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**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, APRIL 14, 2008 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 Batten, Councilman McIntosh, Councilman Morris, Council President DiGangi, Mayor Magazzu

Also Present- Lori Campisano, CFO; Engineer, Charles Riebel, Jr.; Solicitor, Donafaye Zoll; Michael Hayden, Police Chief;

Absent - Michael McGee, PW Director, Mike Laginestra, Zoning Officer

**GOOD AND WELFARE #1**

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

D. Kepple from Cushman Avenue in Berlin Township requested to use of the baseball fields at Luke Avenue Park for an adult baseball team.

Mayor Magazzu said that we will have to pass an ordinance for this and we hope to be able to do this in the next two months.

Motion by Councilman Batten, second by Councilman Morris to close the meeting to the public. Motion carried by voice vote, all present voting in the affirmative.

**DEPARTMENTAL REPORTS**

**ENGINEERS REPORT**

**1. 2008 STREET IMPROVEMENT PROGRAM:**

On March 10, 2008, the Governing Body introduced Ordinance No. 2008-7 for the Capital Improvement Program.

It is my understanding that the Governing Body was considering the following streets for improvement:

- a. Hazel Avenue – Chestnut to Second

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- b. Elm Avenue – Cushman to Chestnut
- c. Larch Avenue – Chestnut to Cushman
- d. Magnolia Avenue – Cushman to Chestnut
- e. Intersection of Clarence and First Avenues

We have completed the survey fieldwork, in anticipation of the Governing Body authorizing our office to proceed with the engineering design and preparation of the bid documents, so that bids could be received early in the construction season.

It is my understanding that the Governing Body is considering the reconstruction of Katherine Avenue, rather than the above mentioned streets, to coordinate the work with the improvements that Paparone Housing will be performing on Katherine Avenue. We will be preparing construction cost estimates for different scenarios for the coordinated construction of this street.

We recommend that the Governing Body select the streets and authorize our office to proceed with the engineering and preparation of the bid documents.

**2. SIDEWALK ALONG N.J.S.H. ROUTE 73, NORTHBOUND (N.J.D.O.T. FY2008 FUNDING – \$150,000.00):**

The N.J.D.O.T. has allotted \$150,000.00 for this project. The estimated construction cost is \$289,000.00. The estimated cost for engineering, inspection, contract administration, testing and State approvals and permits is \$324,000.00.

I believe that the Governing Body has determined that the Public Works Department will not be performing the work. I recommend that the Governing Body determine if they would like to proceed with the construction for this project. The Governing Body has discussed limiting the scope of the project to the allotted N.J.D.O.T. funding.

I have previously noted that it will be necessary for the Township to obtain approvals and permits from the N.J.D.O.T. and N.J. Pinelands Commission. We anticipate that it will take approximately six to nine months to perform the design, submit the applications and obtain the approvals and permits from the State agencies.

**3. 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):** Asphalt Paving Systems has completed the project. The Governing Body accepted the project at the Council Meeting of February 25, 2008.

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We will assist Ms. Campisano with the final reimbursement of the grant funds from the New Jersey Department of Transportation.

- b. **Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (KEI #29-430BT1104):** The N.J.D.O.T., Office of Local Aid advised our office that the Earmark Funds are available for authorization from the F.H.W.A.

With this in mind, we forwarded an informal request to the N.J.D.O.T., Office of Local Aid. Their response seemed favorable and they requested that a formal request be submitted. We have prepared the request to reduce the “scope of work” for Phase 3 within the funding allotments, and forwarded it to Mayor Magazzu for endorsement and submission to the N.J.D.O.T. We, strongly, recommend that Mayor Magazzu submit the letter of request.

4. **2007 STREET IMPROVEMENTS PROGRAM (KEI #458BT0506):**

We expect the contractors to complete the corrective work in the immediate future.

5. **C.D.B.G. PROGRAM, 2008-2009 (YEAR 30) FUNDING -\$30,257.00 (KEI #486BT0208):**

The Project Description Form and Resolution No. 2008-84 were submitted to the County C.D.B.G. Program for the lease of a senior citizens bus.

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

I believe that the Township is discussing the conveyance of the strip of land for the widening of the right-of-ways of Cooper Road and Taunton Avenue with the property owner.

It is our understanding that the Freeholders have allotted the funds for the construction of the improvements. It is our understanding that the Freeholders have implemented a new policy, which requires the municipalities to pay for all necessary police directors. They are also discussing the performance of the contract administration and inspection by the municipal engineer. Therefore, I recommend that the Governing Body consider allotting the necessary funds for police directors, inspection and contract administration costs.

7. **IMPROVEMENTS TO THE INTERSECTION OF HADDON AVENUE AND FRANKLIN AVENUE:**

At a meeting on March 27, 2008, the County Engineer and their consultant presented additional options for possible improvements, to Township

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Officials. The Township Officials recommended that additional alternatives be considered.

The County Engineer noted that once an alternative is selected and endorsed by the Township, a Public Information Center (public presentation) must be held by the County. The Public Information Center must be held before the end of this year.

**8. SAFE ROUTES TO SCHOOLS PROGRAM:**

I have discussed this grant program with the Governing Body. The deadline for the submission of an application to the N.J.D.O.T. is April 18, 2008.

I believe that the Governing Body discussed the following projects for possible inclusion in an application:

- a. Sidewalk along Katherine and Grove Avenues to the elementary school.
- b. Permanent, solar powered radar speed notification signs along Franklin Avenue.

The N.J.D.O.T. has also informed us that the following additional projects are eligible, under this grant:

- a. Purchase of flashing speed indicators, radar units, video units and safety clothing for patrols and crossing guards.

If the Governing Body is interested, I recommend that the resolution, endorsing the selected programs and/or projects and authorizing the preparation and submission of the application, be passed at the Council Meeting on April 14, 2008. We must, then prepare and submit the application before the deadline date of April 18, 2008.

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

- a. **Improvements to the Intersection of N.J.S.H. Route 73 and Franklin Avenue:** The N.J.D.O.T. has submitted the "Concept Development Executive Summary, N.J. Route 73 and D'Angelo Drive, M.P. 18.20", dated August 2007, by McCormick Taylor. The report notes that the Township has requested a traffic signal at the intersection and the N.J.D.O.T. has rejected the request, on several occasions, as the traffic signal spacing would not comply with the required spacing of a minimum of 2,640 feet.

The N.J.D.O.T. has suggested alternative solutions. After internal meetings between the N.J.D.O.T. and their consultant, in July 2007, it was determined that a traffic signal will not be considered at the

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intersection of D'Angelo Drive and the selected alternatives would be submitted to the Township.

The following is a listing of the concepts, which were included in the report:

- a. Concept A – Directional Signage/U-Turns Prohibited.  
This concept provides signage along D'Angelo Drive, Bradford Drive, Commerce Lane, Cooper Road and Taunton Avenue, which directs motorists from the Wal-Mart and the business park to travel these roads to the signalized intersection of Route 73 and Taunton Avenue to turn left onto Route 73 southbound. U-turns would be prohibited from Route 73 northbound, at Franklin Avenue.

The N.J.D.O.T. Scope Team agreed that this concept “should be considered a feasible solution as an interim solution”.

- b. Concept B – Local Road Jughandle.

This concept eliminates the existing left turn/U-turn lanes in the northbound AND southbound Route 73, at Franklin Avenue.

A new lane will be added to Route 73 northbound, from D'Angelo Drive to E. Franklin Avenue. A jughandle would be created, using a portion of E. Franklin Avenue, through the Rick's Auto Body lot.

Residents of E. Franklin Avenue would be required to use the jughandle to exit and enter Route 73.

The N.J.D.O.T. Scope Team concluded that this concept should be submitted to the Township as an alternative.

- c. Concept C – Forward Jughandle.

This concept eliminates only the left turn lane for Route 73 northbound and adds another lane along Route 73 northbound. A jughandle would be created, beginning near Commerce Lane, through the two office buildings (south of E. Franklin Avenue) and Rick's Auto Body (north of E. Franklin Avenue) to align with the intersection of W. Franklin Avenue.

A street, parallel to and east of Route 73 would be constructed, connecting D'Angelo Drive with Commerce Lane and E. Franklin Avenue. Access to and from E. Franklin Avenue would be restricted to this interconnecting street.

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The exit lane of Commerce Lane, at Route 73 will be eliminated, allowing only a right turn entrance.

The N.J.D.O.T. Scope Team agreed that this concept should be eliminated due to construction costs, right-of-way acquisition and socioeconomic impacts.

d. Concept D – Relocate Signalized Intersection.

This concept eliminates the traffic signal at Route 73 and Berlin Circle Plaza Drive/Prospect Avenue and eliminates any exit from the shopping center drive onto Route 73. Motorists, traveling along Route 73 southbound would be able to enter the existing drive to the shopping center. Motorists can only enter and exit Prospect Avenue to and from Route 73 northbound.

A traffic signal would be installed at the intersection of Route 73 and Minck Avenue. A proposed drive, interconnected with the Wal-Mart parking area and through the DEC Electric and Dunkin' Donuts parking areas, would be constructed to this intersection. Exclusive left turn lanes would be provided for both directions of Route 73 at this signalized intersection.

The N.J.D.O.T. Scope Team agreed that this concept shall be eliminated due to construction costs, right-of-way acquisition and socioeconomic impacts.

e. Concept E – Install New Signal at D' Angelo Drive.

The Pre-Scope Team agreed that this concept must be eliminated, since it would result in non-conforming traffic signal spacing, violates N.J. State Highway Access Management Code (signal spacing and level of service), increases rear end and sideswipe crash rates, increases safety concerns associated with driver expectancy and violates N.J.D.O.T. common practices.

f. Concept F – Exclusive Left Turn and Exclusive U-Turn for Route 73 Northbound at Franklin Avenue.

This concept provides for the installation of dual turning lanes (exclusive left turn and exclusive U-turn) at W. Franklin Avenue along Route 73 northbound. The Route 73 southbound lanes would be shifted to accommodate the exclusive auxiliary lanes and shoulder widening.

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The N.J.D.O.T. Scope Team felt that, although the concept "would be operationally acceptable, it is not preferable and could be confusing to motorists since it is not a widely implemented lane configuration through New Jersey. Therefore, they eliminated this concept" due to safety concerns associated with driver expectancy. In addition, the concept may require right-of-way acquisition and contain utility conflicts.

Therefore, the N.J.D.O.T. is recommending Concept A as an interim improvement and the jughandle under Concept B. I believe that the current N.J.D.O.T. staff will not permit this traffic signal at D'Angelo Drive. I would guess that even if the jughandle concept is accepted by the Township, it will be many years before the improvements are made by the N.J.D.O.T.

I recommend that the Governing Body consider developing a strategy and then, request a meeting with the N.J.D.O.T. and their consultants to discuss this matter, in further detail.

- b. **Request to N.J.D.O.T. for Payment of Additional Inspection Costs for Sanitary Sewer Work:** We have forwarded the voucher to the New Jersey Department of Transportation for review. However, they have returned the voucher to our office, stating that we must break the voucher into two separate vouchers and submit them to two different departmental offices. We have prepared these vouchers and forwarded them to Ms. Campisano for endorsement.
- c. **Landscape Screening Along the N.J.D.O.T. Ramp Between Oak and Taunton Avenues:** The N.J.D.O.T. and property owner have agreed to the planting of twelve, six feet high Spruce trees on the strip store property. The property owner has requested an on-site meeting with the N.J.D.O.T. representative to discuss the marking of the exact location of the trees for his formal approval. I am attempting to schedule this on-site meeting.
- d. **FY2009 Municipal Aid Applications:** The N.J.D.O.T. has announced the acceptance of applications for street improvements, traffic signals, pedestrian and bikeways and streetscapes. The deadline for submission of applications is June 20, 2008. The applications must be filed, electronically with the N.J.D.O.T. We recommend that the Governing Body consider selecting the project(s) and passing the respective resolution(s). Possible projects could be:
  - a. Phase 2 – Sidewalk along Route 73 Northbound
  - b. McClellan Avenue Street Improvements
  - c. Sidewalk along Grove Avenue

**10. U.S.E.P.A. CLEAN WATER NEEDS SURVEY SURVEY (CWNS):**

The survey is utilized by the members of Congress to lobby and demonstrate the need for funds for their district to address water pollution control. Eligible projects are improvements to wastewater treatment facilities (including addressing inflow and infiltration), pumping stations, sewer replacement/ rehabilitation, stormwater conveyance and treatment systems, stormwater management, brownfields, etc. The survey must be accompanied by cost estimates and reports documenting the conditions and providing solutions.

The Governing Body may elect, at this time, to submit the survey and some preliminary estimates or, the entire package and the replacement/rehabilitation of the sanitary sewer collection system. The estimated cost for our services, to assist with the completion of this document and supporting documents would range from \$3,300.00, which is for the completion of the survey and preparation of a brief narrative and cost estimates to \$10,000.00, which includes an I/I analysis and inspection of the sanitary sewer system.

**11. PRE-MITIGATION FLOOD CONTROL PROGRAM:**

No update to report.

**12. 2007-2008 STORMWATER ANNUAL REPORT AND CERTIFICATION:**

I believe Mr. McGee has or will be completing and submitting the report before the submission deadline date of May 2, 2008. The report must be filed with the N.J.D.E.P., electronically.

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

A meeting must be scheduled with Mr. Kricun, P.E., from the C.C.M.U.A., to discuss this matter, as he has received information from the N.J.D.E.P., specific to Berlin Township.

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

We have completed the application for the improvements to the hockey court at the Robert T. Clyde Park and terraced amphitheater construction at the Luke Avenue Recreation Complex.

We will be submitting the application within the next week.

The County has informed us that the maximum limit was only increased, to \$50,000.00, for historic preservation projects. The limit remains at \$25,000.00 for all other projects.

15. **EXPANSION OF WAL\*MART:**

The applicant has met with the Technical Review Committee and is expected to meet with this Committee, in the near future. It is anticipated that they will be heard by the Planning Board in May, 2008.

16. **IMPROVEMENTS TO KELLEY DRIVE STORMWATER BASIN (KEI #64BT3187):**

We have prepared the cost estimate for the improvements to the basin and have prepared a list of the costs to be shared by the contributing lots.

17. **PROPOSED RESIDENTIAL DEVELOPMENT BY PAPANONE HOUSING, KATHERINE AVENUE (KEI #142.01BT0305):**

The applicant attended a Technical Review Committee meeting. The improvements to Katherine Avenue were discussed. I believe that, it would be beneficial for the Township to coordinate the full reconstruction of Katherine Avenue with the developer. Therefore, I recommend that the Governing Body discuss the matter and, then, meet with the developer to discuss the performance and scope of the improvements.

18. **MEETING WITH BERLIN BOROUGH PLANNING BOARD:**

Mayor Magazzu has informed me that various matters were discussed with the Borough Planning Board. I believe that the intent is to continue the dialogue to develop coordinated efforts, regarding planning and zoning matters along N.J.S.H. Route 73.

19. **PINELANDS MAINTENANCE AGREEMENT WITH CURRENT DEVELOPERS:**

As discussed in November, 2007, I will notify the developers, which have posted cash guarantees to provide them with the opportunity to develop agreements, in lieu of the posted cash. The agreements must be approved by The Pinelands Commission, before the cash guaranty is released.

20. **REQUEST FOR SANITARY SEWER EXTENSIONS:**

- a. Resintech Expansion and Proposed Office/Warehouse Building. I have prepared a resolution, for consideration for passage, which allows for the submission of the necessary application, to the N.J.D.E.P. for the extension of this proposed privately owned sewer main. The applicant must still obtain the necessary approval for a proposed, privately owned pumping station for the Resintech facility.

The applicant must obtain the necessary connection permits for the expansion of the existing facility and the proposed buildings.

- b. Kepple Carpets (formerly Jersey Marine), Cushman Avenue. Mr. McGee and I met with the owner and his attorneys to discuss a proposed sanitary sewer extension to this building. I believe that

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the owner will be applying for a sewer extension for the existing facility and future expansion.

**21. WATER SUPPLY ALLOCATION PERMIT FOR ALL TOWNSHIP OWNED POTABLE AND IRRIGATION WELLS:**

At the request of Mr. McGee, we have researched the pumping specifications of the three irrigation wells at the Luke Avenue Recreation Complex and the Edgewood Avenue soccer fields. All of the wells were installed with the proper permitting.

Mr. McGee had been contacted by Ms. Eileen Lloyd from the New Jersey Department of Environmental Protection Water Compliance and Enforcement Division regarding the Township owned wells.

Ms. Lloyd referred Mr. McGee to NJAC 7:19, which governs the reporting procedures for persons or other entities having the capability of pumping more than 100,000 gallons per day (GPD). The fact that the Township, most likely, pumps far less than 100,000 GPD from these wells does not matter, according to Ms. Lloyd. The combined pumping capability of the wells is 158,400 GPD.

We spoke with Mr. Ken Komar from the N.J.D.E.P., Bureau of Water Allocation on February 26, 2008, regarding this matter. As a result of his comments, Mr. Komar repeated what had been said by Ms. Lloyd and recommended that we submit a request for a pre-application conference. The written request was submitted that day.

Mr. Smith, of our office, contacted Mr. Komar during the week of March 31, 2008 regarding the lack of response to our request for a meeting. Mr. Komar indicated that he had been busy with other matters.

Mr. Komar then questioned our need for a water allocation permit and suggested a water use registration instead. According to Mr. Komar, if the Township can document combined water use of less than 3.1 million gallons/month, a simple application for water use registration can be filed. The application fee is \$400.00.

Mr. Smith contacted Mr. McGee to discuss the matter and Mr. McGee stated that he will provide the necessary records for submission to the N.J.D.E.P.

**22. AMENDMENT TO THE TREE PROTECTION ORDINANCE:**

The Governing Body discussed the possible amendment to relieve some of the restrictions for individual residential properties. I believe Mr. Laginestra is reviewing the Haddonfield tree protection ordinance and will be reporting his findings to the Governing Body.

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I believe that the Governing Body will be requesting recommendations from the Planning Board for possible changes to this ordinance.

23. **MODIFICATIONS TO THE SIGNALIZED INTERSECTION OF JACKSON ROAD AND HOPEWELL ROAD:**

The traffic engineer for the developer of the vacant lands along Jackson Road, between Route 73 and Hopewell Road/Taunton Road, has requested that the Governing Body pass a resolution consenting to the modification to include a fourth leg approach (Taunton Road). This improvement is required as part of the site plan approval, which was granted by the Planning Board.

Ms. Trout has provided me with a copy of the resolution, which the Governing Body of Waterford will be considering for passage on April 9, 2008. I believe that Waterford Township is responsible for the operation and maintenance of this traffic signal and will remain so, after the modifications.

I have prepared a resolution for review and consideration for passage by the Governing Body.

**SOLICITOR'S REPORT**

1. Water Agreement with Berlin Borough - Forwarded a letter to the Borough requesting detailed reasons for the increases in those categories with in a single year. No response has as yet been received.
2. Increase in Sewer Allocation/Buildout Analysis - No update
3. Vacation of a Portion of Kelley Drive - No update
4. Haddon Avenue Redevelopment Plan/New Municipal Building - No update
5. Stormwater Control Ordinance - It is anticipated that the Township's Stormwater Management Plan and Ordinance were to be certified per the recommendations.
6. Verizon PEG Channel - A discussion was held at the last meeting regarding the Township's public access cable channel to be provided by Verizon. Verizon subsequently advised that they do not yet have an upgraded FIOS plant anywhere near the municipal building. Therefore, they have indefinitely postponed the PEG site survey until they have activated the Laurel Springs area which will then also serve most of Berlin Township.
7. Tree Removal in Right of Way Areas - This issue remains open and requires discussion by the Governing Body. The tree ordinance needs to be revised.
8. C&M Auto Repair - The property owners apparently contacted the DEP to request additional time for and assistance with compliance with the cleanup required.
9. Richard Winans v. Berlin Twp. And Walter Shendock - No update
10. Salahuddin Smart v. Berlin Township and Police Officers - No update

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11. Stellato/Roma Pizza - A revised Bill of Sale correcting the prior typographical errors with respect to the new owner of the business has been provided.
12. Tax Foreclosures - All updated searches have been received, and the amended Complaint to include the Keys property has been filed and distributed. The final notices to all property owners will be mailed this week. The property owners will have 45 days to respond. Failure to respond will result in a judgment of foreclosure being entered against them. Once judgment is entered, the Township may proceed with a sale of the property.

### **POLICE DEPARTMENT**

Michael Hayden, Police Chief reported that due to Berlin Borough's problem with mold, they will be closed for one to six months; therefore, our Police Department will have to move out of their building. We will be installing benches for the prisoners at our current location. We will be referring to the State Statues in order to comply with regulations.

The Berlin Borough informed us that they have no testing available for our officers who might have been exposed to the mold. On April 25, 2008, myself and Association President will meet with the Garden State Pulmonology group to see what effects this may have had on the officers.

I will be meeting with the County on April 16, 2008 to talk about the repaving of Egg Harbor Road and the need for use of our police officers.

### **SECOND READING AND PUBLIC HEARING OF BOND ORDINANCE 2008-6 REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF THE TOWNSHIP'S OUTSTANDING CALLABLE: (i) GENERAL OBLIGATION BONDS, SERIES OF 1997, DATED APRIL 15, 1997; AND (ii) GENERAL OBLIGATION RURAL DEVELOPMENT BOND, DATED JUNE 25, 1998; AUTHORIZING THE ISSUANCE OF UP TO \$3,450,000 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:

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(i) outstanding callable General Obligation Bonds, Series of 1997, dated April 15, 1997, in the aggregate principal amount of \$915,000, and maturing as follows (collectively, the "Callable 1997 Bonds"):

<b><u>Maturity Date</u></b>	<b><u>Amount</u></b>
April 15, 2009	\$150,000.00
April 15, 2010	175,000.00
April 15, 2011	190,000.00
April 15, 2012	200,000.00
April 15, 2013	200,000.00

(ii) outstanding callable General Obligation Rural Development Bond, dated June 25, 1998, in the aggregate principal amount of \$2,156,358.90, and maturing substantially as follows (collectively, the "Callable Rural Development Bond"; together with the Callable 1997 Bonds, the "Callable Bonds"):

<b><u>Maturity Date</u></b>	<b><u>Amount</u></b>
June 25, 2008	\$16,082.48
December 25, 2008	16,464.43
June 25, 2009	16,855.47
December 25, 2009	17,255.78
June 25, 2010	17,665.61
December 25, 2010	18,085.17
June 25, 2011	18,514.69
December 25, 2011	18,954.41
June 25, 2012	19,404.58
December 25, 2012	19,865.44
June 25, 2013	20,337.24
December 25, 2013	20,820.25
June 25, 2014	21,314.73
December 25, 2014	21,820.96
June 25, 2015	22,339.21
December 25, 2015	22,869.76
June 25, 2016	23,412.92
December 25, 2016	23,968.98
June 25, 2017	24,538.24
December 25, 2017	25,121.02
June 25, 2018	25,717.65
December 25, 2018	26,328.44
June 25, 2019	26,953.74
December 25, 2019	27,593.89
June 25, 2020	28,249.25
December 25, 2020	28,920.17
June 25, 2021	29,607.02
December 25, 2021	30,310.19

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<u>Maturity Date</u>	<u>Amount</u>
June 25, 2022	31,030.05
December 25, 2022	31,767.02
June 25, 2023	32,521.48
December 25, 2023	33,293.87
June 25, 2024	34,084.60
December 25, 2024	34,894.11
June 25, 2025	35,722.84
December 25, 2025	36,571.26
June 25, 2026	37,439.83
December 25, 2026	38,329.02
June 25, 2027	39,239.34
December 25, 2027	40,171.27
June 25, 2028	41,125.34
December 25, 2028	42,102.07
June 25, 2029	43,101.99
December 25, 2029	44,125.66
June 25, 2030	\$45,173.65
December 25, 2030	46,246.52
June 25, 2031	47,344.88
December 25, 2031	48,469.32
June 25, 2032	49,620.46
December 25, 2032	50,798.95
June 25, 2033	52,005.43
December 25, 2033	53,240.55
June 25, 2034	54,505.02
December 25, 2034	55,799.51
June 25, 2035	57,124.75
December 25, 2035	58,481.46
June 25, 2036	59,870.40
December 25, 2036	61,292.32
June 25, 2037	62,748.01
December 25, 2037	64,238.28
June 25, 2038	64,507.92

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 Committee 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 \$3,450,000 ("Refunding Bonds"), pursuant to the Local Bond Law. The exact principal amount of Refunding Bonds to be issued and terms thereof shall be

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determined pursuant to a resolution adopted by the Board by not less than two-thirds of all the members thereof.

**Section 3.** An aggregate amount not exceeding \$85,000 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, New Jersey, General Obligation Refunding Bond, Series 200\_" 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 Board 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 prescribed by the Director and signed by the Township Treasurer 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.

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 favor. Mayor Magazzu opened the meeting to the public for questions or comments on Bond Ordinance 2008-6. There were no requests to be heard. Motion by Councilman Batten, second by Council President DiGangi to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Council President DiGangi, second by Councilman Morris to adopt Bond Ordinance 2008-6. Ordinance adopted by call of the roll, five members present voting in the affirmative.

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**SECOND READING AND PUBLIC HEARING OF BOND ORDINANCE 2008-7**  
**BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS PIECES OF EQUIPMENT IN AND FOR THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$620,000 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 \$590,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; 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 purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Berlin, County of Camden, 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 \$620,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$590,000;
- (c) a down payment in the amount of \$30,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11; and

**Section 3.** The sum of \$590,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$30,000, which amount represents the required down payment, are 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 \$590,000 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

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\$590,000 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 governing body 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 \$98,400.

**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:

<b><u>Purpose/Improvement</u></b>	<b><u>Estimated Total Cost</u></b>	<b><u>Down Payment</u></b>	<b><u>Amount of Obligation</u></b>	<b><u>Period of Usefulness</u></b>
			<u>\$</u>	<u>\$</u>
A. Construction, Reconstruction and/or Resurfacing of Various Township Roadways, including, but not limited to, East Berlin Section Phase I, consisting of, but not limited to, Hazel Avenue, Elm Avenue, Larch Avenue, Magnolia Avenue and Chestnut Avenue, Katherine Avenue and the Intersection of Clarence Avenue and First and Second Avenues, all as more particularly described in the information on file and available for inspection in the Township Clerk's office, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$364,325	\$17,825	\$346,500	10 years
B. Acquisition of Various Pieces of Equipment for the Public Works Department, including, but not limited to, Power Equipment for the Sewer Department, Power Equipment for the Streets Department, Acquisition of a Spreader and Acquisition of a 25 Cubic Yard Rear Loader Trash Truck, together with the acquisition of all materials and equipment and	224,175	10,675	213,500	15 years

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<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligation</u> \$	<u>Period of Usefulness</u> \$
completion of all work necessary therefor or related thereto				
C. Acquisition of Information Technology Equipment for the Finance Department and Assessor's Office, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	31,500	1,500	30,000	7 years
<b>TOTALS</b>	<b>\$620,000</b>	<b>\$30,000</b>	<b>\$590,000</b>	

**Section 8.** The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 11.65 years.

**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 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 \$590,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 10.** 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 11.** The applicable Capital Budget of the Township 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 applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

**Section 12.** 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 13.** 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 the 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;

(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 14.** 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 15.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 16.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

<sup>1</sup>Motion by Council President DiGangi, second by Councilman Batten 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 2008-7. 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 Batten, second by Council President DiGangi to adopt Bond Ordinance 2008-7. Ordinance adopted by call of the roll, five members present voting in the affirmative.

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<sup>1</sup> This adoption of Ordinance 2008-7 will be continued at meeting on April 28, 2008, for consideration of adoption due to failure of the designated newspaper to properly place the legal advertisement after introduction as required.

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**PROCLAMATION FOR ALCOHOL AWARENESS MONTH 2008**

**WHEREAS**, alcohol is a primary factor in the four leading causes of death for young persons ages 10-12 and

**WHEREAS**, almost 6500 persons ages 10-12 die each year: almost 2400 in drinking and driving crashes, almost 2400 die from other accidents, falls, fires etc., 1500 die in alcohol-related homicides and 300 due to suicide; and

**WHEREAS**, approximately 9.7 million current drinkers in the United States are between the ages of 12-20; and

**WHEREAS**, adolescents use alcohol more than tobacco and illicit drugs; and

**WHEREAS**, young people begin drinking, on average, at 13.1 years of age; and

**WHEREAS**, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

**WHEREAS**, alcohol use is linked to as many as two-thirds of all sexual assaults and date rapes of teens and college students; and

**WHEREAS**, alcohol abuse is a major factor in unprotected sex among youth increasing their risk of contracting HIV or other transmitted diseases; and

**WHEREAS**, the typical American young person will see 100,000 beer commercials before he or she turns 18 (that is more than for sneakers, gum and jeans combined); and

**WHEREAS**, 13 percent of all youth, ages 12-17, had at least one serious problem related to drinking in the past year;

**NOW, THEREFORE**, I Phyllis Magazzu do hereby proclaim **April 2008 as ALCOHOL AWARENESS MONTH** in the Township of Berlin as the Mayor, I also, call upon all citizens, parents, government agencies public and private institutions, businesses, hospitals, and schools in the Township of Berlin to support efforts that will prevent underage drinking throughout our community.

**PROCLAMATION FOR NATIONAL DAY OF PRAYER**

**AN ACT** designating the first Thursday in May each year as a “Day of Prayer in New Jersey”, and;

**WHEREAS**, Civic Prayers and national days of prayer have a long and venerable history in our constitutional republic dating back to the first Continental Congress in 1775; and

**WHEREAS**, the Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Law so of Nature and of Nature’s God” the foundation of our United States of America and asserted that the people have inalienable rights that are God-given; and

**WHEREAS**, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

**WHEREAS**, in 1988, legislation set aside the first Thursday in May in each year as a National Day of Prayer; and

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**WHEREAS**, the National Day of Prayer is an opportunity for Americans of all faiths to join in unites prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing fro wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

**WHEREAS**, it is fitting and proper to give thanks to God by observing a day of prayer in New Jersey when all may acknowledge our blessing and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and Nation;

**NOW, THEREFORE**, I, Phyllis Magazzu, Mayor of the Township of Berlin do hereby proclaim **Thursday, May 1, 2008** to be designated as **A DAY of Prayer in the Township of Berlin**

And encourage our citizens to observe the day in ways appropriate to its importance and significance.

**RESOLUTION 2008:96 RESOLUTION OF THE TOWNSHIP OF BERLIN PERMITTING SEWER CONNECTION IN VOORHEES TOWNSHIP FOR BLOCK 275, LOT 1.01 AND BLOCK 275, LOT 3**

**WHEREAS**, the Governing Body of the Township of Berlin recently adopted a Resolution restricting the issuance of sewer connection permits to property owners outside of the Township of Berlin; and

**WHEREAS**, it has come to the attention of the Governing Body that William Decker, has requested two sewer connections for two commercial properties both under 3,000 sq.ft. and each office to utilize entire building located at 4 Abbett Avenue, Block 275, Lot 1.01 and 1005 Lafayette Avenue, Block 275, Lot 3, in Voorhees Township, New Jersey. Prior to the adoption of the aforementioned Resolution, the Township of Berlin confirmed the available capacity for such connections; and

**WHEREAS**, the Camden County Municipal Utilities Authority has also approved and prepared the necessary permits for development of this property; and

**WHEREAS**, Mr. Decker has invested significant sums into the development of this property and has relied upon prior representations of the Township of Berlin in doing so, and as such, if he is denied the sewer connection permits at this point, he would suffer significant and severe financial and personal hardship.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Governing Body of the Township of Berlin, that William Decker be granted two commercial connections, one located at Block 275, Lot 1.01, 4 Abbett Avenue, and one located at Block 275, Lot 3, 1005 Lafayette Avenue, Voorhees Township, New Jersey.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-96. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2008:97 RESOLUTION OF THE TOWNSHIP OF BERLIN**

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**PERMITTING SEWER CONNECTION IN VOORHEES TOWNSHIP FOR  
BLOCK 275, LOT 1.02 AT 2 ABBETT ROAD**

**WHEREAS**, the Governing Body of the Township of Berlin recently adopted Resolution 2007:102 restricting the issuance of sewer connection permits to property owners outside of the Township of Berlin; and

**WHEREAS**, it has come to the attention of the Governing Body that Joseph Karwoski has requested sewer connection for one unit at 2 Abbett Avenue for an office/warehouse less than 4000 square feet, Block 275, Lot 1.02 in Voorhees Township, New Jersey. Prior to the adoption of the aforementioned Resolution, the Township of Berlin confirmed the available capacity for this connection; and

**WHEREAS**, the Camden County Municipal Utilities Authority has also approved and prepared the necessary permits for development of this property; and

**WHEREAS**, Mr. Karwoski has invested significant sums into the development of this property and has relied upon prior representations of the Township of Berlin in doing so, and as such, if he is denied a sewer connection permit at this point, he would suffer significant and severe financial and personal hardship.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Governing Body of the

Township of Berlin, that Joseph Karsoski be granted one office sewer connection located at Block 275, Lot 1.02 at 2 Abbett Avenue, Voorhees Township, New Jersey.

Motion by Councilman Batten, second by Councilman McIntosh to adopt Resolution 2008-97. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2008:98 RESOLUTION TO ADOPT THE 3 YEAR AGREEMENT  
WITH THE COUNTY OF CAMDEN**

**WHEREAS**, the Township of Berlin and the County of Camden wish to establish a cooperative means of conducting certain eligible community development and affordable housing activities; and

**WHEREAS**, Title 1 of the Housing and Community Development Act of 1974, and the HOME Program Act of 1991, as amended, provides federal funds being made available to Camden County for use to carry out eligible Community Development Activities therein; and

**WHEREAS**, the Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.) As amended provides a mechanism through which counties and municipalities may enter into agreements for the provisions of joint services; and

**WHEREAS**, the Township of Berlin will propose certain activities to be carried out under the 31st, 32nd & ,33rd Year Community Development and Home Programs; and

**WHEREAS**, the aforesaid activities are in the best interest of the Township of Berlin;

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**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Berlin that the 31st, 32nd & 33rd Year Cooperative Agreement be adopted.

**BE IT FURTHER RESOLVED**, That this resolution shall take effect immediately upon its enactment provided by law.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-98. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2008-99 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 27, 2008

Diane Zoppel, CTC - Tax Collector

NAME	YEAR	DESCRIPTION	AMOUNT	REASON
Charles Burton	2008	108-5	250.00	Veteran
John Neff Citizen	2008	805-9	250.00	Senior
Earle Blemmings Citizen	2008	1307-5	250.00	Senior
Emma Baylock Citizen	2008	1415-7	250.00	Senior
Richard Grabowski Citizen	2008	1417-4	250.00	Senior
Hugh/Patricia Jensen Citizen	2008	2002-1.02	250.00	Senior

\$ 1,500.00 TOTAL to

Aug/Nov 2008

By resolution of the Mayor and Council of the Township of Berlin, the taxes listed above have been ordered remitted and the Collector relieved thereof.

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Motion by Councilman McIntosh, second by Council President DiGangi to adopt Resolution 2008-99. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2008-100 RESOLUTION AUTHORIZING THE SANITARY SEWER EXTENSION FOR RESINTECH REALTY LLC, BLOCK 1101, LOT 17**

**WHEREAS**, Resintech Realty LLC, applicant within the Township of Berlin, County of Camden, State of New Jersey, desires to extend a sanitary sewer main and submit the Treatment Works Approval Permit Application package to the governing agencies; and

**WHEREAS**, Resintech Realty desires to construct a privately owned sanitary sewer main extension to serve the existing and expanded Resintech building and six proposed buildings containing office and warehouse areas on Block 1101, Lot 17, within the Township of Berlin. The establishments will consist of a total office floor area of 55,600 square feet and a total number of 45 warehouse employees for a total projected flow of 6,685 gallons per day; and

**WHEREAS**, Resintech Realty, LLC. will retain ownership and be responsible for the construction, operation and maintenance of said sanitary sewer extension;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the Mayor and Council authorizes the submission of the Treatment Works Approval Permit Application package, which consists of forms, plans, specifications and related information, the subject applicant and said sanitary sewer extension;

**BE IT FURTHER RESOLVED**, by Mayor and Council that the Township of Berlin will accept the connection of the sanitary sewer extension to the existing municipal sanitary sewer collection system and the sanitary sewer generated from these facilities, to the stipulated amount, after they have been constructed and approved by the Township and approval of said construction plans and specifications by the Township Sewer Operator and the Township Engineer;

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to sign all forms, which are related to the submission, on behalf of the Township, subject to all foregoing conditions.

Motion by Councilman Morris, second by Councilman Batten to **Table** Resolution 2008-100 until we have a meeting with Resintech about concerns with the capacity. Resolution **tabled** by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2008:101 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Finance may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by

**APRIL 14, 2008**

Law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount;

**WHEREAS**, the Chief Financial Officer has certified that the Township has received a Click it or Ticket 2008 Grant from the NJ Division of Highway Traffic Safety for \$4,000.00;

**BE IT FURTHER RESOLVED** that a like sum of \$4,000.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Click it or Ticket 2008 Grant	\$4,000.00

**BE IT FURTHER RESOLVED** that the Township Clerk forward two certified copies of this resolution to the Director of the Division of Local Government Services for approval.

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2008-101. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2008-102 RESOLUTION AMENDING SALARY RESOLUTION 2007: 223 ESTABLISHING SALARY AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY**

**WHEREAS**, the Mayor and Council of the Township of Berlin adopted Resolution 2007: 223 on December 10, 2007, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2008; and

**WHEREAS**, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salaries effective April 14, 2008

POSITION	AMOUNT PER YEAR
Deputy Township Clerk	\$ 33,225.00
Assistant Township Clerk	27,000.00

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

Motion by Council President DiGangi, second by Councilman Batten to adopt Resolution 2008-102. Resolution adopted by call of the roll, five members present voting in the affirmative.

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**RESOLUTION 2008:103 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Finance may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount;

**WHEREAS**, the Chief Financial Officer has certified that the Township has received a Clean Communities Grant from the Department of Environmental Protection for \$7,006.01;

**BE IT FURTHER RESOLVED** that a like sum of \$7,006.01 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Clean Communities Grant	\$7,006.01

**BE IT FURTHER RESOLVED** that the Township Clerk forward two certified copies of this resolution to the Director of the Division of Local Government Services for approval.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-103. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2008:104 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) YEAR 28 – CUSHMAN AVENUE**

**WHEREAS**, a receivable and reserve balance of \$37.00 titled CDBG Year 28 – Cushman Avenue remains on the balance sheet at 3/31/08 due to a difference in the amount of the estimated grant awarded and the actual grant awarded; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the receivable and reserve balance of \$37.00 titled CDBG Year 28 – Cushman Avenue is hereby canceled.

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2008-104. Resolution adopted by call of the roll, five members present voting in the affirmative.

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**RESOLUTION NO. 105 RESOLUTION 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 2008; AUTHORIZING THE ISSUANCE, SALE AND AWARD OF SAID BONDS; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO**

**BACKGROUND**

**WHEREAS**, on April 30, 1997, the Township of Berlin, County of Camden, New Jersey ("Township"), issued its General Obligation Bonds, Series 1997, dated April 15, 1997, in the aggregate principal amount of \$2,215,000, bearing interest rates ranging from 5.40% to 5.50% per annum ("1997 Bonds"); and

**WHEREAS**, on June 25, 1998, the Township issued its General Obligation Rural Development Bond, dated June 25, 1998, in the principal amount of \$2,400,000, bearing interest at the rate of 4.75% per annum ("Rural Development Bond"; together with the 1997 Bonds, the "Prior Bonds"); and

**WHEREAS**, the 1997 Bonds in the aggregate principal amount of \$915,000 maturing on April 15 in the years 2009 through 2013, both inclusive (collectively, the "Callable 1997 Bonds"), are subject to redemption prior to maturity at the option of the Township on or after April 15, 2008 at a redemption price equal to 100% of the Callable Bonds to be redeemed, plus accrued interest thereon; and

**WHEREAS**, the Rural Development Bond in the approximate aggregate principal amount of \$2,156,358.92 maturing on June 25 and December 25 in the years 2008 through 2038, both inclusive ("Callable Rural Development Bond"; together with the Callable 1997 Bonds, the "Callable Bonds"), is subject to redemption prior to maturity at any time at the option of the Township at a redemption price equal to 100% of the Callable Rural Development Bond 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 11, 2008, 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: (i) GENERAL OBLIGATION BONDS, SERIES OF 1997, DATED APRIL 15, 1997; AND (ii) GENERAL OBLIGATION RURAL DEVELOPMENT BOND, DATED JUNE 25, 1998; AUTHORIZING THE ISSUANCE OF UP TO \$3,450,000 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" ("Refunding Bond Ordinance"); and

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**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 12, 2008, adopted a resolution authorizing the Township to finally adopt the Refunding Bond Ordinance; and

**WHEREAS**, on April 14, 2008, 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 \$3,450,000 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 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 one (1) or more series, in the aggregate principal amount of up to \$3,450,000, to be designated, substantially, "Township of Berlin, County of Camden, New Jersey, General Obligation Refunding Bonds, Series 2008" ("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 Raymond James & Associates, Inc., as Underwriter ("Underwriter"), to prospective purchasers of the Refunding Bonds and others having an interest therein, are 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.

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**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 ("Purchase Contract") to be entered into by the Township and the Underwriter in connection with the sale of the Refunding Bonds 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 \$3,450,000;
- (b) the annual principal installments of the Refunding Bonds provided, however, the final maturity shall be no later than September 15, 2025;
- (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 Mayor, Administrator or Chief Financial Officer as provided for in Section 5 hereof.

**Section 4.** The Township official making the determinations and approving the sale described in Section 3 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 and the price obtained.

**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 Mayor, Administrator or Chief Financial Officer, in substantially the form on file in the offices of the Township, with such

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changes as the Mayor, Administrator or Chief Financial Officer in their respective sole discretion, after consultation with, among others, Bond Counsel and the Financial Advisor 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 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 the 15th day next preceding an interest payment date (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 Mayor and Chief Financial Officer, attested by the 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 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

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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 Underwriters to comply with Paragraph (b)(4) of Rule 15c2-12. The Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to execute the Official Statement, and the distribution thereof to the Underwriters 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, Voorhees, New Jersey ("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.

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**Section 13.** The Township hereby covenants as follows: (i) it has not abandoned, sold or otherwise disposed of any facility, equipment or improvement (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 represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Township during the period from January 1, 2008 to December 31, 2008, 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

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authorized and directed to enter into 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 first call date, 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 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 Mayor, Chief Financial Officer and Township Clerk are each 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.** In order to assist the Underwriter in complying with the secondary market disclosure requirements of Rule 15c2-12, the Mayor, Chief Financial Officer and Township Clerk are each 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 19.** The appointment of Bowman & Company LLP, Voorhees, New Jersey, certified public accountants, as verification agent ("Verification Agent"), in order 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 Investments to pay the Refunded Bonds as set forth in the Escrow Agreement; and (ii) the yields on the Refunding Bonds and the Escrow Investments, is hereby authorized, approved, ratified and confirmed. The Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to enter into an agreement with the Verification Agent for the services to be provided.

**Section 20.** The Mayor, Administrator and Chief Financial Officer are each 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 21.** If necessary or advisable, the appropriate Township officials and the Township's professional advisors are hereby authorized to obtain a rating on the Refunding Bonds, and to furnish certain information to the various

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municipal bond insurance companies concerning the Township and the Refunding Bonds, for the purpose of qualifying the Refunding Bonds for municipal bond insurance. The Mayor, Administrator and Chief Financial Officer are each hereby authorized to execute such documents as may be necessary or appropriate to effectuate the obtainment of municipal bond insurance with respect to the Refunding Bonds if determined to be cost effective.

**Section 22.** 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 Bond Ordinance, are hereby ratified, confirmed, approved and adopted in all respects.

**Section 23.** 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 24.** All resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 25.** This Resolution shall take effect immediately upon adoption this 14<sup>th</sup> day of April, 2008.

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2008-105. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2008-106 RESOLUTION DESIGNATING RECIPIENTS FOR THE CAMDEN COUNTY HOUSING REHABILITATION PROGRAM AND AUTHORIZING CAMDEN COUNTY COMMUNITY DEVELOPMENT AS ADMINISTRATIVE AGENT**

**WHEREAS** the of Township of Berlin Housing Rehabilitation Agency, hereinafter referred to as "Agency" has received and reviewed applications by certain homeowners specified herein for rehabilitation of their dwellings under the Camden County Community Development Block Grant Program; and

**WHEREAS** said Agency has determined that said homeowners are eligible under the guidelines of said program; and

**WHEREAS** the County of Camden has been authorized by Cooperation Agreements between the County and the various participating municipalities to

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administer the Housing Rehabilitation Program from funds received under Community Development Block Grant Program;

**NOW THEREFORE**, be it resolved as follows:

- 1). That the following homeowner is hereby determined eligible for assistance Under the Camden County Home Improvement Program:
  - a) 06-D-267
- 2). That the Camden County Division of Community Development is hereby authorized to prove the aforementioned homeowner's application for rehabilitation of their dwellings as specified herein.
- 3). That the Camden County Division of Community Development is further authorized to do the following:
  - a) Execute and any and all documents and perform all administrative functions which may be required or desired in order to carry out the terms and conditions of the Community Development Block Grant Program.
  - b) Make payments to the homeowners and contractors in amounts determined by Community Development for services performed in rehabilitating the dwellings specified herein.

Motion by Councilman Morris, second by Councilman McIntosh to adopt Resolution 2008-106. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2008-107 SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 19 – JUNE 1, 2008**

**WHEREAS**, there 716 motor vehicle fatalities in New Jersey in 2007; and  
**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and  
**WHEREAS**, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and  
**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and  
**WHEREAS**, the State of New Jersey will participate in the nationwide Click It or Ticket safety belt mobilization from May 19 – June 1, 2008 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and  
**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 91% to 93%; and

**WHEREAS**, a further increase in safety belt usage in New Jersey will save lives on our roadways;

**THEREFORE**, be it resolved that the Township of Berlin declares its support for the Click It or Ticket safety belt mobilization both locally and nationally from May 19 – June 1, 2008 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution

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2008-107. Resolution adopted by call of the roll, five members present voting in the affirmative.

**Resolution 2008:108                      Payment of Bills      April 14, 2008**

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.

<b>TO</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
CC Animal Shelter	Dog Trust	880.00
CC Div of Health	Dog Trust	865.73
Robert E. DePersia, II	Mun Public Defender	300.00
Hillman Bus Service	Mun Alliance Trust	800.00
Six Flags Great Adventure	Mun Alliance Trust	2,033.00
KEI Associates	Planning Board Esc #219	2,217.50
	Planning Board Esc #285	793.75
	Planning Board Esc #286	821.25
	Planning Board Esc #308	5,256.25
	Planning Board Esc #309	497.50
	Planning Board Esc #309	361.25
	Planning Board Esc #310	1,167.50
	Planning Board Esc #314	1,487.50
	Planning Board Esc #327	313.75
	Planning Board Esc #335	941.25

**CONFIRMING**

Treasurer, State of NJ	Dog Trust	23.40
America on Line	01-201-20-120-2105	32.90
	01-201-20-120-2105	32.90
Atlantic City Electric	01-201-31-435-2075	6,715.19
	01-201-31-435-2071	3,968.60
Attulio's	01-201-26-290-2105	65.00
Berlin Twp Fire District	01-210-55-020-3000	102,700.00
Berlin Boro Water	01-201-31-445-2072	440.70
Borough of Berlin	01-201-20-110-2158	1,384.56
Comcast	01-201-43-490-2105	60.13
Emvironmental Site Develop	01-201-32-465-2020	1,280.00
Expensive Hand	01-201-25-240-2041	350.00
Greenworks	01-213-77-021-3000	5,900.00
	01-213-77-021-3000	300.00
James Hale	01-201-26-310-2020	75.00
Ikon Financial	01-201-20-120-2023	141.19

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	01-201-43-490-2023	77.94
	01-201-25-240-2033	74.97
	01-201-29-390-2105	74.97
	01-201-22-195-2023	74.97
	01-201-20-145-2023	154.96
Nextel	01-201-31-440-2076	738.73
	01-201-31-440-2076	243.69
Verizon	01-201-31-440-2076	1,075.85
PFRS	01-201-36-475-2167	296,132.00
PERS	01-201-36-471-2165	93,829.40
Taj Mahal	01-201-20-110-2041	385.00
Twp General Acct	01-102-02-002-3000	100,000.00
Twp Payroll Acct	01-201-23-225-2168	82.88
State of New Jersey	01-201-23-220-2092	40,602.91
State of New Jersey	01-201-23-220-2092	13,126.41
Verizon Wireless	01-201-25-240-2028	285.81
Xtel Communications	01-201-31-440-2076	634.84
Phyllis Magazzu	04-216-55-860-06015	1,099.43
Berlin Boro Water	07-201-55-502-2072	740.90
Verizon	07-201-55-502-2076	189.31
Payroll, Current Fund	3/6/2008	56,971.38
Payroll, Sewer	3/6/2008	4,854.16
Payroll, Current Fund	3/13/2008	59,966.18
Payroll, Sewer	3/13/2008	4,897.13
Payroll, Current Fund	3/20/2008	59,311.01
Payroll, Sewer	3/20/2008	4,670.37
Payroll, Current Fund	3/27/2008	83,028.18
Payroll, Sewer	3/27/2008	4,638.90

Motion by Councilman Batten, second by Councilman McIntosh to adopt Resolution 2008-108. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION NO. 2008-109 RESOLUTION CONSENTING TO THE MODIFICATIONS OF THE TRAFFIC SIGNAL AT THE INTERSECTION OF JACKSON ROAD AND HOPEWELL ROAD**

**WHEREAS**, the Berlin Township Planning Board granted site plan approval to Victoria Pointe, L.L.C. for a proposed retail/office center on Block 1604, Lots 1 through 5. The site is located along the southwesterly side of Jackson Road, between N.J.S.H. Route 73 and Hopewell Road (formerly Taunton Road); and **WHEREAS**, as part of the Site Plan approval, the developer of the parcel is required to improve the dead end section of Hopewell Road and make all necessary geometric improvements and traffic signal modifications to accommodate this new approach leg to the intersection; and

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**WHEREAS**, the traffic engineer for the developer has requested that the Governing Body for the Township of Berlin consent to the modification of this traffic signal at the intersection of Jackson Road and Hopewell Road to include the fourth approach leg. The consent by the Township of Berlin is necessary in order for the developer to apply for an "Authorization to Modify" this traffic signal; and

**WHEREAS**, the Camden County Board of Chosen Freeholders must consent to the modifications to the traffic signal since they have jurisdiction over the existing three approach legs and the intersection; and

**WHEREAS**, the Township of Waterford is responsible for the operation and maintenance of the existing traffic signal and will continue to do so, after the modifications have been performed by the developer; and

**WHEREAS**, the developer shall provide the Governing Body of Berlin Township with a set of prints of the final design plans for the geometric and traffic signal improvements and modifications; and

**WHEREAS**, the Governing Body for the Township of Berlin requires that they be included in any discussions for the design of said improvements and modifications.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council for the Township of Berlin that consent is hereby given to the geometric improvements and traffic signal modifications to include a fourth approach leg with the stipulation that the New Jersey Department of Transportation, Bureau of Traffic Engineering and Investigations must approve said improvements and that the Township of Berlin be kept fully informed as to all requests, plan designs and modifications and conditions of approval.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the New Jersey Department of Transportation, Manager of Bureau of Traffic Engineering and Investigations, the Camden County Engineer and the developer's traffic engineer.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-109. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2008-110 RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF BERLIN APPROVING AN APPLICATION FOR THE SUBMISSION OF A SAFE ROUTES TO SCHOOL (SRTS) PROGRAM FUNDING APPLICATION FOR VARIOUS SAFE ROUTES TO SCHOOL ENHANCEMENTS**

**WHEREAS**, THE Safe, Accountable, Flexible, Efficient Transportation Equity Act- A Legacy for Users (SAFETEA-LU) provides funds to the New Jersey Department of Transportation for a variety of Safe Routes to School Enhancements; and

**WHEREAS**, the Governing Body desires to seek funds from the Safe Routes to School (SRTS) Program for safety related improvements for various Safe Routes to School enhancements; and

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**WHEREAS**, the Safe Routes to School enhancements have a direct relationship to empower the community to make walking a bicycling to school a safe and routine activity; and

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Berlin, County of Camden, State of New Jersey, that the application is hereby made to the Commissioner of Transportation for aid under the Safe Routes to School (SRTS) Program for various Safe Routes to School enhancements; and

**BE IT FURTHER RESOLVED THAT:**

1 - any aid received as a result of this application will only be used for eligible costs for a project comprised of the improvements as stated in the application; and

2 - that if the application is approved and accepted by the New Jersey Department of Transportation, the sponsor agrees to the agreement as stated in the application and provide the required long-term maintenance of the proposed improvements; and

3 - that if the application is approved and accepted by the New Jersey Department of Transportation, the sponsor agrees to understands that the project must be authorized for construction or implementation within two years of the date that the applicant is notified of project selection; and

4 - the Mayor and Clerk are hereby authorized to execute and attest this resolution, application and agreement.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-110. Resolution adopted by call of the roll, five members present voting in the affirmative.

**APPROVAL OF BUSINESS REGISTRATIONS AND BUSINESS LICENSES**

- a. Da-Vi Nails, 265 Rt. 73 North - Nail Salon - Business Registration  
Motion by Councilman Batten, second by Councilman Morris to approve Business Registration for Da-Vi Nails. Business Registration approved by call of the roll, five members present voting in the affirmative.
- b. Roma Pizza, 840 Route 73 South, Mariellen Stellato - Pizza Restaurant  
Motion by Council President DiGangi, second by Councilman Morris to approve Business License for Roma Pizza. Business License approved by call of the roll, five members present voting in the affirmative.
- c. Quiznos Subs, 185 North Route 73, Prachi Patel (new owner)  
Motion by Councilman McIntosh, second by Council President DiGangi to approve Business License for Quiznos Subs. Business License approved by call of the roll, five members present voting in the affirmative.
- d. Comfort Control Supply, Division of USCO inc., 107 Edgewood Ave., Charles D. Dougherty, Sheet metal shop for heating and A/C supplies.  
Motion by Councilman Batten, second by Council President DiGangi to approve Business License for Comfort Control Supply. Business License approved by call of the roll, five members present voting in the affirmative.

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- e. Cottage of Dreams, 223 Haddon Avenue, Carol Bergstrom, Retail sale of ladies apparel and accessories.  
Motion by Councilman Batten, second by Councilman McIntosh to approve Business License for Cottage of Dreams. Business License approved by call of the roll, five members present voting in the affirmative.

### **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 in the affirmative.

### **APPROVAL CORRESPONDENCE CALENDAR FOR MARCH 2008**

Motion by Councilman Batten, second by Councilman Morris to receive and file the correspondence calendar for March. Motion carried by voice vote, all present in the affirmative.

### **APPROVAL OF MINUTES FOR JANUARY 28, 2008-AMENDED, FEBRUARY 25, 2008, AND MARCH 10, 2008**

Motion by Council President DiGangi, second by Councilman McIntosh to approve the minutes of January 28, 2008 Amended. Motion carried by voice vote, four present in the affirmative, one abstained.

Motion by Councilman Batten, second by Council President DiGangi to approve the minutes of February 25, 2008. Motion carried by voice vote, five present in the affirmative.

Motion by Council President DiGangi, second by Councilman McIntosh to approve the minutes of March 10, 2008. Motion carried by voice vote, three present in the affirmative, two abstained.

### **GOOD & WELFARE #2**

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 request to be heard. Motion by Councilman Batten, second by Council President DiGangi to close the meeting to the public. Motion carried by voice vote, all present voting in the affirmative.

### **ALL OTHER BUSINESS**

Charles J. Riebel, Jr., Municipal Engineer discussed the Safe Routes to Schools Program and that the applications must be submitted by April 18, 2008.

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**RESOLUTION 2008:111 RESOLUTION AUTHORIZING THE ENGINEER TO PREPARE BID SPECIFICATIONS FOR THE 2008 STREET IMPROVEMENT PROGRAM**

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the Township Engineer, Charles J. Riebel, Jr., is hereby authorized to prepare bid specifications for the 2008 Street Improvement Program.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-111. Resolution adopted by call of the roll, five members present voting in the affirmative.

**ADJOURNED**

Motion by Councilman Batten, second by Councilman Morris to adjourn the meeting. Meeting adjourned at 7:55 p.m. Motion carried by voice vote, all members present voting in the affirmative.

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Jamey Eggers, Township Clerk