

MARCH 8, 2010

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD IN THE CONFERENCE ROOM OF THE SCHOOL BOARD ADMINISTRATIVE BUILDING, 225 GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY MARCH 8, 2010 AT 6:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Councilman DiGangi, Councilman McIntosh, Mayor Magazzu.

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

Absent- Councilman Batten, Council President Morris

GOOD AND WELFARE #1

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

No comments were to be heard.

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

DEPARTMENTAL REPORTS

ENGINEER'S REPORT

A. CHANGE ORDERS AND VOUCHERS

MARCH 8, 2010

No change orders or vouchers to report at this time.

B. ENGINEER'S REPORT

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

We anticipate the submission of the design documents to The Pinelands Commission within the next week. We are hopeful that, within the next two to three months, The Pinelands Commission approves the proposed design.

The Pinelands Commission also requires that a newspaper notice be published in an official newspaper. We have prepared and will publish the notice so as to coincide with our submission to the Pinelands.

We have sent a letter to the N.J.D.O.T. Local Aid Office to advise them of the status of the application and the delays, related to the Pinelands review. We have requested that the approved funding be held in place as the Township fully intends to move forward with the project, once the approval of The Pinelands Commission is received.

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

We have recommended that the Governing Body consider authorizing our office to perform the engineering and prepare the bid documents so that bids can be received, before the construction season. The timely bidding of N.J.D.O.T. funded projects also assists in obtaining future N.J.D.O.T. funds as additional ranking points are awarded to those municipalities, which spend the funds in a timely manner.

The N.J.D.O.T. has allotted \$180,000.00 for the project. The estimated construction cost is \$221,147.00. I recommend that the full construction improvements be performed rather than those improvements, which are scaled back to match the available N.J.D.O.T. funds.

The estimated engineering, contract administration and inspection cost is \$46,000.00. The estimated cost for testing materials is \$2,000.00.

MARCH 8, 2010

The N.J.D.O.T. funds are reimbursed to the Township. The N.J.D.O.T. reimburses 75% of the eligible funds, several months after the award of the contract and the remaining 25% several months after they have approved the completed construction work.

3. C.D.B.G. YEAR 32 FUNDS - \$30,257.00 (KEI #512BT0210):

I attended the C.D.B.G. Workshop Meeting on February 19, 2010. The funding amount for this year will be the same as last year. The Governing Body must select a project and submit the Project Description Form by March 19, 2010. I recommend that the resolution, selecting the project and authorizing the submission of the Project Description Form to the C.D.B.G., be submitted with the Project Description Form.

The County C.D.B.G. is also requesting that the Township complete and submit the "Municipality's Survey, 2010 - 2014 Five Year Consolidation Plan" and submit the survey by March 19, 2010. The County is required by the U.S. Department of Housing and Urban Development to submit a Five Year Consolidation Plan, which "will serve as a blueprint for the expenditures of federal funds in Camden County from July 1, 2010 to June 30, 2015." The "County is required to identify the housing and community development needs for low-moderate income persons and households, as well as persons with special needs and disabilities, substance abuse, mental illness, HIV/Aids, the elderly, etc." The County is requesting that the Township complete the affordable housing questionnaire to "gather information on the status of efforts to promote affordable housing in the County."

I recommend that the Governing Body discuss this matter with Ms. Zoll, before submitting it to the County.

I believe that Mr. Conklin has recommended that the funds be used for housing rehabilitation.

The eligible area of the Township and eligible projects remains the same. The Township can also use the funds for eligible projects, by using the Township workforce, at their current rates, not prevailing wage rates.

There was previous discussion that, since the annual funding is not of a sufficient amount to perform most projects, the C.D.B.G. funds for all three years would be issued in the

MARCH 8, 2010

aggregate amount. It is anticipated that this policy will not start until 2012.

4. **N.J.D.O.T. FY2011 MUNICIPAL AID APPLICATIONS:**

Typically, in March/April of each year, the N.J.D.O.T. announces the acceptance of applications, which must be submitted by June of each year. The following programs are available:

a. Municipal Aid

Street Improvements, pedestrian safety, bikeways and streetscapes.

b. Bikeways

On road and separate from the vehicular travel ways.

c. Safe Routes to Schools (SRTS)

This program is offered for "projects and activities that both lead to the implementation of SRTS Travel Plans and facilitate walking and bicycling to school." Chief Jackson has stated that he would like to apply for the speed display board, which will be installed along Franklin Avenue.

5. **FY2011 FEDERAL APPROPRIATIONS REQUEST:**

After discussing the matter with Mayor Magazzu and Mr. McGee, the following requests were submitted to Congressman Andrews' Office:

a. Energy and Water Appropriations Request

- 1) Installation of energy efficient "cool" roof system for the Municipal Building - \$428,000

This roof covering would replace the existing roof with an energy efficient roof covering system.

- 2) Installation of a ground mounted solar energy system at the Public Works Complex - \$175,000

MARCH 8, 2010

This system would provide electrical supply to the complex and the overall electric system, reducing energy consumption costs to the Township.

b. Interior and Environment Appropriations Request

- 1) Sanitary sewer extension for Edgewood Avenue, Allied Parkway, Collings Avenue, Hopewell Road and Cooper Road - \$3,332,000

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

- a. N.J.D.O.T. Highway Access Permit: We have submitted final revised plans to secure the required N.J.D.O.T. Highway Access Permit for the existing driveway on Route 73. Previous attempts to exempt this driveway from permitting were not successful and we were forced to submit our application to the Major Access Division of the N.J.D.O.T.

We were successful in having the application fee reduced from \$3,400.00 to \$650.00 and the complete revised plans and applications were logged in by the N.J.D.O.T. on February 18, 2010. In their letter dated February 18, 2010 the Department advised that a review of the permit application and plan should be completed by May 19, 2010.

- b. Site Work: It is anticipated that warmer weather will prevail to provide for the paving of the rear parking area in March 2010. I recommend that the Governing Body consider a milling and bituminous overlay or surface preparation/micro resurfacing, rather than a seal coat for the front parking area. I have requested a price from the contractor for the milling and overlay of the parking area.
- c. Landscape and Irrigation System: Since the planting season (March – May) is quickly approaching, I recommend that the Governing Body consider the performance of a landscape design and implementation by contract or workforce.

7. FORMER MUNICIPAL BUILDING SITE:

MARCH 8, 2010

Mayor Magazzu is discussing the matter of the deed restriction with the Board of Education.

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

We have been discussing various issues with the County Contractor, Jersey Construction. After a discussion with Mr. McGee, it was determined that the force main will not be relocated, outside the widened roadway.

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

The bus contractor has completed the corrective work, except for the installation of padding on the lower section of the stanchion (post) at the top of the steps. It is my understanding that they will be installing this padding in the immediate future.

10. **HADDON AVENUE STREETScape IMPROVEMENTS (KEI #430BT1104 AND KEI #431BT1104):**

a. Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$200,000.00) (KEI #431BT0105): Mr. McGee has advised our office that the cobra head lighting has not been removed in the areas where the decorative lighting was installed. We have obtained the utility pole numbers and have forwarded a request for the removal of the cobra head lights to Mr. David Darcy of Atlantic Electric.

b. Phases 1 and 3 – 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 are still waiting for the response from the N.J.D.O.T. Local Aid Office, in regard to the recapturing of the \$677,000 of Federal and State funding. If the funds are still available, I suggest that the Governing Body consider, at least, the installation of the decorative street lighting and construction of decorative handicap ramps on all street corners. The following is an estimate for the above mentioned improvements:

1. Decorative Street Lighting – Jefferson to

MARCH 8, 2010

	Franklin Avenue	\$125,000
2.	Decorative Street Lighting – Walker Avenue, Bate Avenue to Lucas Avenue	\$175,000
3.	Decorative Handicap Ramps at all street corners – Jefferson Avenue to Lucas Avenue(26 corners at \$7,500/corner)	\$195,000

Estimated Construction Cost = \$495,000

The estimated engineering work for the scaled down scope of work, perform amendments to the Plans and Specifications per N.J.D.O.T. review comments, update certification and amend project cost estimates is \$7,000.00. The estimated inspection and contract administration cost is \$16,000.00. The Township would be responsible for the \$7,000.00 engineering fee, which is not an eligible cost for reimbursement.

11. N.J.D.O.T. MATTERS

- a. Punch List Items – Sanitary Sewer Construction, N.J.D.O.T. Route 73 Project: I recommend that this matter be discussed with the new N.J.D.O.T. Commissioner, since I have not been able to receive any response from the Assistant Commissioner.

- b. Planting of Trees along the Rear of the Retail Center, Along the N.J.D.O.T. Ramp, Connecting Oak Avenue to Taunton Avenue
(KEI #484BT0108): The N.J.D.O.T. representative will be visiting the site to determine the limits of planting, which are necessary to screen the rear of the shopping center from the residents along Oak and Taunton Avenues. Once I received his response, I will inform the Governing Body.

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

I will be contacting the representative from The Pinelands Commission to obtain the status of their consideration for the

MARCH 8, 2010

sewer extension. Once I speak with him I will inform the Governing Body.

I have, also, requested that the representative consider the inclusion of the lot on Collings Avenue and the remainder of the non-sewered, Pinelands area. It appears that they have some reservations about providing sewer for the entire Pinelands area.

13. SANITARY SEWER ALLOCATIONS:

a. Request for Increase in Allocation: I had contacted Mr. Kricun for an update on the proposed sanitary sewer improvements, which will reroute sewer away from the interceptor, which serves Berlin Township. He has informed me that he expects the construction to be completed within 24 to 30 months from now (March – September of 2012). He expects to be able to address the request for the increase in the sewer allocation at that time.

b. Possible Request for Redesignation of Allocation for High Point II:

On February 22, 2010 a meeting was held with representatives of Paparone Housing. They were informed that the allocation for this development was to be temporary and permanent connection would be to the Voorhees Township collection system. They anticipate that the Dutchtown Road pumping station should be constructed within the next 1 to 1.5 years. Therefore, it would be in their best interest to just connect to the Voorhees system.

The developer was informed that the deposit of \$29,750, which they submitted for the first payment of the reservation of the allocation is non-refundable. The issue of possibly transferring a portion of the allocation to their proposed 21 lot development on Katherine Avenue was discussed at the meeting. The remainder of the allocation (28 units) would be returned to the available allocation.

I believe that the Governing Body will discuss this matter and provide a formal response to the developer.

**14. PRELIMINARY STORMWATER ANALYSIS FOR LESTER AVENUE
(KEI #324.01BT):**

I have completed the preliminary analysis and issued a report, dated February 10, 2010. I believe that the following options could be considered to address a 100 year storm event (1 in 100 chance of occurring):

Option 1 – Storm drainage system on Lester, connected to the storm drainage system within the Luke Avenue Recreation Complex Not a viable option
Stormwater Mgt. needed

Option 2 – Retention Basin on Luke Avenue Recreation Complex \$214,000

Option 3 - Detention Basin connected to the Storm Drainage System with the Luke Avenue Recreation Complex \$244,000

Option 4 - Detention Basin and Connection to the Krumm Avenue Drainage System \$296,000

Due to the narrowness and limited depth of the Township lot, only approximately 14% of the necessary storage volume can be provided on the lot. I believe that it would be more cost effective to construct one basin on the Luke Avenue Recreation site. I would suggest that consideration be given to selling the lot with a 20 feet wide storm drainage easement for possible future use by the Township. Any interim stormwater management measures could be performed on the Luke Avenue Recreation site.

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

This matter was discussed at the Council Meeting on February 8, 2010. It was determined that the Township would try to resolve the zoning and sewer connection matters with The Pinelands Commission.

**16. ALTERNATIVE ENERGY SOURCES AND ENERGY EFFICIENCY
PROGRAMS:**

a. Direct Install Program: Mayor Magazzu had mentioned that she was informed that South Jersey Gas Company

MARCH 8, 2010

was offering this program to businesses. This program is also available to municipalities.

The program is, actually, being offered by the N.J. Clean Energy Program, through participating contractors. The participating contractor will perform the energy assessment, preparation of the scope of work, arrange for and perform the installation. The process, from start to finish, is expected to take approximately 60 days. The business is only responsible for paying for 20% of the project cost. The Clean Energy Program pays the contractor the remaining 80% of the cost.

There are many programs, which are available to municipalities, businesses and residents. We would be glad to present additional detail, regarding the programs, to the Governing Body.

- b. Local Government Energy Audit Program: I strongly recommend that the Township consider applying for the performance of the energy audit for the desired Township facilities, which could be the Senior Citizens building, library, public works complex, sewer pumping stations, etc.

17. LEGISLATIVE MATTERS:

- a. Exempting Solar Panels from Impervious Cover Designation (S921, A2289): This legislation would apply to various laws relating to municipal land use, agricultural development and stormwater management.

This proposed legislation was referred to the Assembly Environment and Solid Waste Committee and Senate Environmental and Energy Committee.

- b. Changes to the Requirements for Notice of Hearing on Certain Zoning Changes (A103): This proposal consists of requiring only notice of a hearing on an amendment to a zoning ordinance on changing a zoning boundary or classification by only certified mail lot the affected property owners. The proposed law would remove the requirement for regular mail notice. The bill was introduced before the Assembly on January 12, 2010 and has been referred to the Assembly Housing and Local Government Committee.

SOLICITOR'S REPORT

MARCH 8, 2010

1. Water Agreement with Berlin Borough
2. Increase Sewer Allocation Buildout
3. New Municipal Building
4. Nancy Anderson V. Berlin Township
5. Berlin Township ADS. Michael Brown
6. Berlin Township ADS. David Carp
7. Berlin Township ADS. Karen Cella
8. C&M Auto Repair Environmental Issues
9. High Point Sewer Connections
10. Berlin Township ADS, Richard Davies
11. Maintenance Trees in Right of Way Streets
12. Collings Avenue

POLICE DEPARTMENT

Joseph Jackson reported that due to the snow we are dealing with residents complaining about potholes through out the town. Any potholes please forward them to the police department.

RESOLUTION 2010-86 CLOSED SESSION TO DISCUSS LEGAL MATTERS

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.

Motion by Councilman McIntosh, second by Councilman DiGangi to adopt Resolution 2010-86. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2010-85 RESOLUTION TO RELEASE THE CURRENT INTERMUNICIPAL SEWER AGREEMENT WITH HIGH POINT II SEWER CONECTIONS.

WHEREAS, The Township of Berlin has an intermunicipal sewer agreement for service to the Highpoint II development; and

WHEREAS, The Township of Berlin no longer wishes to retain the sewer service for these current units, or on this area on a permanent basis:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township Of Berlin that the intermunicipal sewer agreement with Highpoint II sewer connection be released is hereby granted

MARCH 8, 2010

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2010-85. Resolution adopted by call of the roll, three members present voting in the affirmative

RESOLUTION 2010-82 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN APPRAISER FOR THE TOWNSHIP OF BERLIN ON AN AS NEEDED BASIS

WHEREAS, the Township of Berlin desires to award a contract for the services of a appraiser, on an as-needed basis, under the fair and open contract provisions of N.J.S.A.19:44A-20.4 et seq.; and

WHEREAS, the Local Public Contract Law requires that the resolution awarding the contract for professional services be advertised and the anticipated term of the contract is one year period beginning on January 1, 2010; and

WHEREAS, requests for qualifications were advertised in the Record Breeze on 12/03/09 and proposal accepted no later than 12/15/09; and

WHEREAS, Robert M. Sapio has submitted a proposal which meets the qualifications to be able to provide appraisal services to the Township of Berlin, on an as-needed basis based on the proposal provided;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that Robert M. Sapio is hereby appointed to provide appraisal services on an as-need basis to the Township of Berlin.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2010-82. Resolution adopted by call of the roll, three members present voting in the affirmative

Resolution 2010-83 Payment of Bills March 8, 2010

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.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2010-83. Resolution adopted by call of the roll, three members present voting in the affirmative

MARCH 8, 2010

RESOLUTION 2010-84 RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE CDGB YEAR 32 GRANT AGREEMENT

{PRIVATE }

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

WHEREAS, the Mayor and Council have chosen to submit an application for Program Year 32 (2010-2011); and

WHEREAS, the grant allocation for 2010-2011 for the Township of Berlin is \$30,257.00 or as amended by the Camden County C.D.B.G.; and

WHEREAS, the Governing Body has agreed to apply for funding for the following activity(ies):

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, that the Mayor is hereby authorized to sign the Project Description Form for Program Year 32 (2010-2011).

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2010-84. Resolution adopted by call of the roll, three members present voting in the affirmative

BUSINESS APPROVALS

1) Ventura's Deli, Amando Ventura, 441 North Route 73, GreenWay shopping Center. Spanish Grocery Store and Deli. Motion by Councilman DiGangi, second by Councilman McIntosh to approve business license for Ventura's Deli. License approved by call of the roll, three members present voting in the affirmative.

2) Precision Builders, Steven Sciubba, 536 North Route 73, Temporary construction office for Golden Corral. Motion by Councilman DiGangi, second by Councilman McIntosh to approve business license for Precision Builders. License approved by call of the roll, three members present voting in the affirmative.

3) Berlin Food Market, Shrin Ahamed, 175 South Route 73, Deli, Grocery Store, Lottery and Package goods. Motion by Councilman DiGangi, second by Councilman McIntosh to approve business license for Berlin Food Market. License approved by call of the roll, three members present voting in the affirmative.

4) United Check Cashing T/A EZ Financial Services, Ernest T. Szeker. Check cashing, money order sales and wire transfers. Motion

MARCH 8, 2010

by Councilman DiGangi, second by Councilman McIntosh to approve business license for United Check Cashing T/A EZ Financial Services. License approved by call of the roll, three members present voting in the affirmative.

CONSENT AGENDA

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

APPROVAL OF FEBRUARY 22, 2010 MEETING MINUTES

Motion by Councilman McIntosh, second by Councilman DiGangi to approve the minutes for February 22, 2010. Motion carried by voice vote, three present voting in the affirmative.

APPROVAL OF FEBRUARY 22, 2010 CLOSED SESSION MINUTES

Motion by Councilman McIntosh, second by Councilman DiGangi to approve the closed session minutes for February 22, 2010. Motion carried by voice vote, three present voting in the affirmative.

GOOD & WELFARE #2

Motion by Councilman DiGangi, second by Councilman McIntosh 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.

Dan Neel asked a question in reference to the Maintenance of tree in the right away of streets. Dan asked how many days, does a homeowner have to respond to a notice for a tree that would fall in the right away.

Donafaye Zoll Township Solicitor responded that it would depend on the notice received, if it was to trim a tree or to take a tree down. Our ordinance states within 14 days of receipt of notice from the Enforcement Officer.

Motion by Councilman DiGangi, second by Councilman McIntosh 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.

DIRECTOR OF PUBLIC WORKS

Michael McGee the director of Public Works noted that we really need to go through the files in the trailer before we move into the new building.

MARCH 8, 2010

ALL OTHER BUSINESS

Lori Campisano, CFO said that today we accepted proposals for a Bond Anticipation Note Rollover. The total note is for \$5,368,000.00 of which \$3,000,000.00 is for the New Municipal Building and \$2,368,000.00 is for other capital ordinances dating back to 2005. Four proposals were received, of which Beneficial Bank was the lowest at an interest rate of 1.04%.

The note will be issued on 3/16/10 and will be due on 12/8/10. After discussions with our Bond Counsel, it is recommended that this note be combined with our other note outstanding which totals \$4,950,000.00 for the purpose of issuing permanent financing in December

RESOLUTION 2010-87 CLOSED SESSION TO DISCUSS LEGAL MATTERS IN THE TOWNSHIP.

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

Motion by Councilman McIntosh, second by Councilman DiGangi to adopt Resolution 2010-87. Resolution adopted by call of the roll, three members present voting in the affirmative.

ADJOURN

Motion by Councilman DiGangi, second by Councilman McIntosh to adjourn the meeting at 8:40 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 8:40 pm

Catherine Underwood, Township Clerk