

MARCH 23, 2009

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD AT THE DWIGHT D. EISENHOWER SCHOOL ON GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY MARCH 23, 2009 AT 6:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Councilman McIntosh, Councilman Morris,
Council President DiGangi, Mayor Magazzu

Also Present- Donafaye Zoll, Solicitor Charles Reibel Jr. Engineer
Michael Laginestra, Zoning Officer, Michael McGee,
Director Public Works, Lori Campisano, CFO, Michael
Hayden, Chief of Police

Absent- Councilman Batten

The Mayor Magazzu spoke to the public about the progress of the Municipal Building and the timeline of invents to bring the public up to date. She stated on November 7, 2006 our Municipal Building incurred major damage, but prior to the event, town hall needed a lot of work. Heating, structure and technology, the building could not handle this, plus the fact we had really out grew that building. We had received estimates to repair building. It was expensive and we didn't think it was a good decision to put the burden on the town to repair a building in the condition it was in. Safety an issue we decided to demolish the building. We then hired Garrison Architects to look at several sites in town, Bate Avenue site, Dwight D. Eisenhower site and Gordon Furniture site.

MARCH 23, 2009

Mayor Magazzu informed the public on the events that lead after November 7, 2006 our Municipal Hall had incurred major damage. Prior to the event our town hall needed a lot of work done to the heating, structure, it could not handle the technology. We really outgrow that building. We got estimates to repair the building. It was expensive and we didn't think it was a good decision to burden the town to repair the building in the condition that it was in. (figures are available to see) with safety a concern we decided to demolish the building. We then hired Garrison Architect to look at several sites in town, Bate Avenue, School Site and Gordon's Site.

Bate Avenue Site, we have to buy the two front parcels, which would come to about \$800,000 and because of the Grant Rehabilitation we would have to relocate the tenants in those buildings. The playground area is green acres, so we would not be able to build there. We would have to reconfigure Haddon Avenue and that would cost money. Then it would cost to take down the buildings on that site, surrounded by three residential neighborhoods. The new building would not be the same size as the old one.

School Site, the school approached the Township and was interested on building the Town Hall on the school site in hopes of doing shared services. We would build together and save the tax payers money. The school site was not accepted by area residents.

Gordon's Site, was an existing building, a shell that would be easier to put in offices accessible to both sides of town. We own property behind so if we needed additional parking or space, then we could use it especially for any shared services in the future. Away from residential and vacant for four years, and become an eye soar for the community.

After doing studies, we started working with Berlin Borough, and we were hoping that we could do joint building together, we had hope to share a common area, like employees, services and Court area. We did a resolution stating so, but after eight months, appraisal and of discussion the Borough rejected the idea.

Somewhere down the line if we did merge with another town, we would be ahead of the game with this building. But again unfortunately that didn't work out.

After that, we were again approached with Gordon's Furniture Site. This time due to economical times, he agreed to lower the price below the appraisal price, over 1 million dollars. After talking to several contractors and due to these economical times this would be the best time to build. I know this is not the best time for people, but this is the best time to do something. We are really in a need of this; our employees are working in construction trailers with no bathrooms.

The 7,950,000 does not take in consideration this economical time. We are hoping bids come in lower and this does not include any grants or stimulus

MARCH 23, 2009

money that we have applied for. It does not take in to consideration the properties that we would sell, like the library; we are considering combining the John McPeak library with the school library. We would still keep the same name. In that figure, it includes everything, the property, the building of the municipality, fixtures, furniture, professional cost, everything. If we were to build where we are now it would cost 2 million dollars more. When you have to build a foundation the cost is higher. Gordon's has the foundation already.

Council President DiGangi commented that there is a slab, park area, stone . Masonry structure with a roof that is a considerable amount of money.

Mayor Magazzu responded in an effort again to lessen the impact we are going to borrow as needed. You're not going to feel the impact of that, about 12 dollars an average home. Because of temporary funding you want see anything for at least 2 years.

Council President DiGangi stated that we are going to borrow interest only. So we will borrow as we need it. When we need to pay a bill for a contractor we can control how much we are borrowing at interest only, on that amount. When it is all done we will go out for permanent finance, through a bond, in about 2 years. That is the best way to do it. It lessens the impact as we go.

Lori Campisano our Chief Finance Officer talked about the finance process and the bond anticipation notes, stating we are permitted to borrow up to 1 year and it is called temporary finance again that is a 1 year period. These notes are done in different amounts, like the purchase of the building or any other expenses that we would fore see, we will do notes. We will borrow temporary for only what is need. When all the cost are done and the project is finished and we will know whether we have received any stimulus money in or if we sold any of the properties the proceed will go off the total amount and that is what we would go out for what is called permanent financing or municipal bonds. Which will take place around year 2011or 2012. In the mean time when you borrow money you have to pay interest and we have a certain amount set aside, that we will pay certain interest out of there.

Mayor Magazzu commented that the present trailers are temporary and not cost efficient, along with the fact that they are spread all over town. Which makes it difficult to work with departments? These trailers were meant to be temporary quarters due to the building going down and had to be out quick.

Michael Hayden Chief of Police stated that the department has been in temporary quarters in the senior citizens building and trailers. Since in the trailers we have moved out because of mold and formaldehyde. A waste of resources moving in and out of trailers. Since then we have had issues with security. Did not want to spend tax payer's money and make arrangements in the senior citizens building because we believed we would be there on a temporary basis.

MARCH 23, 2009

For the first year and a half the secretaries had no type of security. It was not safe for them or our residents. When we bring in a victim who was assaulted in domestic violence, they are sitting a few feet from the person who just committed that crime. We have concerns about safety for our officers, secretaries and residents. Our evidences and files are not housed properly. Again we didn't take any steps in this because we thought it was temporary. The police department has no room to conduct interviews or to process evidence. We have to go outside due to no ventilation and the chemicals that are used.

The Chief commented that court is no longer done in town so now our Officers have to go out of town to testify in court, sometimes while working. It is not a good use of resources for them to be out of the area. With the court being out of town we have a real reduction in efficiency. Our court administrator must pack up all documents and files and bring them to court, plus they do not have any access to any documents that may arise, because of court being held out of town. This working environment is not good for moral for any Officers or Employees in these conditions.

Michael McGee, Public Works Director talked about the Health and Safety issues of the employees and public residents. Mike commented that when the trailers had to be exchanged due to the mold and formaldehyde it tied up the public works crew for about a month. It wasted my time, my guy's time and your money. The ramps to the trailer are very slippery in the rain and ice. Every rain storm my workers are out making sure it's not slippery and safe. Toilets are a bigger problem. They have to stop what they are doing to go out into rain, ice, snow or whatever weather and it takes a longer time to do it. Storage is another problem; we have records back from the 1960's that are molding away in the trailers that are supposed to be permanent record. We now have had several occasions where animals are trying to get into the trailers.

Diane Zoppel, Tax Collector stated that working in the trailers have not been productive. Due to the humidity in the trailers the envelopes do not seal properly. We can't get to our files because they are at many locations. Diane commented that it is very important that we get a building that we can work and service the public.

Michael DePalma, Construction Official spoke about how the trailers are not a productive way to run a business or office. Many times employees would have to leave the trailer to speak to another employee or department leaving the phones unattended.

Councilman Morris talked about the shared services with Berlin Borough or any other Town. Even if we are not able to do shared services with Berlin Borough we will still continue to look to share services with other municipalities, it just makes sense. Having a building like this, at this location will better position us to reach out to other municipalities with Code Officials or Police. This is the most

MARCH 23, 2009

cost affective way to go instead of building a building from scratch.

Mayor Magazzu asked if the public had any comments or questions

Robert Van Arsdale asked if we were building the building for Township only or with the intentions of Berlin Borough joining us. And what the cost would be for the borough to join?

Mayor Magazzu responded that the building is already there and that there is enough room to due share services and the rooms would be partitioned off.

Council President DiGangi noted that it is an important factor that to do share services then they would have to pay their share and split the cost.

Larry Hawk asked if the plan could be taken down in size.

Mayor Magazzu stated that the building is pre-existing and we are not finishing the whole building.

Larry asked about the Police department and the number of detectives working?

Michael Hayden Chief of Police replied that the Township has 2 detectives and that by State Mandated by law the Township should have an interview room for all indictable cases.

Larry noted that his taxes have doubled in the last nine years and that it keeps going up and it's hard to pay the taxes. I also understand it is something that we need but sometimes someone has to stop.

Mayor Magazzu replied the problem is we need someplace to work.

Don Schmidt asked what the operating cost is going to be for the building.

Council President DiGangi said that we don't have exacted number at this time but that we are wasting a ton of money now on utilities bills.

Don Schmidt asked when is the cost going to come down. We are looking at a huge facility for 7 million dollars, which we need. Everyone needs a place to work. What is it going to cost to run that facility, after were done building it? How much more in taxes?

Spending 7 million dollars this day and age, right now the answer...Yes... buy the building but don't spend 7 million dollars to do all that. Berlin Borough lay off employees how come we haven't?

Councilman Morris and Mayor Magazzu responded that we have already laid off employees, 2 from Public Works, 1 Clerks Office.

MARCH 23, 2009

Council President DiGangi commented that we are suggesting that amount; we don't know how much it is going to cost. We'll spend the least amount possible. We need to run the town and provide services. Tom asked how do you run a Town....

Don responded your doing, because you took a building down and no one knows why?

Council President DiGangi said we took it down because it was structurally unsafe.

Don replied I feel for everyone who works in those trailers. There is no one in this room who doubts that 100 percent, the need for offices, it's just the money being spent.

Dorothy Shoemaker stated that she has lived in Berlin Township all her life and thanked the Township and employees for the job they have done. Her question was instead of purchasing Gordon's what would the difference be in the cost to build on the land that we own?

Mayor Magazzu answered about 2 ½ million more to build because, we don't have the building or the foundation.

Joe McShea asked what shared services would we be going for?

Mayor Magazzu stated that we could share services like Code Official, Public Works and Building inspectors. The mayor stated that we don't have to combine towns or municipalities to do shared services.

Joe McShea commented that he had stood in line on a cold windy day in January to pay his taxes. The Tax clerk was nice enough to let us wait in line inside to pay.

Joe McShea asked if the bond issue needed to be voted on by the public.

Mayor Magazzu replied no.

Joe McShea stated that everyone is in favor of the building, just upset with the size.

Marion Bodanza said, thank you, for all your hard work. My question is, was the previous building condemned?

Mayor Magazzu responded that yes the building was condemned around the late 60's. You can condemn a school building but not for public building.

MARCH 23, 2009

Diana Horan asked if the park on Bate Avenue is Green Acres, does Green Acres allow you to move the park somewhere else in town.

Councilman Morris responded yes, you can, you would have to apply for a diversion of a park facility. You would have to find another location divert or more the park too. The State House Commission for NJ has to meet 4 times a year to considerate, which could take several years to consider that process.

Mayor Magazzu commented that parking was an issue for putting the building on Bate Avenue. The park at the end is a small area and it would not have gives us too much more parking area. To put the building on Bate Avenue is not going to be like little brick building that it was. It will be bigger.

Diana asked why would you have to buy the two building on Haddon Avenue. Could you not fit a building to house our employees. Which I agree too, they should not be in trailers and I am applaud that they have been in trailers for 2 ½ years and it took that long.

Mayor Magazzu stated if we could fit there we would stay there.

Diana responded that the problem is that maybe we can't fit there , but maybe fit there facing Haddon.

Mayor Magazzu answered either way to allow for the parking and the building it was not enough space.

Council President DiGangi commented that we are building a building that is going to last 100 years. It is going to be Berlin Township, its going to have our name.

Diana replied, you took down that building that was there for 100 years.

Council President DiGangi responded that we tried to bandage and patch up the building as long as we could. We want to build a building that is going to talk about the future of Berlin Township. I like to have that building to have some frontage on some major highway number one. I don't want it in a residential section of town, it doesn't really belong there, so if we are going to rebuild it, it's not a lot of money difference between buildings from where it was to moving to the front. Berlin Township building belongs someplace where people can see that building. We have a recognizable name that means something, that makes me proud of somebody who's been involved for 25 years in this town. Having a little patch up building on a little piece of property back in a residential zone does not do that for me. And I am taking the little bit of money that were gong to spend extra to get this to happen. I think this is money well spent.

Mayor Magazzu added that it's not extra it's going to cost us 2 ½ million more.

MARCH 23, 2009

Diana responded why can't we make that property on Bate Avenue work without buying those 2 properties and keep it where it has been.

Mayor Magazzu replied that you're only going to save without inquiring the ground between \$500,000 to \$800,000 dollars. You would save that, but the building is going to cost you 2 million dollars more to build there.

Council President DiGangi said that the building needs a new foundation, a new heating system, new electrical system, new plumbing system, there would be no way.

Diana commented that she believed that the Township was putting money away to make repairs prior to it falling down.

Mayor Magazzu answered; we spent \$100,000 of that to demolish the building. We are spending more and more money everyday to keep these trailers going, that we can't put in our budget, that we are taking from our money. So we are using that as our emergency. So we don't have all that money that we did keep, to build up, to buy towards this building.

Mayor Magazzu asked Diana as a tax payer are you willing to stay there and pay 2 million dollars more, even if we don't buy the 2 properties up front?

Diana replied if we build something that size Gordon's?

Mayor Magazzu replied back not 23,000 square feet, Gordon's is 30,000 square feet.

On Bate Avenue we could probably fit into 23,000 square feet. I don't think it is financial the right thing to do to all those residents, so we can keep the history of the town, to keep the municipal hall there. You might not mind it being right there, but people might not want to live across the street from it. Because when we were thinking about putting it over the school, people didn't want the police station in there back yard or front yard.

Diana said that it was there before, so they knew it was there.

Mayor Magazzu asked Diana do you want to spend 2 million dollars more to put it back there.

Diana said that if it is proven cost effective... I'm not saying don't do it, but I don't understand why it's not being looked at. What it looks like to me is if it couldn't face Haddon Avenue then we didn't want to use that site.

Mayor Magazzu said no, would it be the best location to face Haddon Avenue since it is considered our downtown area, yeah that would be the best location. But even if we put it right back in the same area it still would cost 2 million dollars more.

MARCH 23, 2009

Chuck Riebel Township Engineer explained why Gordon's building location is cheaper. To build that existing shell that was built years ago at the contractor's rate and price back then would be cheaper than to build a new structure with today cost. The structure is in very good structural sound condition.

Diana responded that we should already have a new building before that price was cut. It has been 2 ½ years that these people have been living in trailers. The price wasn't cut until recently, only as recently as the meeting. I read from the minutes that we were going with the Bate Avenue.

Mayor Magazzu said yes, when Berlin Borough wanted no parts of this we were going to go with the Bates Avenue location. Then Gordon Shaffer called and we started to negotiate again with the price of the building. It was then that he came down 1 million dollars. Then we had to make a decision to spend 2 ½ million dollars more to stay where we are, which would be nice or do we save the tax payers 2 ½ million dollars and go to the Gordon's site.

Diana said if you had moved on Bate Avenue before the price was lowered, at that point it still was going to cost us a million more dollars. However, how much money have we spent in 2 ½ years that these guys have been in the trailers. Does it not equal out had we moved a little....

Mayor Magazzu responded no, we didn't spend a million dollars, but what we were doing was, we were trying to look at everything. We wasted quite a bit of time. I don't want to say wasted. We tried to work with the school for awhile, because we were hoping that we could build there again for shared services and that took time.

Diana said that was back in October.

Councilman Morris commented that nothing happens overnight.

Mayor Magazzu said when we were waiting for the appraisal it took 4 months. Nothing happens overnight.

Diana asked what happens if we don't get the funding for this?

Mayor Magazzu replied we have good credit as far as the town goes. It has been approved by the state.

Councilman McIntosh commented that certain things took so long because they had to be done in order for us to meet state criteria in order to be approved by the state.

MARCH 23, 2009

Diana replied that it just looks like we're not doing anything because we don't know what the state is doing to you guys.

Mayor Magazzu stated that if we had jumped into it then we would have been criticized for why we didn't look into this and that. We were going to make sure this was the right decision. So we looked at everything in town.

Diana asked if there should have been a cut off date.

Council President DiGangi said that our employees were willing to stay with us on this because they knew how hard we were working on this and we thank them personally. They were willing to stay with us because they knew what we were trying to do. We wanted to get the best deal possible for Berlin Township and they stood with us and now it's time to make a decision.

Diana asked then what will happen when the state says now you have to merge with a town.

Council President DiGangi responded then we will be ready for them.

Mayor Magazzu said then we will be in a building that we could merge with another town. If we merge the town that merges with us is going to pay. We already paid our share.

Diana asked what will happen to Day Avenue Park is that Green Acres.

Mayor Magazzu said that the park is staying where it is, we're not touching that.

Council President DiGangi replied that we are going to sell the Library building and move the Library to the school with extended hours. Our existing property will be zoned residential. A couple of nice homes will be built.

Diana asked how are we going to sell this now.

Council President DiGangi said nothing has to happen now. The impact is going to take us some time.

Lori Campisano said we are not going to feel this impact until 2 years.

Council President DiGangi stated we are going to borrow as we need it. When we sell the properties, if we receive any grant money or get any cash, whatever is left we will bond that as our final payment.

Diana asked what happens if the real estate market doesn't come back up and 2 years are up and we have all this land.

MARCH 23, 2009

Mayor Magazzu said worst case scenario is we will be paying 12 dollars a month. Without selling the Library, yellow house and Bate Avenue, without getting any stimulus or grant money, bids coming in as high as they could that's the worst. We are hoping that we do get some grant money or that the bids come in lower to set off the cost.

Diana stated if it is the best and most financially sound, then everybody will back you but we just need to know, we need to be kept up to date, we need to see that this is the case.

Mayor Magazzu replied we have done studies. We have paid for professional studies done. We have all the information. We have checked every parcel out in town, this is the best location.

Councilman Morris added that even though one Council member is not here, we have all been on the same page across the board. Everyone is aware and knows everything. It is all five of us who are on the same page, all in agreement. Anyone who has come to us and asked about it we have told them everything that we knew at that point.

Gilbert Aranda stated that he takes offense on saying that Gordon's site is strictly commercial, because there is a residential neighborhood back there. I don't want a jail down the street. There are kids playing their like any other area. So I really take offense to that. Second of all look at the turnout of all the people. Many are opposed of this, however most people didn't come because they know you have made up your mind and we are going to pay the price. That's the bottom line, you made up your mind and were going to pay the price whether or not we can afford it or not.

Nancy Andress asked what other properties have we looked at besides Bates Avenue and Gordon's site.

Mayor Magazzu responded those 2 locations and the school.

Nancy replied have you looked in the Industrial park.

Mayor Magazzu responded to buy those properties it would be very expensive.

Nancy asked if there is any property back there that is empty.

Mayor Magazzu stated that there was a property back in the industrial park that we looked at but the owners decided not to sell. He wanted 8 million dollars and that was without doing anything to the building.

Nancy asked could you have negotiated with him.

MARCH 23, 2009

Mayor Magazzu said that was without doing anything in the building. He wanted 8 million dollars.

Nancy said I don't understand why the Township, and I am sorry, I don't agree with you that we need to put on a big prestigious front out on 73. If you're a million dollar home community, you can put on that big front, but were not.

Council President DiGangi responded but we are talking about a lesser price. At a lesser price we have that image for our community, why shouldn't we.

Nancy replied I got news for you there are a lot of people out here who can not afford image.

Councilman Morris added that it's also cheaper.

Nancy said that 8 million dollars is a lot of money for an image. Gordon's is on a state highway for prime real estate, for commercial, find a place off of route 73.

Mayor Magazzu answered I can't even find a building lot. Do you know a place to build town hall.

Nancy there is property back off of route 73.

Mayor Magazzu said we have looked there is nothing.

Councilman Morris, agreed

Council President DiGangi noted that the industrial park is warehouses and very expensive to gut and to rebuild offices.

Nancy it is expensive to do what you are doing here too.

Council President DiGangi we have an excellent deal here. This is an opportunity really. It is a tremendous price for this land and building. That's why we decided to do this, it's a great deal.

Nancy stated I know one thing your doing you best to try and sell us, your doing your best. I still don't think we need to be taking up prime real estate for a township building.

Mayor Magazzu asked would you want us to go back where we are and pay 2 million dollars more to stay there. We are getting a good price for this building because it has been vacant for 4 years. He wanted to sell the building 8 months ago, he wanted over a million dollars more.

Nancy asked how many square feet are in this building.

MARCH 23, 2009

Mayor Magazzu replied 29,000 square feet.

Nancy It doesn't allow much room to share a building.

Council President DiGangi said that it does, we will share common areas like court room, conference room, bathroom and other common areas.

Councilman Morris commented that you are not going to share 2 towns, you are not going to put 2 towns under one roof, but to share service. If two towns came along then you might need to add on, at their expense.

Diana responded since that is commercial property and we are going to loose taxes on that and now loose that rate and since this guy is getting a little more desperate, he might come down a little more where we can get something more for it.

Mayor Magazzu replied you just got done saying why did we wait so long, now your saying wait a little longer so he can get more desperate.

Diana replied because we should already be built by now.

Mayor Magazzu said so what do you want us to do.

Diana replied can we zone Bate Avenue to be something we can get taxes for, instead of houses.

Councilman Morris responded it would be residential homes, we would recoup that.

Mayor Magazzu asked if you wanted a Shoprite right next door to you

Diana replied no, but did the people on Walker Avenue want it. No, I don't want to loose the tax money either.

Mayor Magazzu commented that when we have 7 houses built there will be those taxes.

Stacey Roche stated that she was in favor of this. I am looking forward to fill that eye soar furniture store that has been just sitting there.

Bill Lynch stated I am kind of curious that you care about what your people think. You could have saved 78,000 dollars if you listened to local people.

Mayor Magazzu commented that Mr. Lynch is upset because he lives on a street that did not go through to Minck Avenue. He got upset when we put that road

MARCH 23, 2009

through. We had many request from people who did not want to go on to route 73 to get to the shopping center.

Bill asked if there were any objection or negatives regarding structure or roof on Gordon's Building.

Council President DiGangi answered that we had our Engineer look at the building and it was fine.

Bill stated that this building was not designed to be a municipal building and you are projected that this building is to last how many years?

Mayor and Council responded 100 years.

Bill commented that he has worked in trailer for 40 years and managed to survive. I know it's a problem to go to the bathroom. I can feel for the people out there, who are use to better conditions. But the fact remains they have been doing it a couple of years now and they can continue to do it. I don't know if this is the right decision. I am not particularly in favor of it. Commercial ratable, we are not going to have one there. Are we going to build a Taj Mahal, I really don't know, but I will say this, whatever figure you guys give us today I'll bet my house that is not what the building comes in for.

Mayor Magazzu asked do you think it's coming in higher.

Bill replied absolutely, but none the less you have already made your decision. Pretty sure that is what happens. The same kind of things happened in the early 70's. There is another way that the people in this town can change things and that's to get rid of the people that are making the decisions and we still have an option. It was a change of the form of government that we accomplished in the 70's. We canvassed the neighborhood for people to sign petitions. We overthrew the form of government we survived for 4 years with a change. Now that's a way to make change, you can't make it by sitting with 65 people who turned out of 5200. Berlin Borough coming in with us, a town of 7500 people that dumped us 100 years ago, what are the chance? So you want to do something positive it is right here it's called the Optional Municipal Charter Law. If the younger people want to take it up where we left it in the 70's, I will be glad to give you a copy and you can proceed from there. This is what you are going to get when you come here every time an option that is already taken care of. This is bought and done and if you don't think so and continue to just sit in these chairs and don't do something about it, it's going up and they are going to have their way again.

Marion responded I am getting the feeling that we have lost perspective, we have absolutely no security, records not being taking care of and paying an arm and a leg for all these buildings instead of one. We elected these people to make these decisions for us, so we don't have too. So I don't understand why it is such a

MARCH 23, 2009

problem. They are coming and telling you this is what we have decided, because you voted them in, what the majority of the people in this town did. That is why they are here.

Tony Franscesco I don't total agree with everything that gentleman was saying, yes they do deserve better conditions we just don't appreciate the beach front property. If you want to pay because that is your opinion of having beach front property, you pay for it. Because we don't have 8 million just to spend at a drop of a hat. Now I am not saying they don't deserve better conditions, I have been there but we don't need beach front property. Granted they could last a little bit longer. They don't have to be there permanently. That is too much money, its tough enough to come up with money to pay the bills.

Mayor Magazzu stated just so you know this was the cheapest building.

Council President DiGangi commented I think you do not understand what I am trying to say. This is beach front property that we are buying cheap and that is an opportunity. When you're involved in real estate this is an opportunity you should jump on it with all the feet you got. That is what this intelligent board is doing. This is a tremendous deal, we are getting the land for nothing, the structure is what we are paying for, forget the land.

Andrew Tindell asked about changing the times for the meeting to 7:00pm or 7:30pm.

Mayor Magazzu answered that we had meetings at 7:30pm and the public said it was too late.

Councilman Morris replied that they had meetings at 8:00 for years and hardly anybody was ever there.

Mayor Magazzu responded that the meeting would run really late at night also.

Andrew said he wasn't sure if he was for or against the building yet, just wanted to see the documents. Andrew stated that 2 ½ million more for the Bates Avenue with the corner properties.

Mayor Magazzu replied yes, if you subtract the corner properties then it is about 2 million.

Andrew said did you do studies on both ways? He stated that the school are in need of repairs and that they are going to come at us with that. So the total tax burden in this town, the roof of the schools, heating and air, the pay raises pushed through despite of economical times. You have people retiring and are you filling those positions

MARCH 23, 2009

Mayor Magazzu responded that we are thinking about replacing the position to part time.

Andrew asked about Pat Davis replacement.

Mayor Magazzu replied eventually, Pat is the only person in that whole office. We had a part time position also in Public Works department that left, that we are not filling.

Andrew stated that the public needs to be more informed with what the Township is doing. Andrew asked if there were any chance that we won't be making any decision tonight.

Mayor Magazzu stated if we don't make a decision tonight then we will be jeopardizing our agreement.

Andrew asked if we could update the electronic sign with current information on meeting dates.

Jack Turner spoke about some of the issues that he feels the public is not aware of, like all of the state mandates that are required to make a new building for example, you can't just make a judge bench out of wood or regular glass for the court clerk they require bullet proof glass and benches. I have looked at the location and see that the police could fit nicely and even though I would love to have it back where it was. Right now with all the information that I have seen and in fact that the Governor wants people to find a way to consolidate buildings, I have to say that I am for it. At first I was against the idea, but if you research it your self, find out what the State Mandates for a new municipal building, it's the best deal that we have. I have come to the decision on my own from my research and I applaud the decision that you have made. It may not be popular now but down the road people are going to appreciate it more.

Steve Whomsley obviously we need a new building and this building looks like a good deal but I have a question about the tax ratable for that building right now, what are they paying in taxes.

Mayor Magazzu answered that right now we get about 45,000 dollars a year on taxes. But we will off set that when we sell the other lots and get property tax for them.

Steve said that was a lot of money in taxes to give up and the property on route 73 would seem to be the most desirable . That would be the only negative consideration that I have, the loss of ratable.

Mayor Magazzu commented that it was a good point but we will be making up with the other properties we sell.

MARCH 23, 2009

Councilman McIntosh noted that the township has one of the best ratables in the area.

Tony Schanz said that the building was a going to be state of the arts. He asked if there would be any extra room to put a gym in the building.

James Adair Berlin Borough resident said his is against administrative waste, take both budgets...

Mayor Magazzu asked why you aren't going to your meeting trying to talk to them to build a building with us.

James responded that his residents were not aware of any talks on joining towns.

Mayor Magazzu said you should be talking with your own people about this.

James I have tried to get both towns to talk, we are spending 14 million dollars for basic services for 2 towns combine. We should be merging services like Police Chief, Fire services.

Mayor Magazzu we spent 8 months working with your town, trying to convince them of that.

Council President DiGangi added we have room for them, you convince them to come, we have room, and we tried for 8 months.

James stated I am going to get both towns to dig in and see what we can do.

Mayor Magazzu responded you are in the wrong place, you need to talk to your town. We extended our hand out to your town.

James said our town said that you did not want to combine, Police Officers.

Councilman Morris stated that we did a resolution an official action stated are intention.

Council President DiGangi said we did a resolution in writing as part of the record, asking them in writing to do that, after negotiating for 6 months.

Mayor Magazzu said go look at the minutes from your meeting and see.

GOOD AND WELFARE #1

MARCH 23, 2009

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

No comments were to be heard.

Motion by Councilman Morris, Second by Council President DiGangi 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

1. ECONOMIC STIMULUS PROGRAMS

a. Federal Economic Stimulus Program (KEI#179BT3641):

The U.S. Congress and Senate have passed the legislation. I believe that the earmarks, which have been included in the Program, are on a Federal level and all municipal projects will be determined by the State agencies.

b. FY2010 Appropriations Request Form:

On short notice, Congressman Andrew's Office requested that municipalities submit a listing of projects to his office by February 26, 2009. On behalf of the Township, we submitted the following projects:

Priority 1- New Municipal Building
Amount Requested: \$ 4,993,107.00

Priority 2- Street Improvements Program
Amount Requested: \$ 2,100,000.00

c. N.J.D.E.P. 2009 Economic Recovery Program (KEI# 179BT3641):

The Governing Body decided not to submit the necessary documents for consideration for funding, since it may be more beneficial to utilize a vehicle wash facility in a nearby municipality.

MARCH 23, 2009

d. N.J.D.O.T. Local Aid Infrastructure (Discretionary) Fund Request:

It is our understanding, in speaking with representative of the N.J.D.O.T., that there may be Federal Stimulus funds, which will be distributed through discretionary funds.

A request has been submitted for the following projects:

- 1) Katherine Avenue- Route 73 to the end =\$1,077,000.00
- 2) Mt. Vernon Ave- Minck Ave to Franklin Avenue =\$234,400.00
- 3) Hazel Ave-Chestnut Ave to Cushman Avenue =\$189,300.00
- 4) Magnolia Ave- Chestnut Ave to Cushman Avenue= \$170,135.00

As directed by the N.J.D.O.T., the Governing Body passed Resolution No. 2009-81, authorizing the submission of the request for funding. We have submitted the resolution to the N.J.D.O.T. Local Aid Office.

It is anticipated that the N.J.D.O.T. will be announcing selected projects in the near future. We recommend that the Governing Body contact your representing State legislators to request their support and assistance, regarding this request for funding.

e. Green and Clean Energy Programs:

Funds have been allotted, under the Federal Stimulus funds for the implementation of green and clean energy projects.

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

We are preparing the construction documents and will be submitting them to the N.J.D.O.T. and the Pinelands Commission for their review, approval, and issuance of permits.

The bid proposal will include all work, as discussed with Mr. McGee.

3. LEASE/PURCHASE OF SENIOR CITIZENS BUS, (C.D.B.G. YEARS 30 AND 31 FUNDING- \$60,500.00+/-)

We are preparing the bid documents for the lease/purchase of the bus, utilizing the C.D.B.G. funds. The proposal will include bids for a gasoline, diesel, or liquid propane engine.

MARCH 23, 2009

We expect to receive bids for review and consideration for action, by the Governing Body at the Council Meeting on March 23, 2009.

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

We have completed the land surveying fieldwork and are preparing the survey for the premises. Once completed, we will issue the survey plan to the Governing Body and Ms. Zoll.

We have found that the stoned driveway for the adjacent Woloczyn property encroaches onto the parcel-in-question. As recorded in a deed, the Woloczyns were required to remove the encroaching driveway in 1999.

We will also be preparing the construction plan and specifications for the site improvements for inclusion in the architect's bid package.

5. 2008 STREET IMPROVEMENT PROGRAM (KEI# 491BT0308)

We anticipate the weather becoming more suitable for the Contractor to perform the corrective work in April, 2009.

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

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

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

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

We will contact Ms. Shinkle-Gardner to determine the status.

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):

We have completed the amendments to the Construction Plans and Specifications and have resubmitted them to the Department, for authorization to schedule the receipt of bids. We have also provided Mayor Magazzu with copies of the manufacturer's

MARCH 23, 2009

information for the selection of the trash receptacle, bench, and bicycle rack for consideration.

We have contacted the Department to determine the status of the authorization to schedule the receipt of bids. The Department is still reviewing the construction plans and specifications package and will advise our office, accordingly.

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

The County Engineer has informed us that the Freeholders have allocated the funds for the project. As requested by the County Engineer, we have forwarded copies of the plans and specifications to him for submission to the N.J.D.O.T. Local Aid Office.

We anticipate that the Freeholders will be bidding the project during the Spring of 2009.

8. IMPROVEMENTS TO THE INTERSECTION OF HADDON AVENUE AND FRANKLIN AVENUE:

No update to report at this time.

9. MULTI-YEAR CAPITAL IMPROVEMENTS PROGRAM:

I will be issuing the final version of the Engineer's Recommendations Report for short term and long term improvements, in the immediate future. I believe it is the intent of the Governing Body to focus their efforts on the proposed Municipal Building in 2009.

10. N.J.D.O.T. MATTERS

a. Request to the Commissioner for the Reconsideration for a Traffic Signal at the Intersection of N.J.S.H. Route 73 and D'Angelo Drive:

On February 5, 2009, I received a letter from Commissioner Dilts. The Commissioner has asked his staff to review the request and is expected to respond, shortly. I have requested a status update of the review by the N.J.D.O.T. Once I receive a response, I will inform the Governing Body.

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

MARCH 23, 2009

Our office has prepared the N.J.D.O.T. checklist and revised payment voucher, as requested. We will forward this information once fully endorsed.

- c. Planting of Trees Along the Rear of the Retail Center, Along the N.J.D.O.T. Ramp, Connecting Oak Avenue to Taunton Avenue (KEI484BT0108):

I have contacted the owner of the retail center and the N.J.D.O.T. Landscape Architect for a status update, regarding this matter. Once I receive their response, I will inform the Governing Body.

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

The applicant's traffic engineer anticipated that the N.J.D.O.T. would be completing the review of the application for the Highway Access Permit and the Township request for the shifting of the proposed driveway from the median opening. I have requested the status of this action from the N.J.D.O.T. representative.

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

The D.V.R.P.C. staff is still performing the study. As recently requested, I have sent them a copy of the Traffic Study for the Pinedge development.

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

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

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

The C.C.M.U.A. Commissioners and the Governing Body have passed resolutions, authorizing the agreement for the conditional increase of 200,000 gallons per day of sanitary sewer allocation.

It is important that the Camden County Municipal Utilities Authority continue to request the amendment to the Wastewater Quality Management Plan to allow for the permanent increase in allocation. The current requests is for an additional 225,000 gpd.

In order for the sanitary sewer system to provide sewer for a full build-out condition, in and out of the Pinelands area, it will be necessary to request a further amendment to the plan.

MARCH 23, 2009

If the Governing Body intends to request the extension of the sanitary sewer collection system to the non-sewered, Pinelands area, I recommend that the Township discuss the desire with the C.C.M.U.A., now.

14. BERLIN BOROUGH WATER ALLOCATION AND CONNECTIONS FOR NEW DEVELOPMENTS:

I recommend that the Governing Body consider sending correspondence to the Berlin Borough Governing Body, requesting their intended plan to address the current N.J.D.E.P. restriction. The restriction is affecting the development of the proposed West Berlin Promenade retail center and the Paparone single-family development.

The N.J.D.E.P., no doubt, will affect future development within the Township. The Borough Engineer was hopeful that the matter could be resolved with the N.J.D.E.P. by the end of 2009.

15. CHANGES TO ZONING AND LAND USE ORDINANCES:

The Planning Board will be addressing the possible changes, during the work session meetings, which they will be holding throughout the year.

16. SUPREME COURT TO REVIEW RECREATION FEE DECISION:

The N.J. Supreme Court is expected to hear the appeal made by Egg Harbor and Jackson Townships on the decision of the Appellate Division's on open space and recreation fees on March 9, 2009. The Appellate Court had ruled that municipalities cannot require developers to set aside land for recreation areas and open space or require payment in lieu of said set-aside payment since the Municipal Land Use Law does not allow this requirement as part of any development approval.

17. LEGISLATION TO ALLOW FOR AGE-RESTRICTED RESIDENTIAL DEVELOPMENTS TO CHANGE NON-AGE RESTRICTED:

Senate Bill No. 2577 was introduced on February 23, 2009. This legislation will allow for the change of age-restricted housing developments to market rate, non-restricted developments, pending that the applicant can demonstrate compliance with the N.J. Residential Site Improvement Standards, recreation is revised to meet the needs of the new development, there is adequate water and water capacity, and there is adequate parking. If the percentage of impervious surface increases by more than 1%, as a result of improvements for the new development, the stormwater calculations and improvements must be revised, accordingly. The legislation also requires the inclusion of the required affordable housing, generated by the development, into the development.

MARCH 23, 2009

The applicant is not required to post any application fee for this request. They are only required to post a reasonable engineering review escrow fee.

The legislation allows for the change to the non-restricted units, without requiring the granting of a "d" (use) variance.

The request for the change must be made within 24 months of the enactment of the legislation, unless the poor economic conditions still exist, at the time.

18. LEGISLATION PERMITTING CERTAIN SOLAR AND WIND FACILITIES WITHIN INDUSTRIAL ZONES:

The Senate passed Bill S1299. On February 26, 2009, the Assembly held the second reading on concurrence. The legislation allows renewable energy facilities on industrial zone lands, on 20 or more contiguous acres owned by the same party.

Senate Bill 1303 was passed on February 21, 2009. This legislation will include "facilities that supply electrical energy produced from wind, solar, or photovoltaic technologies will be considered (to be) an inherently beneficial use." The legislation is in Committee in the Assembly.

19. PERFECTION OF THE SUBDIVISION FOR THE LUKE AVENUE RECREATION COMPLEX AND P.S.E.G. PROPERTIES:

As discussed with Ms. Zoll, we will be requesting the Planning Board to re-approve the subdivision so that the parcels can be transferred between the Township and P.S.E.G.

20. COUNCIL ON AFFORDABLE HOUSING, ROUND 3 RULES:

a. 2.5% Non-Residential Development Fee:

On February 26, 2009, the Senate Budget Committee voted to exempt non-residential development projects, approved before mid-2010, from the 2.5% development fee.

It is not clear if this legislation will apply to the development fees, which have already been collected, as some municipalities have utilized the collected monies. It is anticipated that municipalities, which have expended the fees or signed contracts to spend the fees may be reimbursed by the State.

The legislation now goes before the fall Senate and Assembly Committee hearing.

MARCH 23, 2009

b. Housing Requirements:

It is my understanding that the legislators have discussed the revamping of the C.O.A.H. regulations. I am not aware of any legislation being introduced, at this time.

21. MONTEBELLO AGE-RESTRICTED DEVELOPMENT (KEI#29-104BT):

The developer's representative had asked me to pass along their appreciation to the Governing Body for allowing them to operate the pumping station and discharge to the Township sanitary sewer collection system. They have discussed possible connection of the Dynasil facility with the representative of Dynasil.

The developer has, recently, requested that the Planning Board allow them to only construct the proposed stormwater management facility/lake only to the water elevation and not below due to the current economic conditions. The lake will be constructed, at a later date, most probably by July 2010. The performance bond, for the remaining work, will remain in effect, until said work has been completed by the developer.

The Planning Board has accepted this request.

22. N.J.B.P.U. 2009 RENEWABLE ENERGY INCENTIVE PROGRAM:

The B.P.U. is offering rebates for non-residential solar and wind projects. Renewable Energy Certificates (REC's) will be available for all renewable energy projects. System owners can, then, sell or transfer the REC's to electricity suppliers, which are required to purchase a certain number of REC's each year.

Applications for this Program are being accepted until April 30, 2009.

SOLICITORS REPORT

1. Water Agreement with Berlin Borough
2. Increase Sewer Allocation Buildout
3. Vacation Portion Kelley Drive
4. New Municipal Building
5. Verizon Peg Channel
6. C & M Auto Repair
7. Richard Winans V. Berlin Township Walt Shendock
8. Salahuddin Smart V. Police Officer
9. Nancy Anderson V. Berlin Township

MARCH 23, 2009

10. Shehata Ibrahim V. Berlin Township
11. Carol Winn
12. Tax Foreclosures
13. Swimming Pool Ordinance
14. Public Intoxication/ Disorderly Ordinance
15. Clothing Donation Bins

TOWNSHIP OF BERLIN, NEW JERSEY

ORDINANCE 2009-2

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY AND EXISTING FACILITIES, TOGETHER WITH THE COMPLETION OF VARIOUS RENOVATIONS AND IMPROVEMENTS AT SAID SITE AND FACILITIES FOR USE BY THE TOWNSHIP OF BERLIN AS A MUNICIPAL BUILDING; APPROPRIATING THE SUM OF \$7,950,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$7,950,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BACKGROUND

WHEREAS, the Township of Berlin, County of Camden, New Jersey ("Township"), municipal facilities were located at 170 Bate Avenue in the Township for the time period of October 14, 1968 to November 7, 2006 ("Prior Facility"); and

WHEREAS, on November 7, 2006, it was determined by health and other officials the Prior Facility was unsafe and could not be used for any purpose whatsoever; and

MARCH 23, 2009

WHEREAS, as a result of such findings, the Prior Facility was condemned and demolished; and

WHEREAS, as a result of such unforeseen events, the Township has since that day, temporarily relocated its municipal facilities to a residential facility located adjacent to the Prior Facility and, in conjunction therewith, has temporarily leased trailer facilities located on said property; and

WHEREAS, the Township has diligently pursued a number of alternatives for a replacement municipal building facility including, but not limited to, advance discussions with the Borough of Berlin concerning the construction of a joint municipal facility; and

WHEREAS, those discussions did not reach an agreement; and

WHEREAS, the Township was forced, as a result, to identify a new site and facilities for its municipal departments; and

WHEREAS, the Township has identified a property located along US Route 73 and desires to finance the acquisition and improvement thereto as the most cost-effective replacement municipal facility.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL, NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), PURSUANT TO THE PROVISIONS OF THE LOCAL BOND LAW, CHAPTER 169 OF THE LAWS OF 1960 OF THE STATE OF NEW JERSEY, AS AMENDED AND SUPPLEMENTED ("LOCAL BOND LAW"), AS FOLLOWS:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Berlin, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$7,950,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$7,950,000.

Section 3. The sum of \$7,950,000, to be raised by the issuance of bonds or bond anticipation notes, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$7,950,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$7,950,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the Township Council at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$1,900,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
-----------------------------------	--	--------------------------------	---	--

MARCH 23, 2009

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of Certain Real Property and Existing Facilities Located at Block 1402, Lot 1.01, Route 73 South, (as shown on the Official Township Tax Map), together with the Completion of Various Renovations and Improvements at said Site and Facilities for use by the Township of Berlin as a Municipal Building, including the acquisition of all materials and equipment and the completion of all work necessary therefor or related thereto, all as more particularly described in the documentation on file in the Office of the Township Clerk and available for inspection during normal business hours	\$7,950,000	\$0	\$7,950,000	40 years

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk of the Township Council prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$7,950,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. This Bond Ordinance authorizes the issuance of obligations of the Township solely to meet expenditures as permitted by Section 7(d) of the Local Bond Law, N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the

MARCH 23, 2009

Township. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this Bond Ordinance as passed upon first reading.

Section 11. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk of the Township Council and available for inspection.

Section 13. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 14. The Township hereby covenants as follows:

- (a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by this Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;
- (b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;
- (c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

MARCH 23, 2009

- (d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and
- (e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Motion by Councilman 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 for questions or comments on Bond Ordinance 2009-2. There were no requests to be heard. Motion by Council President DiGangi, second by Councilman Morris to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman McIntosh, second by Councilman Morris to adopt Bond Ordinance 2009-2. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2009-3AMENDING
CHAPTER 110 OF THE CODE OF THE TOWNSHIP OF BERLIN CAPTIONED
"TOWING AND STORAGE FEES"**

WHEREAS, the Governing Body previously adopted an Ordinance to provide for applications to be received and reviewed from private contractors for provision of towing and storage services to the Township; and

WHEREAS, it is necessary to revise the Ordinance to clarify the time periods during which such applications will be accepted and reviewed by the Township so as to provide for a fair rotation basis among contractors on an annual basis.

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

SECTION 1: Chapter 110, Section 110-5(A) is hereby amended to include, at

MARCH 23, 2009

the end of this paragraph, the following language:

“Applications shall be accepted only between the dates of September 1 and October 1 of each year. Applications received between January 1 and August 31 shall not be reviewed or considered by the Township until September 1 of the same calendar year. Applications received after October 1 shall not be reviewed or considered by the Township until September 1 of the following calendar year.”

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

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

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

Motion by Councilman Morris, second by 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 for questions or comments on Ordinance 2009-3. There were no requests to be heard. Motion by Council President DiGangi, second by Councilman Morris to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman McIntosh, second by Councilman Morris to adopt Ordinance 2009-3. Ordinance adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2009-85 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 2008 will memorialize the commitment of this municipality to recycling

MARCH 23, 2009

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 John Michael McGee 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 DiGangi, second by Councilman McIntosh to adopt Resolution 2009-85. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2009-86 AUTHORIZING THE FILING OF TAX APPEALS

WHEREAS, there exists a need for filing of Tax Appeals for the Township of Berlin; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that authorization is given to **Anthony Colavecchio**, Tax Assessor to file these Tax Appeals on behalf of the Township of Berlin in all property tax matters

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-86. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2009-87 TO GRANT THE RELEASE OF PERFORMANCE BOND AND ESCROW FUNDS FOR KOJESKI'S CONSTRUCTION FOR THE RIGHT OF WAY IMPROVEMENTS ON CEDAR AVENUE.

WHEREAS, Kojeski's Construction, located at 800 Cooper Road, Voorhees, New Jersey, Camden County, has requested the release of Performance Bond and Escrow Funds for the Block 1820, Lot 1; and

WHEREAS, the Engineer has recommended that the Township of Berlin grant the request for the release of the Performance Bond # KO7178657 and Escrow Funds in the amount of \$ 36.36 .Since the maintenance bond would have expired in October 2009 and all improvements within the Right Of Way are acceptable it will not be necessary for Kojeski's Construction to post a maintenance bond.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the request for the release of the Performance Bond and Escrow Funds for Kojeski's Construction , is hereby granted.

MARCH 23, 2009

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-87. Resolution adopted by call of the roll, four members present voting in the affirmative.

Resolution 2009-88

Payment of Bills March 23, 2009

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

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

TO	ACCOUNT	AMOUNT
Camden County Div of Health	Dog Trust	865.73
CC Animal Shelter	Dog Trust	440.00
Robert E DePersia	Municipal Public Defender	525.00
David F. Carlamere	Planning Board Esc #152	110.00
	Planning Board Esc #347	90.00
	Planning Board Esc # 348	100.00
KEI Associates	Planning Board Esc #152	1,083.75
	Planning Board Esc # 197	283.75
	Planning Board Esc # 245	135.00
	Planning Board Esc # 286	1,353.75
	Planning Board Esc # 308	4,078.75
	Planning Board Esc # 332	2,361.25
Fellowship Baptist Church	Performance Bond	41,515.14
Gilli/Panklin Partnership	Planning Board Esc # 319	6,300.58
Pep Boys	Planning Board Esc # 153	10,370.50
Raio Trucking	Snow Removal Trust	2,044.19

CONFIRMING

Treasurer, State of NJ	Dog Trust	206.40
TD Bank	07-201-55-522-2105	43,830.00
	07-168-05-540-3000	12,585.63
Camden County Soil Conserv	04-216-55-861-08041	1,300.00
Treasurer, State of NJ	04-216-55-861-08041	450.00
America On Line	01-201-20-120-2105	32.90

MARCH 23, 2009

America On Line	01-201-20-120-2105	32.90
Berlin Twp Fire District	01-210-55-020-3000	106,825.00
Franks Tiem Out	01-201-26-290-2105	110.77
JCLS, HVAC	01-213-85-029-3000	4,700.00
Palace Diner	01-201-26-290-2105	177.25
TD Bank	01-201-45-920-2105	86,514.89
	01-201-45-930-2105	36,515.27
	01-170-05-010-3000	61,838.59
	01-201-45-920-2105	232,389.00
	01-201-45-930-2105	46,218.00
	01-170-05-010-3000	51,085.52
Treasurer, State of NJ	01-284-55-020-3000	40.00
NJ State Health	01-201-23-220-2092	12,285.47
	01-201-23-220-2092	41,042.07
Payroll, Current Fund	2/5/2009	78,016.25
Payroll, Sewer	2/5/2009	5,017.60
Payroll, Current Fund	2/12/2009	62,122.41
Payroll Sewer	2/12/2009	4,802.32
Payroll, Current Fund	2/19/2009	61,016.29
Payroll, Sewer	2/19/2009	4,802.32
Payroll, Current Fund	2/26/2009	84,489.16
Payroll, Sewer	2/26/2009	4,802.37

Motion by Councilman Morris, second by Council President DiGangi to adopt Resolution 2009-88. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2009-89 TO AMEND BUDGET

WHEREAS, the local municipal budget for the fiscal year 2009 was approved on the 4th day of August, 2008, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and members of Township Council of the Township of Berlin, County of Camden, that the following amendments to the approved budget of fiscal year 2009 be made:

Recorded Vote

Aye Councilman McIntosh, Councilman Morris, Council President DiGangi,
Mayor Magazzu

Nay

Abstained

MARCH 23, 2009

Absent **Councilman Batten**

General Budget

	<u>From</u>	<u>To</u>
GENERAL REVENUES		
1. Surplus Anticipated	\$620,000.00	\$862,000.00
Total Surplus Anticipated	<u>620,000.00</u>	<u>862,000.00</u>
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services- Public and Private Revenues Offset with Appropriations		
Neighborhood Housing Rehabilitation Grant	00.00	150,000.00
Drunk Driving Enforcement Grant	00.00	3,719.52
Neighborhood Preservation Program	00.00	10,000.00
Community Development Block Grant	00.00	30,257.00
Over the Limit – Under Arrest Grant	5,000.00	9,963.16
NJ DOT Grant	00.00	170,000.00
Body Armor Replacement Grant	<u>00.00</u>	<u>1,948.71</u>
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services- Public and Private Revenues Offset with Appropriations	<u>5,000.00</u>	<u>375,888.39</u>
Summary of Revenues		
1. Surplus Anticipated	620,000.00	862,000.00
3. Miscellaneous Revenues:		
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services- Public and Private Revenues Offset with Appropriations	5,000.00	375,888.39
Total Miscellaneous Revenues	2,162,904.76	2,533,793.15
5. Subtotal General Revenues (Items 1, 2, 3, and 4)	2,782,904.76	3,395,793.15
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	4,501,091.77	4,110,538.67

MARCH 23, 2009

Municipal Budget	<u>4,501,091.77</u>	<u>4,110,538.67</u>
7. Total General Revenues	<u>\$7,283,996.53</u>	<u>\$7,506,331.82</u>

General Budget (Cont'd)

GENERAL APPROPRIATIONS

	<u>From</u>	<u>To</u>
(A) Operations - Within "CAPS"		
General Government		
Mayor and Council		
Other Expenses	\$20,100.00	25,100.00
Township Clerk		
Salaries and Wages	103,800.00	101,300.00
Other Expenses	34,665.00	30,665.00
Revenue Administration		
Salaries and Wages	69,800.00	70,300.00
Other Expenses	13,200.00	13,900.00
Tax Assessment Administration		
Other Expenses	9,500.00	14,500.00
Engineering Services and Costs		
Other Expenses	12,000.00	24,000.00
Insurance		
Liability	119,000.00	100,000.00
Workers Compensation	120,000.00	110,000.00
Group Insurance	1,090,450.00	1,045,000.00
Public Safety Functions		
Police		
Salaries and Wages	1,779,200.00	1,776,800.00
Public Works Functions		
Streets and Roads		
Salaries and Wages	140,000.00	138,500.00
Buildings and Grounds		
Salaries and Wages	64,600.00	63,800.00
Other Expenses	44,500.00	47,500.00
Unclassified		
Electricity and Natural Gas		
47,000.00	59,000.00	
Telephone	40,000.00	35,000.00
Petroleum Products	<u>164,000.00</u>	<u>100,000.00</u>
Total Operations within CAPS	<u>5,514,565.00</u>	<u>5,398,115.00</u>
Total Operations Including Contingent – Within CAPS	<u>5,514,565.00</u>	<u>5,398,115.00</u>
Detail		
Salaries and Wages	3,085,500.00	3,078,800.00

MARCH 23, 2009

Other Expenses	<u>2,429,065.00</u>	<u>2,319,315.00</u>
(E) Deferred Charges and Statutory Expenditures – Municipal- Within CAPS		
Statutory Expenditures:		
Contribution to:		
Public Employees Retirement System	500.00	114,545.00
Social Security System (OASI)	227,300.00	227,500.00
Police and Firemen’s Retirement System	<u>330,000.00</u>	<u>322,636.00</u>
Total Deferred Charges and Statutory Expenditures – Municipal- Within CAPS	<u>560,335.66</u>	<u>667,216.66</u>

General Budget (Cont'd)

GENERAL APPROPRIATIONS

	<u>From</u>	<u>To</u>
(H-1) Total General Appropriations for Municipal Purposes within CAPS	<u>\$6,074,900.66</u>	<u>\$6,065,331.66</u>

(A) Operations - Excluded from "CAPS"

Public Employees Retirement System	107,500.00	00.00
Total Operations – Excluded from CAPS	<u>177,050.00</u>	<u>69,550.00</u>

Public and Private Programs Offset by Revenues

Body Armor Replacement Grant		1,948.71
Drunk Driving Enforcement Grant	00.00	3,719.52
Neighborhood Preservation Program	00.00	10,000.00
Community Development Block Grant	00.00	30,257.00
Over the Limit – Under Arrest Grant	5,000.00	9,963.16
Neighborhood Housing Rehabilitation Grant	<u>00.00</u>	<u>100,000.00</u>
Total Public and Private Programs Offset by Revenues	<u>5,000.00</u>	<u>205,888.39</u>

Total Operations - Excluded from "CAPS"	<u>182,050.00</u>	<u>275,438.39</u>
Detail:		
Salaries and Wages	48,300.00	56,982.68
Other Expenses	<u>133,750.00</u>	<u>218,455.71</u>

(C) Capital Improvements - Excluded from "CAPS"

Capital Improvement Fund	80,000.00	50,000.00
Public and Private Programs Offset by Revenues		
NJ Department of Transportation Grant	<u>00.00</u>	<u>170,000.00</u>

MARCH 23, 2009

Total Capital Improvements Excluded from "CAPS"	<u>80,000.00</u>	<u>220,000.00</u>
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	1,146,050.00	1,379,438.39
(O) Total General Appropriations - Excluded from "CAPS"	1,146,050.00	1,379,438.39
 (L) Subtotal General Appropriations	 <u>7,220,950.66</u>	 <u>7,444,770.05</u>
(M) Reserve for Uncollected Taxes	<u>63,045.87</u>	<u>61,561.77</u>
9. Total General Appropriations	<u>\$7,283,996.53</u>	<u>\$7,506,331.82</u>

Sewer Budget

APPROPRIATIONS FOR SEWER UTILITY	From	To
Operating		
Other Expenses	\$277,250.00	\$271,150.00
 Debt Service		
Interest on Bonds	<u>295,000.00</u>	<u>301,100.00</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A: 4-9, be published in The Courier Post in the issue of March 31, 2009, and that said publication shall contain notice of public hearing on said amendment to be held at 6:30 pm at the Berlin Township Board of Education, 225 Grove Avenue on April 6, 2009.

It is hereby certified that this is a true copy of a resolution amending the budget adopted by the Mayor and members of Township Council on the 23rd day of March, 2009.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-89. Resolution adopted by call of the roll, four members present voting in the affirmative.

MARCH 23, 2009

RESOLUTION 2009-90 LIST OF UNCOLLECTIBLE TAXES

To the Mayor and Council to the Township of Berlin:

I hereby submit to you a list of taxes, which in my opinion are uncollectible. I give the reasons why I deem them uncollectible, and I request that same be remitted and that I be relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4.

**Dated March 19, 2009
Collector**

Diane Zoppel, CTC - Tax

NAME	YEAR	DESCRIPTION	AMOUNT	REASON
Mark Greenleaf	2009	212-9.01	250.00	Veteran
Lois R. McAllister Citizen	2009	611-3	250.00	Senior

\$ 500.00 TOTAL May 2009

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-90. Resolution adopted by call of the roll, four members present voting in the affirmative.

BUSINESS LICENSES

- 1) Sahara Sam's Oasis, Ilya Girlya, 535 North Route 73, Indoor Water Park. Motion by Council President DiGangi, second by Councilman McIntosh to approve new business license for Sahara Sam's Oasis License approved by call of the roll the roll, three members present voting in the affirmative, one member abstain**

CONSENT AGENDA

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

APPROVAL OF MINUTES OF March 9, 2009

Motion by Councilman McIntosh, second by Council President DiGangi to approve the minutes of March 9, 2009. Motion carried by voice vote, all present voting in the affirmative.

GOOD AND WELFARE #2

MARCH 23, 2009

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

No comments were to be heard.

Motion by Councilman Morris, Second by Council President DiGangi 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

Lori Campisano, Chief Finance Officer Reported

On 3/11/09 we accepted proposals for BAN for \$2,405,000 to be issued on 3/18/09 for 1 year. Four proposals were received of which Bank of America was the lowest for an interest rate of 2.65. The BAN for \$2,405,000 includes new funding for Ordinance 2008-7 adopted on 4/28/08 and a roll over of a previous note totaling \$1,854,000.00.

ADJOURNED

Motion by Councilman Morris, second by Councilman McIntosh to adjourn the meeting at 9:10 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 9:10 pm

Jamey Eggers, Township Clerk