

March 26, 2012

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL MARCH 26, 2012 AT 5:00 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Council President Morris, Councilwoman Bodanza, Councilman Epifanio, Councilman McIntosh, Mayor Magazzu

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

Absent-

Kim Perno from the Riversharks came out to talk to about Berlin Night which will be held on May 30th, 2012. The Mayor from Berlin Township, Phyllis Magazzu and the Mayor from Berlin Borough, John Armano will be throwing out the first pitch. Ticket will be on sale for \$7.00.

DEPARTMENTAL REPORTS

ENGINEER'S REPORT

A. CHANGE ORDERS AND VOUCHERS

None at this time.

B. RESOLUTION FOR CONSIDERATION

1. POSSIBLE-CAMDEN COUNTY MULTI-USE TRAIL CONSTRUCTION GRANT APPLICATION

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If the Governing Body is interested in applying for this grant, I recommend that the Governing Body pass a resolution, authorizing and endorsing the application and authorizing the Mayor to sign the application, if necessary.

C. ENGINEER'S REPORT

1. 2012 CAMDEN COUNTY MULTI-USE TRAIL CONSTRUCTION GRANT APPLICATION

The Camden County Division of Open Space and Farmland Preservation is accepting applications for this new grant. The County will be awarding three grants, up to \$100,000 for each project. The applications must be submitted by March 31, 2012.

Priority will be given to those projects, which are located within the County greenway network and/or connect to two or more local attractions (schools, parks, shopping centers, etc.) No more than 20% of the proposed trail project can be an on-road bike lane.

The County is also asking the applicant if there will be other sources of funding, if the design has been completed and how the trail will be maintained by the municipality.

The Camden County Bicycle/Multi-Use Trail Network Plan depicts a proposed multi-use trail within the Township along the following areas:

2. CAMDEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM , YEAR 34 (\$24, 000)

The Governing Body passed Resolution No. 2012-75, for the designation of the project to the improvements to Hill Avenue.

I will complete the Project Description Form and submit it to Ms. Underwood for inclusion with the submission of the resolution to the Camden County C.D.G.B. Office. The documents must be submitted by March 23, 2012.

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

It was expected that the N.J.D.O.T. would announce the selected projects in January, 2012. The N.J.D.O.T. Local Aid Office expects the announcement to be made, any time now.

The Township submitted applications for the following street improvement projects:

Priority No. 1- Oak Avenue

N.J.D.O.T. Ramp to 80 feet past Clover Avenue

\$ 94,000

Priority No. 2- Hazel Avenue

Cushman Avenue to Chestnut Avenue

\$236,000

4. 2012 STREET IMPROVEMENT PROGRAM

We are, currently, performing the design and preparing the bid documents for the following projects.

a. Base Bid

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

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

3) Reconstruction of the Intersection of Grove Avenue and Cleveland Avenue
Funded in Bond Ordinance No. 2011-26

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

b. Alternate Bid No. 1

1) Construction of Built up Bituminous Driveway Aprons at 136 and 138 Veterans Avenue
Funded in Bond Ordinance No. 2011-26

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c. Alternate Bid No. 2

Street Improvements at Storm Inlet, Along Mt.
Vernon Avenue, at the School Property
Funded in Bond Ordinance No. 2011-26

d. Alternate Bid No. 3

Grade and Construct Stone Surface-
McClellan Avenue Dead End
Funded in Bond Ordinance No. 2011-26

We expect to receive bids in April, 2012.

5. HADDON AVENUE STREESCAPE, PHASES 1 AND 3
(FEDERAL TEA-21 & EARMARK FUNDS- \$555,240)

We have delivered the Federal Aid Agreement and final plans and specifications to the N.J.D.O.T. Local Aid Office. The bid opening is scheduled for March 30, 2012.

Once the bids are received, we will prepare and submit the bid summary and engineer's recommendation of award/reject.

6. HILL AVENUE STORM DRAINAGE IMPROVEMENTS
[C.D.B.G. YEAR 32 (\$30,257) AND YEAR 33 (\$27,900)]

I expect to receive bids in April, 2012 for award at the end of that month.

I have submitted the Environmental Review Record to the County C.D.B.G.

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

7. CONSTRUCTION OF POROUS CONCRETE SIDEWALK ALONG
N.J.S.H. ROUTE 73 NORTHBOUND-JACKSON ROAD TO
EDGEWOOD AVENUE (N.J.D.O.T. FY'S (2008 AND 2009 FUNDING))

We will be submitting the invoice to the N.J.D.O.T. for partial payment.

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The Contractor will be applying a sealing and binding treatment when the weather is suitable for said application. The Contractor will also be providing a multi-year maintenance guarantee on the porous concrete.

I continue to recommend that final payment not be made and the retainage be held until the Contractor satisfactorily performs the corrective work.

8. N.J.D.O.T. SAFE ROUTES TO SCHOOL APPLICATION

The kick-off meeting with the participating parties is scheduled for March 29, 2012 at 5:00 p.m.

The Safe Routes to School program is intended to promote walking and bicycling to school, a “greener” environment, gain economic benefits of improved infrastructure, and a safer commute.

The SRTS program is a reimbursement program that requires projects to be completed and properly documented before reimbursement.

The intended use of the funds will be to provide infrastructure improvements such as new sidewalks, handicap ramps and crosswalks to areas within a radius of 2 miles of the Dwight D. Eisenhower School.

To properly document we are utilizing the participating parties to fulfill the requirements of the application, including the passing of resolutions, policies, workshops, and required “event days”.

We expect to have all work completed before the end of this year so that an application can be submitted to the N.J.D.O.T. for FY 2013 funding.

Although the SRTS program provides the funding for the infrastructure improvements, they do not provide the funding for the required education and awareness portion of the application process. As there is a benefit to promoting wellness and educating the community, there are programs that the state is offering to receive

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grant funding. We could use the campaign, not only to educate and promote wellness in the community but, use this campaign to coincide with the SRTS program. The “Mayors Wellness Campaign” is a great resource to obtain grant funding given to communities that promote wellness. In turn, will help us gain the funding to complete the education and awareness portion of the SRTS application. This money can be used for brochures, events such as “Seniors in Motion”, etc. Completing the campaign requirements will also make us eligible to be recognized as a “Best Walking Town”.

The mission of the Mayors Wellness Campaign is to equip mayors and other key leaders with the tools to develop and implement active-living initiatives in their communities with the ultimate goal of improving health and reducing the skyrocketing health care costs that come with the obesity problem in New Jersey.

It is recommended that the Mayor and Council [Sign the Mayors Wellness Campaign Pledge](#), [Complete a Council Resolution supporting the MWC](#), [Complete the Mayors Wellness Campaign Mayoral Proclamation](#), and [become a New Jersey Healthy Town](#).

9. CAMDEN COUNTY OPEN SPACE- RECREATION ENHANCEMENT PROGRAM

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

- a. Surface improvements to the basketball and tennis courts at the Spruce Avenue Recreation Complex
(Round 12 funding) \$25,000
- b. Band shell at Luke Avenue Recreation Complex
(Round 10 and 12 funding) \$50,000.00

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

10. MUNICIPAL BUILDING

a. HVAC SYSTEM

Mayor Magazzu and Mr. Shellenberger have met with representatives of Tozour-Trane to discuss current operational issues and possible preventative maintenance services. Mayor Magazzu has given me the proposal for maintenance services.

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Once I have received the document, I will submit my recommendations to the Governing Body for your consideration.

b. FREE STANDING MONUMENT SIGN

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

c. INSTALLATION OF WALLBOARDS WITHIN THE UNFINISHED ROOMS

The Public Works Department has not had the opportunity to install the wallboard in the unfinished rooms. If time permits, we will perform the installation, in the future.

d. SCHOOL BELL

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

e. ROOF MEMBRANE

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

f. IRRIGATION AND LANDSCAPING

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

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

11. STORM DRAINAGE IMPROVEMENTS

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

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I will contact the N.J.D.O.T. to, again request for the removal of the blockage to the N.J.D.O.T. basin overflow channel.

I will be contacting Congressman Andrew's office to request their assistance in providing funds to perform the necessary work to hopefully, eliminate the flooding in this section of the Township.

b. Lester Avenue Storm Drainage and Stormwater Management

We must, still perform the surveying fieldwork, design and preparation of the construction plans. Once completed, we must submit the plans to Public Service Electric and Gas Company for their consideration for the granting of a storm drainage easement, across their property.

We had discussed, as an interim measure, the construction of the storm drainage system on Lester Avenue and stormwater basin at the Luke Avenue Recreation Area to try to alleviate some of the stormwater runoff issues. At this time, I do not foresee the Public Works Department being able to devote the necessary time to perform the construction of these interim improvements.

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

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

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

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

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

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

12. REDISIGNATION OF PINELANDS ZONING AND EXTENSION OF SANITARY SEWER TO EDGEWOOD AVENUE AND ALLIED PARKWAY

The Solicitor's Office and I have discussed the revisions to the ordinance with the Pinelands Commission staff member. I have revised the chart, which list the zoning changes, and have submitted it to the Solicitor's Office. I believe that the Governing Body will introduce the new ordinance at the Council Meeting on January 23, 2012. Once the ordinance is adopted, the Pinelands staff members expect the Commission staff to expedite the review and approval process.

During the course of the process of adopting an ordinance, acceptable to the Pinelands Commission, I have been contacted by parties requesting status of the zoning change and the availability of sanitary sewer. As part of the zoning change, the Pinelands Commission will be requiring the extension of sanitary sewer to the developed properties along Edgewood Avenue and Allied Parkway. I recommend that the Governing Body consider the potential funding source for this improvement. (Township bonding, N.J.E.I.T. funding, special assessment.)

13. REQUEST FOR ADDITIONAL SEWER ALLOCATION

I have, recently, received an e-mail from Mr. Andrew Kircun, P.E., C.C.M.U.A. He believes that the N.J.D.E.P. will be approving the increase in allocation by the end of January/beginning of February 2012.

14. REQUEST FOR ORDINANCE AMENDMENT FOR RESPONSIBILITIES FOR SANITARY SEWER LATERALS

I recommend that the Governing Body consider amending the regulations to clearly define the responsibilities of the property owner and Township for the maintenance repair and replacement of the segments of the sewer lateral.

15. NO PASSING ZONE ALONG COOPER ROAD

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I must complete the engineering study and submit my recommendations to the Governing Body.

D. PUBLIC WORKS DEPARTMENT

1. GREASE TRAP MAINTENANCE

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

2. CAPITAL PURCHASES

We are purchasing the various pieces of equipment, which were authorized under ordinance No 2011-26

3. UPGRADE/ REPLACEMENT OF PUBLIC WORKS DEPARTMENT RADIOS

As required by the Federal government, we must change the radios to narrowband by the end of this year. We are obtaining prices for this work. We will also need to renew the FCC licenses for the radio system.

4. IMPROVEMENTS TO PUMPING STATION

Due to the age of the pumping stations it has become necessary to perform increased maintenance, repairs and replacements to the pumps and other components of the pumping stations. I strongly recommend that funds be allocated, in the immediate future for this work.

5. COLLECTION OF SOLID WASTE

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

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6. SPRING SEASON TASKS

The Department is gearing up for the performance of grounds rehabilitation, restoration and maintenance. We expect the tasks to be performed early, this year, due to the unusually warm weather, which we experienced this winter season.

E. SHARED ENGINEERING SERVICES

1. ENGINEERING SERVICES WITH SOMERDALE BOROUGH

I must, still, prepare the Contract document and submit it to Mr. Platt's office for their review and comments.

We continue to perform various services for the Borough.

2. POSSIBLE SHARED SERVICES WITH OTHER ENTITIES AND MUNICIPALITIES

A shared services meeting was held on march 7, 2012 with members of the Governing Body, the Board of Education, School Administration and Planning Boards to discuss possible shared services.

We continue discuss possible shared services with representatives of other municipalities, for the various Township departments.

Chuck commented that a few of the residents on Fairview Avenue are here because of the street opening from South Jersey Gas. Chuck suggested that we set up a meeting with the residents and South Jersey Gas.

Mayor Magazzu asked how the sign outside was coming along.

Chuck replied that the base of the sign was being completed and that the electric would soon be connected.

Chris suggested that since the Planning and Zoning Board was not meeting tomorrow that we should get a couple of copies of the Multi-trail grant application to the planning board member so that they can view.

Mayor Magazzu asked Chuck what he was planning on doing with the radios.

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Chuck replied that we will need to replace them. Chuck remarked that he had received some prices for converting but it was costly.

Mayor Magazzu said some of the towns were going to use nextels.

SOLICITORS REPORT

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Oddmund Angel, Block 200, Lot 1
5. Clarification of Lateral Utility Lines
6. Police Operating Procedures
7. Wal-Mart Expansion Project
8. Pine lands Comprehensive Management Plan
9. Berlin Township ADS. Estate of Raj Kumar Chopra
10. Berlin Township ADS. David Carp
11. Berlin Twp.ADS. Linda Fabrico
12. Mustafa Muhammad ADS. Berliin TWP Police Department
13. Berlin Twp. ADS. Abdul Mansary
14. Berlin Twp. ADS.Jennifer Vernacchio as Guardian Hannah Maslanka
15. Pineland Zone Changes
16. DPW Labor Negotiations
17. C.B.V.Berlin Twp. School District VS. O.S., J.R., J.J., ET AL
18. Open Public Records Act.
19. Alberto Silva v. Berlin Township

POLICE DEPARTMENT

Joe Jackson, Chief of Police re-stated again about the police coverage and scheduling of the officers. Chief said that there is never any lapses in schedules as stated in the Courier Post.

Chief also commented on a few of the Officers who have been recognized for their outstanding job.

Sgt. Ron Silvestro prevented a suicide attempt, Officer Bonafilgio delivered a baby girl and recently the Officers saved a choking dog.

Chief talked about the school incident and thanked the Mayor for contacting him first before answering any questions with phone calls and with the press. Chief stated that he had spoken with the FBI and that he and the Mayor had sat down together and hopefully calm downs some of the residents concerns.

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MAINTENANCE DEPARTMENT

Josh Shellenberger, Maintenance Officer had stated that he has been dealing with a lot of littering of beer bottles and dumping of construction waste in East Berlin. The Public Works Department along with him has cleaned up a large amount of the trash from a lot owned by the Township on Cedar Avenue. The banks has been notified on property on Magnolia Avenue that has recently been broken into and vandalized.

Josh noted that he will be writing out summons for residents who have failed to license their pets.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2012-1
REPEALING ORDINANCE 2011-12 AND REPEALING ORDINANCE 2010-6
AND AMENDING CHAPTER 129 OF THE CODE OF THE TOWNSHIP OF
BERLIN ENTITLED "ZONING" AND AMENDING THE BERLIN TOWNSHIP
ZONING MAP TO REDESIGNATE A PORTION OF THE PINELANDS RURAL
DEVELOPMENT AREA TO THE PINELANDS REGIONAL GROWTH AREA**

Motion by Councilman McIntosh second by Council President Morris to table Ordinance 2012-1 Ordinance tabled by call of the roll, five members present voting in the affirmative.

Mayor asked if anyone from the public had any comments on Ordinance 2012-1

Motion by Council President Morris, second by Councilman McIntosh to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2012-1.

Chuck gave a brief background on the Ordinance and said we had receive an couple of request from the industrial park to provide sewer. We also had some discrepancy in our zoning map and the pinelands zoning map and this ordinance will be correcting these discrepancy.

Barry Darnell 160 Collings Avenue stated that the map that he received does not have street names and is very confusing. Barry asked that if the property on Collings Avenue that is up for sale now, could build commercial offices if he wanted too.

Chuck replied yes. Chuck clarified the difference between zone C2 is that no sewer is allowed. On C3 zone you are allowed sewer hook up. This will correct the zoning maps with the Township and Pinelands so that they match.

James Robertson 155 Collings Avenue wanted to make sure that he heard correctly that sewer hook will not be allowed beyond lot 201.

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Chuck replied yes that is correct, we are not permitted by Pinelands to extend the sewer at this time.

No comments were to be heard.

Motion by Councilman McIntosh second by Councilwoman Bodanza to close the meeting to the public. Motion carried by voice vote, all present voting in favor.

TOWNSHIP OF BERLIN, NEW JERSEY
BOND ORDINANCE 2012-3

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF THE TOWNSHIP'S OUTSTANDING CALLABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003, DATED JANUARY 1, 2003; AUTHORIZING THE ISSUANCE OF UP TO \$5,100,000 OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Township Council of the Township of Berlin, County of Camden, New Jersey (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 Township of Berlin, County of Camden, New Jersey ("Township"), is hereby authorized to refund all of its outstanding callable General Obligation Refunding Bonds, Series 2003, dated January 1, 2003, in the aggregate principal amount of \$4,735,000 and maturing as follows (collectively, the "Callable Bonds"):

<u>Maturity Date</u>	<u>Principal Amount</u>
January 1, 2014	\$305,000
January 1, 2015	320,000
January 1, 2016	330,000
January 1, 2017	340,000
January 1, 2018	245,000
January 1, 2023	1,415,000
January 1, 2024	325,000
January 1, 2025	340,000

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January 1, 2026	355,000
January 1, 2027	370,000
January 1, 2028	390,000

The exact principal amount of Callable Bonds to be refunded (which may be less than all of the Callable Bonds) shall be determined pursuant to a resolution adopted by the Township Council by not less than two-thirds of all the members thereof.

Section 2. To effectuate the refunding of up to all of the Callable Bonds, negotiable general obligation refunding bonds of the Township are hereby authorized to be issued in one or more series in an aggregate principal amount not to exceed \$5,100,000 ("Refunding Bonds"), pursuant to the Local Bond Law. The maximum principal amount of Refunding Bonds to be issued and other terms thereof shall be determined pursuant to a resolution adopted by the Township Council by not less than two-thirds of all the members thereof.

Section 3. An aggregate amount not exceeding \$100,000 for the items of expense listed in and permitted by Section 51.b. of the Local Bond Law, N.J.S.A. 40A:2-51.b., has been included in the aggregate principal amount of the Refunding Bonds authorized herein.

Section 4. The purpose of the Refunding Bonds is to effect an interest cost savings for the Township.

Section 5. Each Refunding Bond authorized herein shall be designated, substantially, "Township of Berlin, County of Camden, New Jersey, General Obligation Refunding Bond, Series 20__" and shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the Township shall approve.

Section 6. The Refunding Bonds may be sold at public or private sale pursuant to a resolution of the Township Council adopted by not less than two-thirds of the full members thereof.

Section 7. 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 Township Clerk prior to the passage of this refunding 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.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form

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prescribed by the Director and signed by the Township Chief Financial Officer as to the outstanding indebtedness to be refunded by the issuance of the Refunding Bonds.

Section 9. This refunding bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

The Refunding Bond Ordinance published herewith has been finally adopted on March 26, 2012 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement.

Motion by Council President Morris, second by Councilman Epifanio 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 2012-3.

No comments were to be heard.

Motion by Council President Morris second by Councilwoman Bodanza to close the meeting to the public. Motion carried by voice vote, all present voting in favor.

Motion by Council President Morris second by Councilman Epifanio to adopt Bond Ordinance 2012-3 Ordinance approved by call of the roll, five members present voting in the affirmative.

TOWNSHIP OF BERLIN, NEW JERSEY

RESOLUTION 2012-85 OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, AUTHORIZING THE PREPARATION AND DISTRIBUTION OF OFFERING DOCUMENTS IN CONNECTION WITH THE SALE OF THE TOWNSHIP'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012; AUTHORIZING THE ISSUANCE, SALE AND AWARD OF SAID BONDS; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO

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BACKGROUND

WHEREAS, on January 23, 2003, the Township of Berlin, County of Camden, New Jersey ("Township"), issued its General Obligation Refunding Bonds, Series 2003, dated January 1, 2003, in the aggregate principal amount of \$6,975,000, bearing interest a rates ranging from 2.00 to 4.65% per annum ("2003 Bonds"); and

WHEREAS, the 2003 Bonds in the aggregate principal amount of \$4,735,000, and maturing on January 1 in the years 2014 through 2028, both inclusive (collectively, the "Callable Bonds"), are subject to redemption prior to maturity at the option of the Township on or after January 1, 2013 at a redemption price equal to 100% of the Callable Bonds to be redeemed, plus accrued interest thereon; and

WHEREAS, as a result of the low interest rates prevailing in the municipal bond market, the Township has the opportunity to economically refinance up to all of the Callable Bonds; and

WHEREAS, on February 13, 2012, the Township Council, pursuant to N.J.S.A. 40A:2-52:, introduced an ordinance entitled, "REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF THE TOWNSHIP'S OUTSTANDING CALLABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003, DATED JANUARY 1, 2003; AUTHORIZING THE ISSUANCE OF UP TO \$5,100,000 OF REFUNDING BONDS OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND

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AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" ("Refunding Bond Ordinance"); and

WHEREAS, pursuant to N.J.S.A. 40A:2-51 et seq., the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs ("Local Finance Board"), at a meeting held on March 14, 2012, adopted a resolution authorizing the Township to finally adopt the Refunding Bond Ordinance; and

WHEREAS, on March 26, 2012 the Township Council, after a public hearing, finally adopted the Refunding Bond Ordinance; and

WHEREAS, pursuant to the Refunding Bond Ordinance, the Township is authorized to issue its refunding bonds, in one or more series, in the aggregate principal amount up to \$5,100,000 to refund up to all of the Callable Bonds; and

WHEREAS, it is the intent of the Township Council hereby to: (i) authorize and approve the preparation and distribution of offering documents in connection with the issuance and sale of the Refunding Bonds (as hereinafter defined); (ii) authorize and approve the issuance, sale and award of the Refunding Bonds (as hereinafter defined); and (iii) authorize the Mayor, Chief Financial Officer and Township Clerk to make certain related determinations and covenants and take certain actions in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), PURSUANT TO THE PROVISIONS OF THE LOCAL BOND LAW, CONSTITUTING CHAPTER 169 OF THE LAWS OF 1960

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**OF THE STATE OF NEW JERSEY, AS AMENDED AND SUPPLEMENTED
("LOCAL BOND LAW"), AS FOLLOWS:**

Section 1. Pursuant to the Local Bond Law and the Refunding Bond Ordinance, the issuance of negotiable refunding bonds of the Township in the aggregate principal amount of up to \$5,100,000, to be designated, substantially, "Township of Berlin, County of Camden, New Jersey, General Obligation Refunding Bonds, Series 2012" ("Refunding Bonds"), for the purposes described in the Refunding Bond Ordinance and in this Resolution, is hereby authorized, approved, ratified and confirmed.

Section 2. The preparation of a preliminary official statement ("Preliminary Official Statement") relating to the Refunding Bonds, and the distribution of said Preliminary Official Statement (in physical or electronic form) by PNC Capital Markets LLC, as underwriter ("Underwriter"), to prospective purchasers of the Refunding Bonds and others having an interest therein, is hereby authorized, approved, ratified, confirmed and directed. The Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to deem the Preliminary Official Statement "final", as contemplated by paragraph (b)(1) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended.

Section 3. The Chief Financial Officer is hereby authorized to determine in accordance with the Local Bond Law, specifically, N.J.S.A. 40A:2-52 et seq., and pursuant to the terms and conditions established by the Underwriter under the Bond Purchase Contract to be entered into by the Township and the Underwriter in

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connection with the sale of the Refunding Bonds ("Purchase Contract") and the terms and conditions hereof, the following items with respect to the Refunding

Bonds:

- (a) the total principal amount of the Refunding Bonds which, in the aggregate, shall not exceed \$5,100,000;
- (b) the annual principal installments of the Refunding Bonds; provided, however, the final maturity shall be no later than January 1, 2028;
- (c) the dated date of the Refunding Bonds and the principal and interest payment dates for the Refunding Bonds;
- (d) the rates of interest the Refunding Bonds are to bear; provided, however, that an overall net present value savings of at least three percent (3%) is achieved with respect to the Callable Bonds;
- (e) the purchase price for the Refunding Bonds; provided, however, that the Underwriters' discount for the Refunding Bonds shall not exceed \$6.00 per \$1,000 principal amount of such Refunding Bonds; and
- (f) the redemption provisions of the Refunding Bonds.

Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and delivery of the Purchase Contract by the Chief Financial Officer as provided for in Section 5 hereof.

Section 4. The Chief Financial Officer shall report in writing to the Township Council at the meeting next succeeding the date when any sale or delivery of the Refunding Bonds pursuant to this resolution is made. Such report must include the aggregate principal amount, the interest rate or rates and the maturity schedule of the Refunding Bonds sold, the price obtained, and the redemption provisions thereof, if any.

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Section 5. The Refunding Bonds shall be sold at a negotiated sale to the Underwriter in accordance with the terms and conditions set forth in the Purchase Contract. The Purchase Contract is hereby authorized to be executed and delivered on behalf of the Township by the Chief Financial Officer, in substantially the form on file in the offices of the Township, with such changes as the Chief Financial Officer in his/her respective sole discretion, after consultation with, among others, Bond Counsel and the Financial Advisor (as hereinafter defined) to the Township, shall determine, such determination to be conclusively evidenced by the execution of the Purchase Contract by an authorized officer as determined hereunder.

Section 6. The Refunding Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Refunding Bonds maturing in each year. Both the principal of and interest on the Refunding Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository ("Securities Depository"). The certificates will be on deposit with The Depository Trust Company. The Depository Trust Company will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Refunding Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 through book-entries made on the

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books and the records of The Depository Trust Company and its participants. The principal of and interest on the Refunding Bonds will be paid to The Depository Trust Company by the Township on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of either : (i) the 1st day of the calendar month containing an interest payment date; or (ii) the 15th day of a calendar month next preceding an interest payment date, as applicable (the record dates for the Refunding Bonds). The Refunding Bonds will be executed on behalf of the Township by the manual or facsimile signatures of the Chief Financial Officer, attested by the Township Clerk or Deputy Township Clerk (such execution shall constitute conclusive approval by the Township of the form of the Refunding Bonds), and shall bear the affixed, imprinted or reproduced seal of the Township thereon. The Refunding Bonds shall not be valid or obligatory for any purpose unless the Authentication Certification printed thereon shall be duly executed by an authorized officer of the Paying Agent (hereinafter mentioned).

Section 7. The Township is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York, as may be necessary in order to provide that the Refunding Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

Section 8. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Refunding Bonds

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or is removed by the Township and if no successor Securities Depository is appointed, the Refunding Bonds which were previously issued in book-entry form shall be converted to registered bonds in denominations of \$5,000, or any integral multiple thereof ("Registered Bonds"). The beneficial owner under the book-entry system, upon registration of the Registered Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 9. The Refunding Bonds shall be general obligations of the Township. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the Refunding Bonds 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 10. The preparation of a final official statement ("Official Statement") with respect to the Refunding Bonds is hereby authorized and directed. Within seven (7) business days of the sale of the Refunding Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the Township will deliver sufficient copies of the Official Statement to the Underwriter to comply with Paragraph (b)(4) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934, as amended ("Rule 15c2-12"). The Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to execute the Official Statement, and

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the distribution thereof to the Underwriter and others is hereby authorized and directed. The execution of the final Official Statement by the Mayor, Chief Financial Officer or Township Clerk shall constitute conclusive evidence of approval by the Township of the changes therein from the Preliminary Official Statement. The Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to approve any amendments of or supplements to the Official Statement.

Section 11. The appointment of Bowman & Company, LLP ("Printer"), to provide printing, electronic and physical dissemination services for the Township with respect to the Preliminary Official Statement and Official Statement (hereinafter defined) is hereby authorized, approved, ratified and confirmed. The Chief Financial Officer is hereby authorized and directed to enter into an agreement with Printer for the services to be provided.

Section 12. The Township hereby covenants that it will not make any use of the proceeds of the Refunding Bonds or do or suffer any other action that would cause: (i) the Refunding Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Refunding Bonds to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Refunding Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 13. The Township hereby covenants as follows: (i) it has not abandoned, sold or otherwise disposed of any facility, equipment or improvement

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(except through normal retirement) financed directly or indirectly with the proceeds of the Callable Bonds; (ii) it does not intend to, during the term that the Refunding Bonds are outstanding, abandon, sell or otherwise dispose of any facility, equipment or improvement (except through normal retirement) financed directly or indirectly with the proceeds of the Callable Bonds; (iii) 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 Section 148(f) and 149(e) of the Code; (iv) it shall take no action that would cause the Refunding Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code; (v) it will not employ a device in connection with the issuance by it of the Refunding Bonds which will enable it to obtain a material financial advantage (based on arbitrage) apart from the savings that may be realized as a result of the lower interest rates on the Refunding Bonds than on the Callable Bonds; (vi) the amount of "excess gross proceeds", as such term is defined in Income Tax Regulation §1.148-10(c)(2), of the Refunding Bonds will not exceed one percent (1%) of the proceeds received from the sale thereof; and (vii) it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Regulation §1.148-0 through 1.148-11, 1.149(b)-1 and 1.149(i)-1, 1.149(g)-1, 1.150-1 and 1.150-2 as such regulations and statutory provisions may be modified insofar as they apply to the Refunding Bonds.

Section 14. The Township hereby designates the Refunding Bonds as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Township hereby

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represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Township during the period from January 1, 2012 to December 31, 2012, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Refunding Bonds.

For purposes of this Section 14, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Township: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to currently refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

Section 15. The Chief Financial Officer is hereby authorized and directed to engage the services of a qualified financial institution to serve as paying agent for the Bonds ("Paying Agent") and as escrow agent ("Escrow Agent") for the Refunded Bonds (hereinafter defined). The Chief Financial Officer is hereby authorized to execute and deliver an agreement with the Paying Agent and the Escrow Agent for the services to be provided.

Section 16. The Escrow Agent is hereby authorized, if so directed by the Township, to redeem the Callable Bonds on their respective first call dates, at a redemption price equal to 100% of the Callable Bonds to be redeemed, plus interest accrued to the redemption date ("Refunded Bonds"). The Escrow Agent shall mail any required notice of redemption as set forth in the Refunded Bonds

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and in the Escrow Deposit Agreement (hereinafter mentioned) by and between the Township and the Escrow Agent.

Section 17. To provide for the redemption of the Refunded Bonds as set forth in Section 16 above, the Chief Financial Officer is hereby authorized to execute and deliver an escrow deposit agreement ("Escrow Deposit Agreement") on behalf of the Township and to make the deposit of moneys and investments specified therein ("Escrow Investments").

Section 18. The appointment of NW Financial Group, LLC, Mount Laurel, New Jersey ("Financial Advisor"), to provide financial advisory services for the Township in connection with the authorization, issuance, sale and delivery of the Refunding Bonds is hereby authorized, approved, ratified and confirmed. The Chief Financial Officer is hereby authorized and directed to enter into an agreement with the Financial Advisor for the services to be provided.

Section 19. In order to assist the Underwriter in complying with the secondary market disclosure requirements of Rule 15c2-12, the Chief Financial Officer is hereby authorized to execute on behalf of the Township before the issuance of the Refunding Bonds an agreement with Paying Agent, as dissemination agent, providing for the preparation and filing of the necessary reports in accordance with Rule 15c2-12.

Section 20. The Chief Financial Officer is hereby authorized to engage the services of Bowman & Company, LLP ("Verification Agent"), to verify the mathematical accuracy of certain computations made by the Underwriter regarding: (i) the adequacy of the maturing principal of and interest on the Escrow

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Investments to pay each series of the Refunded Bonds as set forth in the Escrow Deposit Agreement; and (ii) the yields on the Refunding Bonds and the Escrow Investments.

Section 21. The Chief Financial Officer is hereby authorized to pay the costs associated with the issuance of the Refunding Bonds and refunding of the Refunded Bonds; provided, however, that such costs do not exceed the maximum amounts set forth in the application submitted by the Township to the Local Finance Board in connection with the adoption of the Refunding Bond Ordinance.

Section 22. If necessary or advisable, the appropriate Township officials and the Township's professional advisors are hereby authorized to (i) obtain one or more ratings on the Refunding Bonds; and (ii) furnish certain information to the various municipal bond insurance companies concerning the Township and the Refunding Bonds for the purpose of qualifying the Refunding Bonds for municipal bond insurance. The Chief Financial Officer is hereby authorized to execute such documents as may be necessary or appropriate to effectuate the obtainment of ratings for the Refunding Bonds and the obtainment of municipal bond insurance with respect to the Refunding Bonds if determined to be cost effective.

Section 23. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Township Clerk, other Township officials or by the Township's professional advisors, in connection with the authorization and issuance of the Refunding Bonds and the refunding of the Refunded Bonds, as described in the Refunding

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Bond Ordinance, are hereby ratified, confirmed, approved and adopted in all respects.

Section 24. The Mayor, Chief Financial Officer and Township Clerk are each hereby severally authorized to determine all matters and execute all documents and instruments in connection with the issuance of the Refunding Bonds and refunding of the Refunded Bonds, as described in the Refunding Bond Ordinance, not determined or otherwise directed to be executed by applicable law, or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer or Township Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 25. All resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 26. This Resolution shall take effect immediately upon adoption this 26th day of March, 2012.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2012-85. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-86 RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF BERLIN TO PUT IN PLACE A GYM POLICY FOR BERLIN TOWNSHIP EMPLOYEES

WHEREAS, the Township of Berlin recognizes the value to Township employees of regular exercise to enhance fitness, reduce health problems and improve morale, and permits Township employees the use of designated space at the Berlin Township Municipal Hall for that purpose while the employee is off-duty ; and

WHEREAS, the Township of Berlin has the need to put in place a policy for the rules and regulations for the Berlin Township exercise room ; and

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WHEREAS, in order to ensure that the rules are adhered to, to maintain the exercise room, to perform weekly and monthly inspections of the equipment the Mayor will appoint an exercise manager to adhere the gym policy.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Township of Berlin, that the gym policy for the Berlin Township Employees be adopted and that a manual be distributed to all employees of the Township.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2012-86. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-87 APPOINTMENT OF EXERCISE MANAGER TO OVERSEE THE GYM

BE IT RESOLVED by the Mayor and Township Council of the Township of Berlin, that **EDWIN GRAMLEY** be and is hereby appointed Exercise Manager effective March 26, 2012 until December 31, 2012.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2012-87. Resolution adopted by call of the roll, five members present voting in the affirmative.

Resolution 2012- 88

Payment of Bills - March 26, 2012

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
Charles Block, Esq.	Mun Public Defender Trust	\$	75.00
Marrazzo & Platt, PC	PB Esc #208		66.00
	PB Esc #208		264.89
New York Tactical Officers Assoc	Police Donations Trust		849.96
Camden County Animal Shelter	Dog Trust		1,226.00
Treasurer, State of NJ	Dog Trust		150.60

CONFIRMING

America on Line	01-201-31-443-2077		32.90
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Verizon Communications	01-201-31-443-2077	99.99
Verizon Communications	01-201-20-120-2105	140.63
State of NJ Health Benefits	01-201-23-220-2092	55,383.64
State of NJ Health Benefits	01-201-23-220-2092	30,287.75
TD Wealth	01-201-45-920-2105	320,000.00
	01-201-45-930-2105	20,868.75
TD Wealth	01-201-45-920-2105	150,000.00
	01-201-45-930-2105	47,556.25
Verizon Communications	01-201-31-443-2077	99.99
Ameriflex	Flex Claims Account	75.00
TD Wealth	07-201-55-522-2105	39,604.63
	07-168-05-540-3000	2,836.00
Atlantic City Electric	01-201-31-435-2075	6,066.36
	01-201-31-435-2071	632.43
Post Master Cherry Hill, NJ	01-201-20-110-2120	298.99
Atlantic City Electric	07-201-55-502-2071	505.95
Payroll, Current Fund	2/2/2012	56,054.72
Payroll, Sewer Operating Fund	2/2/2012	3,169.42
Payroll, Current Fund	2/9/2012	54,514.59
Payroll, Sewer Operating Fund	2/9/2012	3,373.53
Payroll, Current Fund	2/16/2012	54,416.08
Payroll, Sewer Operating Fund	2/16/2012	3,426.51
Payroll, Current Fund	2/23/2012	71,242.64
Payroll, Sewer Operating Fund	2/23/2012	3,266.94

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-88. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-89 CALLING FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

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WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Governing Body of Township of Berlin, that we join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

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BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-89. Resolution adopted by call of the roll, five members present voting in the affirmative.

BUSINESS LICENSES

- 1) MLS Co. Inc., Michael Lemon**, 465 East Taunton Avenue Suite 4. HVAC Light Commercial Lighting.
- 2) Northwood 1926, Robert Sweigart**, 4 Jackson Road. Wholesale Flooring Co. and Stone Landscaping.
- 3) CBC Enterprises, Leo Baioco**, 424 Commerce Lane Unit 1. Caulking and Waterproofing / Commercial Stucco company.
- 4) Wipe Out Production, John Graham**, 150 Cooper Road D-10. Video Production Company.

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

APPROVAL OF CORRESPONDENCE CALENDAR FOR FEBRUARY 2012

Motion carried by Council President Morris, second by Councilman Epifanio to receive and file the correspondence calendar for February 2012. Motion carried by voice vote, all present voting in the affirmative.

CONSENT AGENDA

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

APPROVAL FOR MARCH 12, 2012 MEETING MINUTES

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve the minutes for March 12, 2012. Motion carried by voice vote, five present voting in the affirmative.

ALL OTHER BUSINESS

1) Lester Avenue Safety Issues, Chief Jackson stated that he has have been receiving many complaints with reference to Lester Ave. safety issues, the most recent

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was this morning, March 21, 2012. It is now apparent to take further action beyond running radar by Officers. I am requesting that Mayor and Council amend the Township Ordinance, 117-17, "Vehicles over designated weight excluded from certain streets", to include the entire length of Lester Ave., and the weight reflect the same as the other roads already in this section, 5 tons.

I am also officially requesting that we erect signage at the intersection of Haddon Ave. and Lester Ave., that states "No through street, Local traffic only".

I am also having Officers effect a stronger traffic enforcement on his road, in an effort to curtail the resident's concerns. Again, time permitting, as per emergency calls.

Thank you all for your assistance in this safety issue.

Mayor Magazzu said that we will be looking into the Ordinance 117-7 for next meeting.

Public Portion

Motion by Councilman McIntosh, second by Councilwoman Bodanza 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.

Alberto Silva 326 Cleveland Avenue handed correspondences for the Mayor and Council to read in regards to the Green Acres.

Jim Briles, Fairveiw Avenue asked what the Township was going to do about the letter that South Jersey Gas sent the residents in regards to the street openings.

Stuart Platt stated that the Township will set up a meeting with South Jersey Gas, Township Residents and Township Engineer to discuss concerns.

Barb Cubitt 362 Thurman Avenue asked if they found the missing woman.

Chief Jackson responded yes they did.

No comments were to be heard.

Motion by Council President Morris, second by Councilman McIntosh 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.

Chuck asked Mayor and Council if they would like to pass a resolution in favor of the County Solid Waste Bid.

RESOLUTION 2012-90 RESOLUTION IN FAVOR TO PARTICIPATE WITH THE COUNTY BID FOR SOLID WASTE DISPOSAL

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin is conceptually in favor in participating with the county in the bids for solid waste disposal.

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Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-90. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012- 91 RESOLUTION TO GO INTO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS ALBERTO SILVA V. BERLIN TOWNSHIP

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

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2012-91. Resolution adopted by call of the roll, five members present voting in the affirmative.

ADJOURN

Motion by Council President Morris, second by Councilwoman Bodanza to adjourn the meeting at 6:23 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 6:23 pm

Catherine Underwood, Township Clerk