

FEBRUARY 8, 2010

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 8, 2010 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 DiGangi, Councilman McIntosh, Council President Morris, Mayor Magazzu.

Also Present- Donafaye Zoll, Solicitor, Chuck Reibel, Engineer Michael Laginestra, Zoning Officer, Michael McGee, Director Public Works.

Absent- Councilman Batten

GOOD AND WELFARE #1

Motion by Council President Morris, second by Councilman 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.

No comments were to be heard.

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

DEPARTMENTAL REPORTS

ENGINEER'S REPORT

A. CHANGE ORDERS AND VOUCHERS

No change orders or vouchers to report at this time.

FEBRUARY 8, 2010

B. ENGINEER'S REPORT

1. FY2011 FEDERAL APPROPRIATIONS REQUEST:

In my last report, I had noted that the request forms must be e-mailed to the Congressman's office by 5:00 p.m. on February 17, 2010. I had suggested that the Governing Body consider the following projects for submission for the funding request:

- a. Energy and Water Appropriations Request
 - 1) Installation of Energy Efficient Roof System for the Municipal Building
 - 2) Installation of Solar Energy System at the Public Works Complex
 - 3) Water Main Extension along Collings Avenue and Hopewell Road (Berlin Borough Water System)

- b. Interior and Environment Appropriations Request
 - 1) Sanitary Sewer Extension to Public Works Complex and Businesses along Allied Parkway
 - 2) Sanitary Sewer Extension along Cooper Road, Industrial Drive and Chestnut Avenue dead end
 - 3) Stormwater Management and Improvements to Storm Drainage System – Southwest Portion of the Township (Haddon and Walker Avenues)

- c. Transportation and HUD Appropriations Request
 - 1) Improvements to Katherine Avenue
 - 2) Improvements to Edgewood Avenue
 - 3) Street Improvements to the Pinecrest Section
 - 4) Street Improvements to the West Berlin Section

The request forms have been simplified. We would be glad to prepare and submit the Request Forms for the selected projects or provide any necessary assistance to the assigned Township staff member.

2. RESURFACING OF MT. VERNON AVENUE-FRANKLIN AVENUE TO MINCK AVENUE [N.J.D.O.T. FY2010 MUNICIPAL AID FUNDING - \$180,000.00] (KEI #506BT0509):

The N.J.D.O.T. has announced the allotment of \$180,000.00. The application requested \$254,000.00 (\$221,147.50 estimated construction cost plus \$32,852.50 for inspection and materials

FEBRUARY 8, 2010

testing). The N.J.D.O.T. funds are reimbursed to the Township. The N.J.D.O.T. reimburses 75% of the eligible funds after the award of the construction contract and 25% after their acceptance of the construction.

The following is an estimate of the costs:

a.	Construction Cost	\$221,147.00
b.	Engineering Cost	\$ 26,000.00
c.	Contract Administration and Inspection Cost	\$ 20,000.00
d.	Materials Testing Costs	<u>\$ 2,000.00</u>

Total Estimated Construction, Engineering, Inspection,
Contract Administration and Materials Testing Costs
\$269,147.00

I recommend that the Governing Body consider authorizing our office to perform the necessary engineering and prepare the bid documents so that bids can be received in late 2009/early 2010. Typically, opening bids, during this period of the year, results in the receipt of the most competitive bids as the contractors are developing their workload for the upcoming construction season.

If the Township is not, financially, able to afford the entire cost, we recommend that the Proposal be structured to include a Base Bid and Alternate Bid(s) to allow the Governing Body to select the limits of the project, based on the availability of funds.

The N.J.D.O.T. has submitted a letter to Mayor Magazzu, informing her that funding was not allotted for the improvements to Hazel Avenue (Priority No. 2).

3. PROPOSED MUNICIPAL BUILDING, N.J.S.H. ROUTE 73 AND DAY AVENUE (KEI# 422BT0804):

- a. N.J.D.O.T. Highway Access Permit: Last meeting, we informed the Governing Body that the N.J.D.O.T. is requiring a major access permit for the existing driveway, at N.J.S.H. Route 73, due to the change to a more intense use. We have submitted the application to the N.J.D.O.T., but noted that Mayor Magazzu will discuss the additional fee of \$3,400.00 with the N.J.D.O.T. Commissioner.
- b. Site Work: Due to the onset of the inclement winter weather, the site subcontractor has not been able to pave the proposed, rear parking area.

FEBRUARY 8, 2010

The current contract provides for the seal coating of the existing, front parking area. Due to the degradation of the pavement surface by construction equipment and materials and the pipe trenches, the Governing Body may want to consider a milling and bituminous overlay or surface preparation/micro resurfacing, rather than the seal coat.

- c. Landscaping and Irrigation System: These matters will be addressed at a later date.

4. FORMER MUNICIPAL BUILDING SITE:

I recommend that the Governing Body attempt to resolve the issue of the deed restriction with the Board of Education so that plans can proceed with the redevelopment and/or restoration of the site.

Any changes to the site will require action to be taken by the N.J.D.E.P. Green Acres Program, since a large portion of the site is Green Acres encumbered.

5. SIDEWALK ALONG N.J.S.H. ROUTE 73, EDGEWOOD AVENUE TO JACKSON ROAD, (N.J.D.O.T. FY 2008 AND FY2009 FUNDING – \$320,000.00):

We have discussed the use of porous concrete with The Pinelands Commission. As a result of the discussions, we have performed soil borings and permeability tests. We are currently preparing the stormwater management report, reflecting the use of the porous concrete sidewalk.

We are also addressing the wetlands issues with The Pinelands Commission.

Since The Pinelands Commission is now heavily involved with the proposed improvement, which seems to be such a simple project with minimal, if any, impacts, I cannot predict when the project will be able to be bid. I will inform the N.J.D.O.T. Local Aid Office in hopes they will not recapture the funds due to the extended delay for construction. The failure to perform the project, in a timely fashion, also reduces the possibility for the Township to receive N.J.D.O.T. Municipal Aid funds, in the future.

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

FEBRUARY 8, 2010

It is our understanding that the Preconstruction Meeting was held on January 28, 2010. I believe that Chief Jackson attended the meeting. I have requested that the County Project Manager provide us with the anticipated date for the commencement of construction. Once we receive the response, we will inform the Governing Body.

I believe that the County will be discussing the relocation of the force main, at a future meeting with Mr. McGee.

7. SENIOR CITIZENS BUS, C.D.B.G. YEARS 30 AND 31 FUNDING-\$60,500.00+/- (KEI# 165.01BT0209):

I have spoken with the bus contractor. They have ordered the missing parts and will be installing them in the near future. Therefore, all of the issues, which are in our punch list, have been resolved with explanation or will be corrected.

I had recommended that the Governing Body consider releasing 90% of the payment and retain 10% until the corrective work has been performed by the contractor.

Once full payment is made, we will submit the necessary documentation for reimbursement of funds.

8. 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). Mr. McGee has advised our office that the cobra head lighting has not been removed in the areas where the decorative lighting was installed. We have obtained the utility pole numbers and have forwarded a request for the removal of the cobra head light to Mr. David Darcy of Atlantic Electric.

b. Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (FY2004 Transportation Enhancement Program and FY2005 SAFETEA-LU) (KEI #29-430BT1104): As reported, the Governing Body had decided not to accept the funds and requested that the project be bypassed to the future time when the Township would be in the position to bond the project.

9. N.J.D.O.T. MATTERS

a. Punch List Items – Sanitary Sewer Construction, N.J.D.O.T. Route 73 Project: I have, again, requested that the N.J.D.O.T.

FEBRUARY 8, 2010

Assistant Commissioner schedule a meeting with the new Commissioner and Township Officials to discuss this matter.

- b. Planting of Trees along the Rear of the Retail Center, Along the N.J.D.O.T. Ramp, Connecting Oak Avenue to Taunton Avenue (KEI #484BT0108): I had informed the Governing Body, last month that the new property maintenance representative for the owner of the retail center, is willing to allow the planting of the evergreen trees on their property. I have requested that the owner provide a written consent to the planting of the trees on their property.

I have received a response from the N.J.D.O.T. Landscape Architect. He has questioned if it would be better to plant evergreen trees along the entire rear of the retail center. He is checking with his superiors to see if it would be possible to screen the entire rear. Once I receive his response, I will inform the Governing Body.

10. SANITARY SEWER EXTENSION ALONG ALLIED PARKWAY AND EDGEWOOD AVENUE:

We are still waiting for The Pinelands Commission to respond to the letter, which was provided by the Borough Water Engineer.

11. SANITARY SEWER ALLOCATIONS:

- a. Request for Increase in Allocation. As recommended by Mr. Kricun from the C.C.M.U.A., the Governing Body has decided to wait until the Spring of 2011 to push for the increase in allocation.
- b. Possible Request for Redesignation of Allocation for High Point II. A meeting will be scheduled, between Paparone Housing and the Township.

12. U.S.D.A. WATER AND WASTE DISPOSAL LOANS AND GRANTS PROGRAM:

Since the grant amount is substantially less than what was, initially, represented by the N.J. Water Association, the Governing Body has decided not to pursue funding through this grant/loan program.

13. ALTERNATIVE ENERGY SOURCES:

FEBRUARY 8, 2010

- a. N.J.B.P.U. Local Energy Audit Program: We recommend that the Township consider applying for the performance of the Energy Audit for the desired Township facilities, which could be the Senior Citizens Building, library, public works complex, sewer pumping stations, etc.

There are other programs, which are being offered through the N.J.B.P.U., N.J.D.E.P. and Atlantic City Electric, that the Governing Body may want to consider. If interested, I would be glad to provide any necessary assistance, regarding these programs.

14. ZONING OF BLOCK 2001, LOT 1, 120 E. COLLINGS AVENUE (KEI #353BT1001):

We have forwarded the information to Ms. Zoll for her review and comment.

15. STORMWATER ANALYSIS FOR LESTER AVENUE:

I have visited the area and observed the conditions. I am, currently preparing a report, which lists possible alternatives and the respective, estimated costs. Once completed, I will submit the report to the Governing Body for review and consideration for action to be taken.

16. POSSIBLE SOCCER FIELD AT ROBERT T. CLYDE PARK:

I have visited the park and determined, with the necessary 20 feet perimeter clearances, it would be necessary to remove the trees and relocate the bituminous path, along the side of the multi-purpose field for U-13 teams. To provide a soccer field, with the necessary width for adult play, the above mentioned area would have to be filled to provide a consistent cross slope for the field.

17. SAFE ROUTES TO SCHOOLS:

We had updated, in our last report, that the N.J.D.O.T. will be accepting applications in the Spring/early Summer for consideration for funding in the end of the year.

SOLICITOR'S REPORT

- 1. Water Agreement with Berlin Borough
- 2. Increase Sewer Allocation Buildout
- 3. New Municipal Building

FEBRUARY 8, 2010

- 4. Nancy Anderson V. Berlin Township
- 5. Berlin Township ADS. Michael Brown
- 6. Berlin Township ADS. David Carp
- 7. Berlin Township ADS. Karen Cella
- 8. C&M Auto Repair Environmental Issues
- 9. High Point Sewer Connections
- 10. Berlin Township ADS, Richard Davies

DIRECTOR OF PUBLIC WORKS

Michael McGee, Director of Public works said that we are excepting a snow storm this week and that we may receive calls regarding the snow plows and drive ways. Due to the amount on snow there just isn't anywhere to put the snow.

MAINTENANCE/ZONING DEPARTMENT

Michael Laginestra reported that the dog license are now considered over due and that the number of licenses issued are low compared to last years. This year we will be conducting the dog census and hope to bring that number up.

RESOLUTION 2010- 73 RESOLUTION AUTHORIZING THE PURCHASE OF ITEMS FROM A VENDOR WITH STATE CONTRACT IN EXCESS OF BID THRESHOLD DURING SFY 2010

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

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

WHEREAS, the following purchases will be made during SFY2010 in excess of the bid threshold:

CONTRACT#	VENDOR	ITEM	DATE OF EXPIRATION
1. 69978	Groupe Lacasse	Office Furniture	9/30/10
2. 69980	Global	Office Furniture	9/30/10
3. 69946	Valo/Dauphin	Office Furniture	9/30/10
4. 70142	Mayline	Office Furniture	9/30/10

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby formally authorize the above purchases be available under State Contract, to the Township pursuant to N.J.S.A. 40A:11-12.

FEBRUARY 8, 2010

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2010-73. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2010-74 AUTHORIZING TRANSFER OF CREDITS
FROM 1st ½ 2010 CURRENT TAX TO 2nd ½ 2010 PREPAID TAX
VARIOUS LOTS**

WHEREAS, payment for real estate taxes were made on parcels in excess of the amount due, and;

WHEREAS, the owners of said properties have deliberately created an overpayment to be credited to the next year taxes, so;

WHEREAS, block 1101 lot 11.03 C0001 owned by Greeway Center LLC needs a transfer of credit in the amount of \$218.55, and;

WHEREAS, block 1101 lot 11.03 C0003 owned by Greeway Center LLC needs a transfer of credit in the amount of \$313.22, and;

WHEREAS, block 1101 lot 11.03 C0005 owned by Greeway Center LLC needs a transfer of credit in the amount of \$61.93, and;

WHEREAS, block 1101 lot 11.03 C0006 owned by Greeway Center LLC needs a transfer of credit in the amount of \$61.93, and;

WHEREAS, block 1101 lot 11.03 C0009 owned by Greeway Center LLC needs a transfer of credit in the amount of \$23.00, and;

WHEREAS, block 1101 lot 11.03 C0010 owned by Greeway Center LLC needs a transfer of credit in the amount of \$23.00, and;

WHEREAS, block 1101 lot 11.03 C0011 owned by Greeway Center LLC needs a transfer of credit in the amount of \$82.62, and;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the credits totaling **\$784.25** be transferred from the overpaid May 2010 current tax to the August 2010 prepaid tax.

Motion by Council President Morris, second by Councilman DiGangi to adopt Resolution 2010-74. Resolution adopted by call of the roll, four members present voting in the affirmative.

FEBRUARY 8, 2010

RESOLUTION 2010-75 RESOLUTION TO GRANT THE RELEASE OF ESCROW MONEY FOR BLC PROPERTIES

WHEREAS, BLC Properties, 511-551 Cooper Road, has requested the release of their escrow money ; and

WHEREAS, the Engineer has recommended that the Township of Berlin grant the request for the release of Escrow money, in the amount of \$10,384.66

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, that the request for the release of escrow money in the amount of \$10,384.66 to BLC Properties is hereby granted.

Motion by Council President Morris, second by Councilman DiGangi to adopt Resolution 2010-75. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2010-76 AUTHORIZING MAYOR TO SIGN APPLICATION FOR BLUE LIGHT PERMIT

WHEREAS, the Mayor and Council of the Township of Berlin, recognizes these individuals as volunteers for the West Berlin Fire Department:

Henry L. Birkenheuer Jr.	313 Cleveland Avenue
Anthony J. Carroll Jr.	170 A Walnut Avenue
George W. Bundick Jr.	112 Chester Avenue
Brendon Sacks	361 Franklin Avenue

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign the applications for Blue Light Permits.

CONSENT AGENDA

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

APPROVAL OF CORRESPONDENCE CALENDAR FOR JANUARY

Motion carried by Councilman DiGangi, second by Council President Morris to receive and file the correspondence calendar for January 2010. Motion carried by voice vote, all present voting in the affirmative.

APPROVAL OF JANUARY 24, 2010 MEETING MINUTES

FEBRUARY 8, 2010

Motion by Councilman DiGangi, second by Councilman McIntosh to approve the minutes for January 24, 2010. Motion carried by voice vote, all present voting in the affirmative.

GOOD & WELFARE #2

Motion by Councilman DiGangi, second by Council President Morris 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.

Audrey Lightcap, Lincoln Avenue asked to explain resolution 2010-73.

Council President Morris responded that when bidding under the State Contract we then do a resolution with Vendors and their state contract number.

No more comments were to be heard.

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

ALL OTHER BUSINESS

No other business were to be heard.

RESOLUTION 2010- 77 CLOSED SESSION TO DISCUSS LEGAL MATTERS IN THE TOWNSHIP.

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Mayor and Council are now in going into closed session to discuss a legal matters in the Township.

ADJOURN

Motion by Councilman DiGangi, second by Council President Morris to adjourn the meeting at 8:20 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 8:20 pm

Catherine Underwood, Township Clerk