

FEBRUARY 9, 2015

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL FEBRUARY 9, 2015 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- Mayor Magazzu, Council President Morris, Councilman Epifanio, Councilman McIntosh, Councilwoman Bodanza

Also Present- Solicitor, Stuart Platt, CFO, Lori Campisano, Chief of Police Leonard Check, Josh Shellenberger, Maintenance/Animal Control, Chuck Riebel, Engineer/Public Works Director.

Absent-

PROCLAMATIONS

- 1) Diane Zoppel Years of Service ...Retirement
- 2) Berlin Township Law Enforcement Month

DEPARTMENTAL REPORTS

ENGINEER / PUBLIC WORK DEPARTMENT

A. CHANGE ORDERS AND VOUCHERS

None at this time

B. RESOLUTIONS AND ORDINANCES FOR CONSIDERATION

1. Bond Ordinance for Purchase of Public Works Vehicles and Equipment and Improvements to Streets and Recreation Facilities

I recommend that the Governing Body consider adopting a bond ordinance to funds the various vehicles and equipment for the Public Works Department and for various street and recreation improvements.

2. Selection of New Project for Camden County Community Development Block Grant Program, Year 36 Funding

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I recommend that the Governing Body pass a resolution, selecting the new project for the use of the funds.

I believe that the Governing Body was considering the use of the funds for the improvements to the Senior Citizens Building or for the construction of handicap curb cuts/ramps at street corners. I recommend that the Governing Body consider listing both projects, if acceptable to the County. We will be meeting with Ms. Pugh, from the County CDBG Program, on January 30, 2015 to discuss this matter.

B. ENGINEER'S REPORT

1. MUNICIPAL BUILDING ROOF

We have met with the Contractor and continue to review their submittals. I am anticipating the acceptance of the final submittals and the issuance of the Notice to Proceed, in the near future.

The contractor expects the work shortly after the issuance of the Notice to Proceed, depending upon the weather conditions, during the course of the construction.

2. CAMDEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, YEAR 36 (\$21,000 +/-)

I have requested the scheduling of a meeting with Congressman-Elect Norcross, representatives of U.S. H.U.D. and Camden County Community Development Block Grant to discuss the possible correction to the designated eligible low/moderate income areas. To date, I have not received a response from the Congressman's Office.

3. STREET IMPROVEMENTS TO HILL AVENUE (C.D.B.G. YEAR 35 \$21,000+/-)

As you know, the C.D.B.G. Year 36 funds can, no longer be used for the street improvements to Hill Avenue. As a result in the loss of the C.D.B.G. Year 36 funding, I believe that it will be necessary to allocate Township funds for this project. I will prepare a construction cost estimate to determine the amount of Township funds, which will be necessary to complete the construction of the project.

It is my intent to bid this project with the reconstruction of the basketball court at Spruce Avenue Recreation Park, in the near future, in which Township funds are needed for the reconstruction of the basketball court.

It is my understanding that the basketball project cannot be bid, due to insufficient funds. I recommend that additional funds be allocated, for both projects, so they can be completed.

4. IMPROVEMENTS TO SENIOR CITIZENS BUILDING ROOF AND CEILING, C.D.B.G. YEAR 35 SUPPLEMENTAL FUNDS (11,760)

I expect to be receiving bids, in the immediate future, for consideration for award of a contract by the Governing Body, shortly after.

5. BATE AVENUE SITE (FORMER MUNICIPAL BUILDING AND ADMINISTRATIVE BUILDING)

I recommend that the Governing Body consider allocating the necessary funds for the environmental testing and analysis for the site and for the demolition of the former administrative building.

I have, recently, provided Key Engineer, Inc. with my file folder, which contains the survey and deed research performed by our office. I that they will be completing the survey of premises, in the near future.

I have, again, met with a local realtor to discuss market trends and the possible development of the site. He has recommended that the Township consider possible, residential twin homes for this lot. I recommend that the matter of possible alternatives for the development of the site be discussed with the members of the Governing Body and Planning Board.

6. MUNICIPAL BUILDING

a. Improvements to the Unfinished General Assembly Rooms

I expect to complete the bid documents for the ceiling, the remainder of the ceiling lighting, HVAC system and reconfiguration of the fire suppression system in early 2015 for a bid opening in early Spring, 2015. We expect the roofing contractor to complete their work in February/ March, 2015, which will provide for the mounting curbs for the new roof top HVAC units.

It has been determined that the Public Works staff will install the vinyl floor tiles, after the above mentioned, contracted work has been completed.

We intend to coordinate the construction activities to avoid potential conflicts with the usage of the rooms for the scheduled events, in February and June.

b. Irrigation and Landscaping

The design for the irrigation system remains to be completed. I am hopeful that we will be able to have an irrigation contractor donate their design services. Otherwise, we must purchase design software to complete the task.

We are hopeful that we can include a rainwater recapturing system for irrigation use. It appears, at this time, that there will

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not be sufficient funds available for this system, due to other, higher priority projects in the Township.

c. Recoating of the Front Parking Area

Due to the need to address higher priority projects, throughout the Township, I do not believe that funding will be allocated for this project, in the immediate future.

7. PROPOSED DOG PARK AT LUKE AVENUE RECREATION COMPLEX (CAMDEN COUNTY OPEN SPACE FUNDING-\$25,000)

We have commenced with the engineering design and preparation of the bid documents. We expect to receive bids in early 2015 and construction to commence in the late Spring, 2015.

8. BANDSHELL AT LUKE AVENUE RECREATION AREA (COUNTY OPEN SPACE GRANT- \$50,000)

We expect to complete the design documents in early 2015. At this time, we are not sure if the Public Works staff will be able to devote enough time to perform the construction. If the staff is unable to perform the work, we will bid the project, in the late Spring of 2015.

9. RECONSTRUCTION OF BASKETBALL COURT AT SPRUCE AVENUE RECREATION SITE (COUNTY OPEN SPACE GRANT - \$25,000)

I had mentioned to the Governing Body that I did not believe that the construction cost will exceed the County grant amount. I intend to receive bids, for this project, in the same bid package as the Hill Avenue Street Improvements Project, in hopes of receiving more competitive process for the larger scale projects. Therefore, I recommend that the Governing Body consider allocating the necessary, additional funds for this project.

10. CAPITAL IMPROVEMENTS PROGRAM

As you know, there are many streets, which are in need of improvements (pavement, storm drainage, curb, etc.), in the immediate or near future. There are, also, various improvements, which are necessary for recreation facilities, public buildings and sanitary sewer.

The Governing Body has adopted the bond ordinance for the improvements to the sewer pumping stations.

I recommend that, if possible, the Governing Body consider implementing a long capital improvements program. I intend to prepare a Recommendations Report, detailing a possible long range plan for capital improvements, in the future.

11. N.J.D.O.T. FY 2015 APPLICATIONS

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The applications have been submitted to the N.J.D.O.T. for the following projects:

Priority 1-Hazel Avenue – Chestnut Avenue to Cushman Avenue

Priority 2- Oak Avenue- N.J.D.O.T. Ramp A to 80' Past Clover Avenue
Typically, except for this past year, the announcement of the selected projects is made at the end of the year so the construction can commence in the Spring of the following year.

The N.J.D.O.T. has noted that the Transportation Trust Fund has, essentially been depleted. I have been informed that the N.J.D.O.T. Commissioner has placed a hold on funding any future projects, which would include the FY2015 Municipal Aid applications. Once I receive any update, regarding the N.J.D.O.T. Funding, I will inform the Governing Body.

12. MUNICIPAL CERTIFICATION FOR FUTURE FEDERAL FUNDED PROJECTS

We will be obtaining the information, from the N.J.D.O.T., for this program, in the immediate future. We will complete the necessary documents, with the assistance from Ms. Campisano, and submit the documents for Federal and State approval, in the near future.

13. NO PARKING AND NO PASSING ZONES ALONG COOPER ROAD

We will be completing the study to determine for the creation of the no passing zone along the road. Once completed, it is my understanding that the Governing Body will take formal action to request that the County Freeholders establish prohibition of passing and parking along the road.

14. STORM DRAINAGE IMPROVEMENTS

a. Lester Avenue Storm Drainage and Stormwater Management

1) Phase 1-Construction of Storm Inlets Piping and Temporary Stormwater Basin

I believe that the Governing Body will be meeting with the adjacent property owner to discuss the possibility of him constructing the storm drainage improvements for the transfer of the ownership of the adjacent Township lot.

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2) Phase 2 – Extension of Storm Drainage to the Existing Stormwater Management System within the Luke Avenue Recreation Complex

We must perform the land surveying and engineering design. I will be preparing a cost estimate for the construction for consideration for funding by the Governing Body.

It will be necessary to obtain an easement for the proposed storm drainage piping, which will be crossing the P.S.E.G. lands.

b. Kelley Drive Stormwater Basin Reconstruction

The Governing Body passed Resolution No. 2013:200, authorizing the advertisement and opening of bids for the reconstruction of the basin. We must prepare the bid documents so that the reconstruction work can be performed. I had expected the construction to be completed by the end of 2014. Since it will not be performed until 2015, Ms. Campisano has informed me that it will be necessary to take action for the funds to be available for 2015.

c. 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. Fitz 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.

d. Storm Drainage Issues with the Southwest Portion of the Township

I had reported to the Governing Body, some time ago that I am estimating that the overall construction cost for the necessary improvements is approximately \$11.8 million. I have requested a meeting with Congressman Norcross to

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discuss the possibility of receiving Federal funding, for this project.

15. REQUEST TO THE PINELANDS COMMISSION FOR ADDITIONAL REDESIGNATION OF LANDS

I met with the representatives of the Pinelands Commission Planning staff to discuss the matters of greater development for the Dandrea and Triple-T parcels. The representatives have informed me that they will not consider the individual parcels but may consider a comprehensive approach to the development of the remaining Pinelands area. They have suggested that the Township prepare and submit a proposal for this comprehensive plan.

16. MONTEBELLO- SECTION 4, DEVELOPER'S AGREEMENT FOR THE POSTING OF THE BONDS

The developer has informed me that their attorney is reviewing the Developer's Agreement, which was prepared by the Township Solicitor's Office. They expect to sign the Agreement, post the bonds and escrows and file the subdivision plans, in the near future.

17. TAX MAP REVISIONS

We have received the second round of review comments from the N.J. Department of Treasury and are preparing a list of questions, regarding these review comments. Once we resolve the issues with the review comments, we expect to re-submit the revised set of revised Tax Maps.

18. IMPROVEMENTS TO THE INTERSECTION OF HADDON AND FRANKLIN AVENUES/ REQUEST FOR CHANGES TO SIGNAL TIMING

It is my understanding that the contractor for the County has completed the majority, if not all, of the work. I had presented some of my concerns with the construction at a meeting with the County Engineer, construction management firm and the contractor, in late 2014.

19. TRAFFIC CALMING PROGRAM

I believe that the Governing Body is still considering the implementation of a traffic calming program, using portable speed humps and warning signage, flashing speed notice boards with flashing white strobe lights and other traffic calming devices.

Residents along Minck Avenue, Fairview Avenue and Taunton Avenue have voiced their concerns with the excessive speeding, along their streets. Several residents along Mt. Vernon Avenue have voiced their concern of vehicles speeding within the section where the reconstruction project will be eliminating the high crown area at the intersections.

20. REVISIONS TO TRAFFIC ORDINANCE

On January 21, 2015, a meeting was held with the Mayor, Ms. Walters, Esq. from the Solicitor's Office and I, to discuss the possible changes to this section of the Township Code. I anticipate that it will take several more meetings to prepare a recommendations report for review and consideration by the Governing Body.

21. REVISIONS TO THE STREET OPENING ORDINANCE

I believe that the Governing Body will be reviewing recommendations by the Solicitor's Office and I and considering taking action, in the near future.

22. REVISIONS TO THE TOWNSHIP CODE

At our last meeting, Ms. Walters, Esq. and I had presented possible amendments to the Code to address temporary structures and containers and other matters. We will continue to discuss these matters and intend to prepare and submit recommendations to the Governing Body and Planning Board for consideration for amendments to the respective codes.

23. INVESTIGATION FOR SIDEWALK ALONG OAK AVENUE

At the Council Meeting, in November 2013, the Governing Body discussed the possible construction of sidewalk along one side of the street, due to the narrow width of the roadway. I will be investigating this matter and will report to the Governing Body.

24. SOLID WASTE DISPOSAL CONTRACT FOR 2015 AND THE FUTURE

It is my understanding that the County is receiving a second round of bids for the disposal of solid waste for the remainder of 2015, for the participating municipalities. Covanta has stated that they will continue to honor the current price, until a new contract is awarded by the County.

I believe that it will be necessary for the Governing Body to pass a resolution for the awarding of a contract. I believe that the Township must prepare and

submit the Contract document to Covanta for their signature.

We will be meeting with representative of the Pollution Control Financing Authority to discuss the possible options for possible, County-wide, long term terms for solid waste disposal.

25. INVESTIGATION OF THE CONDITION OF THE RECENTLY CONSTRUCTED CONCRETE SIDEWALK ALONG HADDON AVENUE

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It has been brought to my attention and I have observed spalling of the concrete sidewalk, in several areas. I will investigate the matter, further, and report to the Governing Body with my recommendations.

26. IMPROVEMENTS TO THE PUBLIC WATER DISTRIBUTION SYSTEM

Mayor Magazzu, Council President and I have met with representative of the Berlin Borough Governing Body and the Water Superintendent to discuss the conditions and planned improvements for the portion of the water distribution system, within the Township. We discussed the possible and planned improvements to the system. I believe that the meeting was very productive and informative

C. PUBLIC WORKS DEPARTMENT

1. STAFFING ISSUES

We anticipate the continuation of the use of temporary employees, on an as needed basis. We request that a permanent employee, eventually, be hired to fill the open position.

2. AUCTION FOR VEHICLES AND EQUIPMENT

We expect to continue with additional electronic auctions in 2015. The recent auctions have been successful in removing various unused vehicles and equipment from the Township inventory.

3. LEAF COLLECTION MACHINE

As you know, this past leaf season, we experienced continual breakdowns of the leaf machines. As a result of my recommendation not to repair one machine, due to the age of the machine and repair cost, we received a bid for a new leaf machine. The Governing Body awarded a Contract for the purchase of the machine at the last Council Meeting. It is expected that the machine will be delivered in late April/ early May, 2015.

4. IMPROVEMENTS TO SEWER PUMPING STATIONS

A.C. Schultes has completed the report for the evaluation of the pumping stations.

I have performed a cursory review of the report. It appears that it may be necessary for them to perform additional work to comply with the scope of services. I expect to respond to them, in the near future.

5. REQUEST FOR 2013 CAPITAL PURCHASES FOR VEHICLES AND EQUIPMENT

I strongly recommend that the Governing Body consider allocating the necessary funds for trash trucks, dump trucks, tub grinder and several other vehicles and pieces of equipment for the Public Works Department. We have been experiencing frequent breakdowns, requiring repairs and making them unreliable and unavailable for usage for the performance of Public Works tasks.

I believe that the Governing Body will be reviewing the requests, from all departments, and determining the possible bonding/allocation of funding.

6. COLLECTION OF SOLID WASTE AND RECYCLABLES

I expect to complete the analysis and recommendations for the options for collection of solid waste, recyclable materials, etc., in the near future.

7. TEXTILE RECYCLING

I must, still, meet with the Westville Public Works Superintendent to obtain the information, regarding the implementation of this program.

8. LEAF COMPOST MATERIAL

I had, previously, mentioned that we have experienced extreme difficulty in having the composted leaves removed from the composting area as there was very little interest in the partially composted leaves, which resulted from the inability to grind the leaves, due to the tub grinder becoming inoperable. We were fortunate to find an interested party to take the leaves in 2014

I strongly recommend that the Governing Body consider the purchase of a new tub grinder if the Township will continue to operate the composting facility. Otherwise, it is probable that it will be necessary for the Township to haul the leaves to another municipal composting facility and pay for the disposal at their facility. It is my understanding that it is probable that, due to higher priority projects, funding may not be available for the purchase of a tub grinder.

9. ORDER FOR VARIOUS SIGNS

We have placed the orders for various signs, which we are not able to fabricate with the Township sign machine, and related hardware. I am hopeful that the signs will be delivered in the immediate future.

We have, also, received prices for directory signs for the businesses along old Haddon Avenue. We have presenting the signs, with the respective costs, to the inquiring business owner, for consideration for purchase. I believe that the intent is to contact the other businesses, along the road, to see if they are interested in sharing in the cost of the signs.

10. REVIEW OF RATES FOR USE OF RECREATION FACILITIES

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I believe that the Governing Body will be reviewing the fees for consideration for adjustment to the rates for the use of the recreation facilities by organizations, other than the B.T.A.A..

11. PERFORMANCE OF VARIOUS TASKS

The Public Works staff has completed the Fall collection of leaves. Due to continual breakdowns of the leaf machines and the loss of use of one machine due to engine failure, it was difficult for the leaves to be collected, in a desirable manner.

Maintenance and repairs have been performed to the snow removal vehicles and equipment. I would note that the majority of this equipment is worn out. We are hopeful that the equipment remains operational, during the remaining snow removal and street treatment events.

The staff continues to patch the potholes with cold patch, as best as possible.

We expect to initiate an extensive localized pavement repair/reconstruction program, in the Spring, when the weather becomes more suitable for this work.

We have purchased a small line striping machine, which we intend to use for small scale line striping projects, through the Township, when the weather becomes suitable for the application of the paint.

We are in the process of purchasing several small pieces of equipment for use with the pavement restoration and grounds maintenance programs. I have, previously, submitted my request for the purchase of the larger pieces of equipment and vehicles, through bonding.

Please contact me with any questions or comments, regarding the contents of this report.

SOLICITOR REPORT

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Diluzio /. Berlin Township
5. Chief Jackson
6. Open Public Records Act
7. Fire Safety Ordinance
8. Traffic Ordinance Overhaul.
9. Community Center Rental Ordinance
10. In Rem Tax Foreclosure
11. Street Opening Bond Requirements
12. Montebello- Phase 4 Performance Guarantees
13. Temporary Outdoor Storage units and or Structures
14. Fences

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POLICE REPORT

Total of 26 accidents, 87 alarm calls, 200 summonses, including 1 DWI. 48 total arrests, including 4 narcotic arrests and 14 warrant services.

January 24, 2015 Officers were dispatched to the area of Day Ave. for reported suspicious activity. Upon arrival Officers were advised that the resident heard loud noises, the resident then observed two males walking down the sidewalk. Investigation revealed that the males had knocked over the resident's birdbath. Officers followed footprints in the snow to a residence on Oak Ave. The resident of Oak Ave. and his friend were subsequently arrested and charged with criminal mischief for damage to mailboxes on Park Ave. and theft for stealing lights from in front of Town Hall.

January 28, 2015 Officers were dispatched to McClellan and Krum Aves. for a vehicle burglary. Upon arrival it was determined that the victim had parked his vehicle overnight and in the morning noticed the vehicle window broken and his backpack missing. The investigation is continuing.

January 21, 2015 Officers were dispatched to the area of Veterans Park for a report of suspicious persons at the park. Upon arrival the subjects were not from the area and could not give good cause for being at the park. Further investigation revealed the male subject to be in possession of an amount of heroin, crack cocaine, and 65 Xanax pills. He was subsequently arrested.

I would like to advise the governing body that we have again received information via our facebook page and our 24 hour tips line that lead to arrests and crimes being solved.

PROPERTY MAINTENANCE/ANIMAL CONTROL

Joshua Shellenberger reported that he has been sending out property maintenance violation notices before they become complaints. Notices for oversized vehicles, trailers and vehicles parked on the grass. Josh commented that he has received contact information on the vacant properties and has scheduled some work to be done on two properties with damaged fences and trees.

Joshua reported that the rabies clinic held on January 24, 2105 was a success despite the weather and Doctor Polio administered 138 shots.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2015-1 AMENDING
ORDINANCE 2014-11 FIXING AND DETERMINING SALARY RANGES FOR THE
OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF
CAMDEN, NEW JERSEY.**

WHEREAS, the Mayor and Council of the Township of Berlin adopted

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Ordinance 2014-11 on December 15, 2014 fixing and determining salary ranges for the officers and employees for the calendar year 2015; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary ranges for the calendar year 2015 effective February 9, 2015 as follows:

POSITION	ANNUALSALARY RANGE.....	
	FROM	TO
Tax Collector	\$50,000.00	\$55,000.00
Sewer Clerk	4,000.00	9,000.00
Tax/Sewer Clerk	\$21,000.00	\$30,000.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the above mentioned salary ranges are amended as stated.

Magazzu opened the meeting to the public for questions or comments on Ordinance 2015-1.

No comments were to be heard.

Motion by Councilman Epifanio, second by Council President Morris 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 for questions or comments on Ordinance 2015-1.

Motion by Council President Morris second by Councilwoman Bodanza to adopt Ordinance 2015-1. Ordinance approved by call of the roll, five members present voting in the affirmative.

RESOLUTION 2015-73 RESOLUTION TO AMEND RESOLUTION 2014-176 ON THE APPOINTMENT OF BERLIN TOWNSHIP TAX ASSESSOR.

WHEREAS, by the Mayor and Council of the Township of Berlin that **Daniel J. Gatti** was appointed Tax Assessor for the Township of Berlin December 15, 2015 Mayor and Council Meeting: and

WHEREAS, Daniel J. Gatti shall hold office from December 22, 2014 till June 30, 2015 and then shall will be appointed for a four year term from July1, 2015 to June 30, 2019 (N.J.S.A 40A:9-148)

WHEREAS this appointment does not confer tenure on **Daniel J. Gatti** as Berlin Tax Assessor unless and until he is appointed an additional term beyond June 30, 2019

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Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2015-73. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2015-74 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR THE DRIVE SOBER OR GET PULLED OVER GRANT.

WHEREAS, a receivable and reserve balance of \$1,743.54 titled Drive Sober or Get Pulled Over Grant remains on the balance sheet at 1/31/15; and

WHEREAS, the grant is complete and it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the receivable and reserve balance of \$1,743.54 titled Drive Sober or Get Pulled Over Grant is hereby canceled.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2015-74. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2015-75 RESOLUTION AMENDING SALARY RESOLUTION 2014-179 ESTABLISHING SALARY AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY.

WHEREAS, the Mayor and Council of the Township of Berlin adopted Resolution 2014: 179 on December 15, 2014, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2015; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary effective February 9, 2015:

POSITION	AMOUNT
Tax Collector	\$ 50,000.00 per year
Sewer Clerk	4,000.00 per year

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the above mentioned salaries are amended as stated.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2015-75. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2015-76 RESOLUTION TO APPOINT DANA O'HARA AS TAX COLLECTOR FOR THE TOWNSHIP OF BERLIN.

WHEREAS by the Mayor and Council of the Township of Berlin that **Dana O'Hara** be appointed Tax Collector for the Township of Berlin: and

WHEREAS, Dana O'Hara shall hold office from February 9, 2015 till December 31, 2015 and then shall will be appointed for a four year term from January 1, 2016 to December 31, 2020: and

WHEREAS this appointment does not confer tenure on **Dana O'Hara** as Berlin Tax Collector unless and until she is appointed an additional term beyond December 31, 2020.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2015-76. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2015-77 RESOLUTION TO APPOINT DANA O'HARA TAX SEARCH CLERK.

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that **DANA O'HARA** be and is hereby appointed **Tax Search Clerk** for the Township of Berlin, effective February 9, 2015 and terminating December 31, 2015.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2015-77. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2015-78 RESOLUTION TO APPOINT DANA O'HARA SEWER DEPARTMENT CLERK.

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that **DANA O'HARA** be and is hereby appointed Sewer Clerk for the Township of Berlin, effective February 9, 2015 and terminating December 31, 2015

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2015-78. Resolution adopted by call of the roll, five members present voting in the affirmative.

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RESOLUTION 2015-79 RESOLUTION TO CHANGE THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR YEAR 35 AND 36.

WHEREAS the Township of Berlin received Community Development Block Grant funds for the Program Years 35 and 36 and;

WHEREAS due to changes in the eligible census tracts and concentrations of Low to Moderate income the Township of Berlin proposes to change both Year 35 & 36 project descriptions; and

WHEREAS the Township of Berlin requests the redesignation of year 35 funds (\$21,000) for the improvements to the Senior Citizens Building and Year 36 funds (\$21,000) for the improvements to the Senior Citizens Building and Handicap Curb Cuts at the intersection of Bate Avenue and Pine Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, New Jersey, hereby authorizes the change in project allocations from Street Improvements to Improvements to the Senior Center Building and the handicap curb cuts at the intersection of Bate Avenue and Pine Avenue.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2015-79. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2015-80 PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Township of Berlin ("Township") is subject to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Mayor and Council of the Township of Berlin to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:
Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, assembled in public session on February 9, 2015, that an Executive Session closed to the public shall be held on February 9, 2015, at 5:00 P.M. in the

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Township of Berlin, 135 Route 73 South, West Berlin, New Jersey for the discussion of the following litigation matter: *Sherwood, Orio, Olyroyd & Fruggerio, Inc. v. Township Council of the Township of Berlin, et al*, Superior Court of New Jersey, Docket No. L-004586-14. The deliberations conducted in closed session may be disclosed to the public upon the determination of the Mayor and Council of the Township of Berlin that the public interest will no longer be served by such confidentiality.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2015-78. Resolution adopted by call of the roll, five members present voting in the affirmative.

Business Approvals

1) Omega Auto Groups Inc. Arsen Yedigarov, 770 Route 73 South, West Berlin NJ. Used cars sales and repairs.

Motion by Councilwomen Bodanza, second by Councilman Epifanio to approve the business licenses above. Licensed approved by call of the roll, five members present voting in the affirmative for license.

Approval of Minute for January 26, 2015

Motion by Council President Morris, second by Councilman Epifanio to approve the minutes for January 26, 2015. Motion carried by voice vote, five present voting in the affirmative

All Other Business

1) CDBG Project Selection

2) South Jersey Gas Request -Township Engineer Chuck Riebel

commented that he will look at the request from South Jersey Gas and get back to the Governing Body.

Public Portion

Motion by Councilman Epifanio, second by Council President 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.

No comments were to be heard

Motion by Councilman Epifanio, 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.

FEBRUARY 9, 2015

RESOLUTION 2015-80 PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Township of Berlin ("Township") is subject to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Mayor and Council of the Township of Berlin to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:
Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, assembled in public session on February 9, 2015, that an Executive Session closed to the public shall be held on February 9, 2015, at 5:00 P.M. in the Township of Berlin, 135 Route 73 South, West Berlin, New Jersey for the discussion of the following litigation matter: *Sherwood, Orio, Olyroyd & Fruggerio, Inc. v. Township Council of the Township of Berlin, et al*, Superior Court of New Jersey, Docket No. L-004586-14. The deliberations conducted in closed session may be disclosed to the public upon the determination of the Mayor and Council of the Township of Berlin that the public interest will no longer be served by such confidentiality.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2015-80. Resolution adopted by call of the roll, five members present voting in the affirmative. Governing Body went into Executive Session.

Motion by Council President Morris second by Councilman Epifanio to come out of Executive Session. Motion approved by call of the roll, five members present voting in the affirmative.

RESOLUTION 2015-81 AUTHORIZING TOWNSHIP SOLICITOR TO REPRESENT THE INTERESTS OF BERLIN TOWNSHIP, THE MAYOR AND MEMBERS OF COUNCIL IN PENDING LITIGATION

WHEREAS, on or about December 2, 2014, a certain lawsuit was filed in the Superior Court of New Jersey - Camden County, bearing Docket No. CAM-L-004586-

FEBRUARY 9, 2015

14, on behalf of Thomas Sherwood, Dean Orio, John Olyroyd and Vito J. Fruggerio, Inc. against Township Council, Mayor Magazzu, Council President Morris, Councilwoman Bodanza, Councilman Epifanio and Councilman McIntosh (hereinafter “Legal Proceeding”); and

WHEREAS, Plaintiffs are challenging the constitutionality of the regulations governing sexually oriented businesses as set forth in Chapter 268 of the Township Code in the Legal Proceeding and are seeking to invalidate same, as well as interest, attorney’s fees and costs, and such other relief as the Court may deem appropriate; and

WHEREAS, the Governing Body has been advised that while the Legal Proceeding has been referred out to the Camden County Municipal Joint Insurance Fund for coverage, several claims asserted therein will either not be covered or will be subject to a reservation of rights;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin for the reasons set forth above that the Township Solicitor is hereby authorized to enter his appearance as counsel for, and take any and all necessary action on behalf of, the Mayor and Township Council in connection with said Legal Proceeding and to execute any documents necessary in connection therewith.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2015-81. Resolution adopted by call of the roll, five members present voting in the affirmative.

Adjourn

Motion by Council President Morris, second by Councilman Epifanio to adjourn the meeting at 6:55 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 6:55 pm

Catherine Underwood, Township Clerk