A. Sports Group Frank Adair, Kevin DiTolla and Greg Shipski came out to update Mayor and Council on the BTSA dek hockey. Frank Adair stated that they had about 160 children participate with 4 levels of hockey. Greg Shipski stated that they have been doing some fund raising and purchased a sign and thanked Chuck for his help putting it up.

Alberto Silva, 326 Cleveland Avenue, asked the Mayor and Council what their individual opinions were for the out of town fee in regards to letter from the Green Acres. Al asked that until the Green Acres letter gets resolved that they put a hold on the out town residents fee at this time.

Al also handed in a letter requesting that the Men Master soccer league be granted to play on the fields for a fee of \$200.00 per season.

No more comments were to be heard.

Motion by Council President Morris, second by Councilwoman Bodanza 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.

Mayor Magazzu asked Chief of Police to answer the following questions from Bob Lightcap.

Chief Jackson Replied to the following questions.

1) Has the Mayor and Councils family or members been hired or considered for this special police job?

Chief responded No one has been hired and it hasn't even been advertised.

2) Has anyone begun training for the position?

Chief responded that the training is the same as a police officers.

3) What is the pay scale for these officers?

Chief responded that the pay scale is \$12.00 to \$15.00 which is what the surrounding towns have been paying.

FEBRUARY 13, 2012

4) Is this open to anyone in the Township, can anyone apply?

Chief responded that it will be opened to anyone but that he is requesting that they be pre-certified because the department does not have any funding for that.

5) We have recently had officers let go. Will the positions be offered to them first?

Chief responded that the two officers that had been lay off have since been hired. He replied that they would not leave a full time position for this position, stating that Class 2 officers do not receive any benefits.

Mayor asked Stuart to respond to Mr. Silva's Legal questions.

Stuart Platt, Solicitor commented that the Township did receive a letter from Green Acres in December and that Stuart has responded back with a letter, but has not heard back from Green Acres Program. Mr. Platt remarked that the ordinance has been passed, legally adopted and valid. When Green Acres responded back to my letter from December 23, 2012 we will then address the issue. But our interpretation of the regulation is different.

Mayor Magazzu agreed with the Solicitor's comments. Mayor stated that the ordinance is adopted and is in effect.

Councilwoman Bodanza and Council President agreed.

Councilman McIntosh remarked that he will listen to the expertise of our Solicitor.

Council President stated that they attended the Ambulance Reorganization Dinner this past Saturday Night and presented them with a proclamation.

ADJOURN

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adjourn the meeting at 5:32 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 5:32 pm

Catherine Underwood, Township Clerk