

APRIL 23, 2012

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL April 23, 2012 AT 5:00 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

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

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

Absent- Councilwoman Bodanza

DEPARTMENTAL REPORTS

ENGINEER'S REPORT

A. CHANGE ORDERS AND VOUCHERS

None at this time.

B. RESOLUTION FOR CONSIDERATION

1. HADDON AVENUE STREETSDCAPE

a. Streetscape Improvements- N.J.D.O.T./Federal TEA Funding

I recommend that the Governing Body consider awarding a contract to the low bidder, Command Co. of Hammonton, N.J. for \$183,119.90, conditional upon concurrence of the award of the contract by the N.J.D.O.T.

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Mayor Magazzu asked if that was the same company as before and if they are the same lights.

Chuck replied that it is not the same company but the lights are the same as before.

b. Street Lighting by Atlantic City Electric

I recommend that the Governing Body consider passing a resolution to enter into an agreement with the electric company for the installation of the decorative street lighting, conduit and wiring.

C. ENGINEER'S REPORT

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

We have submitted the application, requesting \$382,150.00, for the construction of a bituminous pavement, multi-use trail from Grove Avenue, through the school property, P.S.E.G. properties and other properties to Luke Avenue Recreation Complex. The Township must obtain an easement through the various properties, in order to construct the trail.

I have been informed that seven applications have been submitted for the funding. The intent is to provide \$100,000.00 funding to each of the highest three ranking applications. It is probable that it will be necessary for the easements to be obtained before the County will consider funding for this project.

Mayor Magazzu asked what is the chance that we have on getting picked for this project.

Chuck replied that 7 applications have been submitted and that they are granting or funding 3 of them.

2. HADON AVENUE STREETScape, PHASES 1, 2, AND 3, JEFFERSON AVENUE TO LUCAS AVENUE (FEDERAL TEA-21 FUNDS \$555,240)

On March 30, 2012 bids were received from five bidders, ranging from \$183,119.90 to \$381,493.50. We recommend that the Governing

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Body consider awarding a contract to the apparent low bidder, Command Company of Hammonton, N.J. for \$183,119.90, conditional upon the concurrence of the award of the contract by the New Jersey Department of Transportation. The engineer's estimated cost for this work is \$326,620.00.

We have met with the representative of Atlantic City Electric Company. The cost for the decorative street lighting has increased from \$228,800.00, due to the increase in the number of proposed street lights and the unit price per light. We are currently in the process of obtaining a final price. We recommend that the Governing Body consider entering into an agreement for the revised street light installation.

Once the award of contract has been approved by the N.J.D.O.T., we will schedule a Pre-Construction Meeting with the Contractor, utilities and N.J.D.O.T.

It is intended that the Township Engineering Department will perform the construction stakeout, contract administration and inspection.

**3. HILL AVENUE STORM DRAINAGE IMPROVEMENTS
(C.D.B.G. YEAR 32 (\$32,257), YEAR 33 (27,900), AND YEAR 34
(24,000)**

We are still performing the design and are hopeful to receive bids in the immediate future.

4. 2012 STREET IMPROVEMENT PROGRAM

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

a. Base Bid

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

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- 2) Edgewood Avenue: Cooper Road to limit of N.J.D.O.T. Project Near Rt. 73
Partial N.J.D.O.T. Funding
 - 3) Reconstruction of the Intersection of Grove Avenue and Cleveland Avenue
Funded in Bond Ordinance No. 2011-26
 - 4) Trench pavement improvements along Krumm Avenue from McClellan Avenue to Franklin Avenue
Funded in Bond Ordinance No. 2011-26
- b. Alternate Bid No. 1
- 1) Construction of Built up Bituminous Driveway Aprons at 136 and 138 Veterans Avenue
Funded in Bond Ordinance No. 2011-26
- c. Alternate Bid No. 2
- Street Improvements at Storm Inlet, Along Mt. Vernon Avenue, at the School Property
Funded in Bond Ordinance No. 2011-26
- d. Alternate Bid No. 3
- Grade and Construct Stone Surface-
McClellan Avenue Dead End
Funded in Bond Ordinance No. 2011-26

We expect to receive bids by late May, 2012.

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

The Contractor has informed us that they have performed the sealing and binding treatment. We will inspect the sealed concrete and report to the Governing Body. I have denied the processing of final payment to the contractor until we have approved the sealing treatment.

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The Contractor will be posting a multi-year maintenance guarantee for the porous concrete.

6. N.J.D.O.T. SAFE ROUTES TO SCHOOL

The kick-off meeting was held on March 29, 2012. The attendees were Mayor Magazzu, Police Chief Jackson, Jr., Mr. Chuck Pfluger from the elementary school, Ms. DeCinque and I. These persons will consist of the Task Force. The Task Force has identified areas and conditions, which are in need of improvements to promote walking and bicycling by the students.

The next meeting has been scheduled for May 31, 2012.

During the course of the year we will be preparing the necessary documents and events will be held to demonstrate the commitment to the Program. The application for the N.J.D.O.T. FY 2013 funding will be submitted at the end of this year

7. CAMDEN COUNTY OPEN SPACE- RECREATION ENHANCEMENT PROGRAM

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

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

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

8. MUNICIPAL BUILDING

- a. HVAC System

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Mayor Magazzu and Mr. Shellenberger have met with representatives of Tozour-Trane to discuss current operational issues and possible preventative maintenance services. Mayor Magazzu has given me the proposal for maintenance services. Once I have received the document, I will submit my recommendations to the Governing Body for your consideration.

b. Free Standing Monument Sign

The electrician will be connecting the electric to the lighting and the LED signboard.

The Public Works Department has constructed the masonry block planter wall.. The brick facing and concrete capping remains to be completed by other parties. I have contacted the Somerdale Work Force to see if they are able to perform the remaining work.

c. Separation of the Security and Surveillance Systems

I have informed Intervid, Inc. to proceed with the work. We are waiting for a schedule, from the contractor for the performance of the work.

d. Roof Membranes

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

e. School Bell

Mayor Magazzu has requested that a local contractor look at the bell and submit recommendations for the construction of an attractive and functional base for setting in the lobby of the Municipal Building.

f. Irrigation and Landscaping

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

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

9. STORM DRAINAGE IMPROVEMENTS

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

I has previously informed the Governing Body that I had sent a letter to the N.J.D.O.T., requesting that they remove the apparent beaver dam on their stormwater basin property. Recently, I was able to discuss the matter with the supervisor at the N.J.D.O.T. West Berlin Maintenance Yard. He has informed me that he has requested permission from the N.J.D.O.T. Trenton Office. He has stated that they cannot remove the beaver and the beaver dam until he receives the directive from the Trenton Office.

I must still contact Congressman Andrews' Office to request their assistance in providing Federal funding for the improvements to address the current flooding, within the section of the Township.

b. Lester Avenue Storm Drainage and Stormwater Management

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

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

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the necessary time to perform the construction of these interim improvements.

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

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

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

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

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

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

10. REDESIGNATION OF PINELANDS ZONING AND EXTENSION OF SANITARY SEWER TO EDGEWOOD AVENUE AND ALLIED PARKWAY

The public hearing on the ordinance is scheduled for May 14, 2012 in order to provide proper notice to all affected property owners, owners within 200 feet of those properties, Camden County Planning Board, Evesham Township, and The Pinelands Commission.

The Pinelands Commission is requiring that, as a condition of the zoning redesignation, sanitary sewer be provided to those properties along Edgewood Avenue and Allied Parkway. From my preliminary analysis, it appears that a low pressure sanitary sewer system will need to be constructed rather than the typical gravity collection system.

11. REQUEST FOR ADDITIONAL SEWER ALLOCATION

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It is my understanding that the C.C.M.U.A. has secured a loan from the N.J.D.E.P. Environmental Infrastructure Fund and is in the process of bidding the construction for the interceptor.

I have contacted Mr. Kricun from the C.C.M.U.A. to obtain an update.

12. REQUEST FOR REDESIGNATION OF PINELANDS ZONING FOR OTHER AREAS

We are scheduling a meeting with The Pinelands Commission staff to discuss the possible rezoning of Mr. Dandrea's property on Cooper Road and other properties to Regional Growth and allow for the connection to sanitary sewer collection system.

13. NO PASSING ZONE ALONG COOPER ROAD

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

14. NEW GAS MAIN ALONG FAIRVIEW AVENUE

As a result of the meeting with the property owners, South Jersey Gas Co. will be installing the new gas main within the street. They will be milling and resurfacing approximately one half of the roadway to eliminate exposed trench restorations.

D. PUBLIC WORKS DEPARTMENT

1. GREASE TRAP MAINTENANCE

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

2. SPRING SEASON TASKS

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Due to staff being out due to injuries, vacations and sick time, we have been unable to complete the spring season tasks, to the necessary extent. I request that the Governing Body consider allowing for the hiring of temporary staff to perform the Spring/Summer tasks.

3. IMPROVEMENTS TO PUMPING STATIONS

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

4. UPGRADE AND REPLACEMENT OF RADIOS

I have obtained a price for the necessary upgrades and replacement of the older radios, which are not able to be upgraded, and renewal of the FCC license. The quoted price for this work is \$5105.50. This work must be completed before the end of this year.

I have submitted a letter to the Governing Body providing the cost to upgrade the existing radio system and another option to use a Sprint wireless system.

5. CAPITAL PURCHASES

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

6. SCAVENGING OF RECYCLABLE MATERIALS AND ELECTRONICS

The current economic climate has resulted in individuals scavenging and disassembling recyclable materials and electronics, which residents are placing at the curbside, before the Public Works Staff can perform the collection. I recommend that the current scavenger laws be enforced. It may be beneficial if we schedule drop off days

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for the electronics so they can be collected, in whole rather than the disassembled condition, at the curbside.

7. COUNTY-WIDE SOLID WASTE DISPOSAL

The County is receiving bids for the disposal of solid waste for all participating municipalities. They expect to receive bids in June, 2012.

The current disposal contract, with the Township, expires at the end of this year. The new County contract will begin the beginning of next year.

8. AUCTION OF VEHICLES

I recommend that the impounded, retired Police and Public Works vehicles be auctioned, along with any other unused items, in the immediate future. We have been directed by the insurance inspector to remove these vehicles from the Public Works yard.

E. SHARED ENGINEERING SERVICES

1. ENGINEERING SERVICES WITH SOMERDALE BOROUGH

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

We will continue to perform various land surveying, planning and engineering services for the Borough.

Mayor Magazzu asked if the Haddon Avenue project included any money for Police overtime during the construction.

Chuck replied no, but there was extra money from the bid coming under.

Chuck stated he would see what could be done.

SOLICITORS REPORT

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Oddmund Angel, Block 200, Lot 1

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5. Clarification of Lateral Utility Lines
6. Police Operating Procedures
7. Wal-Mart Expansion Project
8. Pine lands Comprehensive Management Plan
9. Berlin Township ADS. Estate of Raj Kumar Chopra
10. Berlin Township ADS. David Carp
11. Berlin Twp.ADS. Linda Fabrico
12. Mustafa Muhammad ADS. Berliin TWP Police Department
13. Berlin Twp. ADS. Abdul Mansary
14. Berlin Twp. ADS.Jennifer Vernacchio as Guardian Hannah Maslanka
15. Pineland Zone Changes
16. DPW Labor Negotiations
17. Open Public Records Act.
18. Alberto Silva v. Berlin Township

POLICE DEPARTMENT

Chief Jackson reported that he has received many complaints with trespassing at Tri-Boro Sand and Stone. Council President Morris has reach out to the ACE representative of the company to set up a meeting to sit down with them to see how to resolve this issue.

Chief also reported that for the Month of March the guys had over 4000 calls and that the accidents in town have tripled. Chief noted that they have been out doing a lot of traffic patrolling, keying on the certain area that residents have been complaining about.

Chief stated that the residents are requesting that the Towns Watch be in effect again. Officer Brain Lex is our Crime Prevention Officer, so we are going to get something together and report back to Mayor and Council.

MAINTENANCE DEPARTMENT

Josh Shellenberger, Maintenance Officer had stated that he had a vacant garage located on Route 73 next to Franklin Trailers torn down and removed. Josh also spoke with Home Depot about the outside storage in the rear of the building. Th manger said that he would clean it up by May.

Josh reported that 3 trees have blown over onto a neighboring property. A letter was sent out giving them 10 days to have it removed and cleaned up. He also commented that he will begin clean up on the vacant properties.

PROCLAMATION

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

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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

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 3rd, 2012** 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.

**Proclaimed this 3rd day of May, 2012
Mayor Phyllis Magazzu**

**SECOND READING AND PUBLIC HEARING BOND ORDINANCE 2012-3
REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF THE
TOWNSHIP’S OUTSTANDING CALLABLE GENERAL OBLIGATION
REFUNDING BONDS, SERIES 2003, DATED JANUARY 1, 2003;
AUTHORIZING THE ISSUANCE OF UP TO \$5,100,000 OF GENERAL
OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF BERLIN,
COUNTY OF CAMDEN, NEW JERSEY, TO FINANCE THE COSTS THEREOF;**

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MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING. (Adopting to correct advertisement error)

BE IT ORDAINED by the Township Council of the Township of Berlin, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

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

<u>Maturity Date</u>	<u>Principal Amount</u>
January 1, 2014	\$305,000
January 1, 2015	320,000
January 1, 2016	330,000
January 1, 2017	340,000
January 1, 2018	245,000
January 1, 2023	1,415,000
January 1, 2024	325,000
January 1, 2025	340,000
January 1, 2026	355,000
January 1, 2027	370,000
January 1, 2028	390,000

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

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

Section 3. An aggregate amount not exceeding \$100,000 for the items of expense listed in and permitted by Section 51.b. of the Local Bond Law, N.J.S.A.

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40A:2-51.b., has been included in the aggregate principal amount of the Refunding Bonds authorized herein.

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

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

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

Section 7. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Township Clerk prior to the passage of this refunding bond ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Township Chief Financial Officer as to the outstanding indebtedness to be refunded by the issuance of the Refunding Bonds.

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

Motion by Council President Morris, second by Councilman McIntosh to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Bond Ordinance 2012-3.

No comments were to be heard.

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

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

FIRST READING ORDINANCE 2012-4 AUTHORIZING THE TOWNSHIP OF BERLIN IN THE COUNTY OF CAMDEN TO REVERT TO A CALENDAR FISCAL YEAR FROM A STATE FISCAL YEAR

Discussion Item: Reversion to a Calendar Year Budget and Acknowledgement and Agreement

Mayor Magazzu stated that within the last 2 years, the State has passed a law which allows State Fiscal Year Municipalities to switch or revert back to a Calendar Year. Unlike when Berlin Township switched to a fiscal year, no bonds will be issued to handle the reversion.

There are several reasons that the Township feels it is in our best interest to switch to a calendar year.

- 1) There will be less confusion in explaining the Local Municipal Tax Rate.**
- 2) The County Certified Tax Rate and the Final Adopted budget rate will agree.**
- 3) It will be easier to compare our municipal, school, and county tax rates to other towns.**
- 4) Time will be saved when budgeting for salaries, since contracts are based on a calendar year.**
- 5) Reverting to a Calendar Year would eliminate the need for 2 tax bills. Residents will receive one bill per year which would be based on the final adopted budget and a preliminary bill for the subsequent year.**

Mayor stated that if we agree to switching our year ends, we are agreeing that we will not seek Transitional Aid at least through the end of 2013 due to any structural in balances caused by the reversion. We haven't received any of this type of aid in years, which used to be called Extraordinary Aid. Besides that it is also very limited and being reduced each year, so I don't

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believe we would be in line to receive it, whether we switched year ends or not.

Lori Campisano, CFO stated that we will have a six month budget. In accordance with the State's guidance, the Township has prepared a preliminary TY or Transitional Year Budget for the period 7/1/12 to 12/31/12. This budget, as well as other documents, was submitted by the CFO and Auditor to the State by the end of March. An in person meeting was to be held on 4/18 between State officials from the Division of Local Government Services and the Township. Since all of the documents were submitted to the State, well in advance, we received the approval to proceed with the process and that is why tonight we have on the agenda 1) an Ordinance to Revert to a Calendar Year, 2) a Resolution to apply to the LFB to revert to a Calendar Year and the item listed under Discussion which is an agreement which I had to sign and which the governing body must discuss.

The Township is seeking approval from the Director of the Division of Local Government Services for a TY Tax Levy of approximately \$2.9 million. This amount is 47.74% of one-half of the SFY 2012 Levy and is within the limits as set by the State. Surplus may be created by the reversion since almost all of our State Aid or \$1.2 million will be available to offset our 6 month budget. The Township must be conservative in its use of surplus to balance our first calendar year 2013 budget. The Township will not be conducting a tax sale at our 6 month year end of 12/31/12 and therefore a large Reserve for Uncollected Taxes will have to be budgeted on the expense side of the budget.

FIRST READING ORDINANCE 2012-4 AUTHORIZING THE TOWNSHIP OF BERLIN IN THE COUNTY OF CAMDEN TO REVERT TO A CALENDAR FISCAL YEAR FROM A STATE FISCAL YEAR

Motion by Council President Morris, second by Councilman McIntosh to adopt Ordinance 2012-4 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

FIRST READING ORDINANCE 2012- 5 AMENDING ORDINANCE 2011-25 FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY

Motion by Council President Morris, second by Councilman McIntosh to adopt Ordinance 2012-5 on first reading by title. Ordinance adopted by call of the roll, three members present voting in the affirmative, one abstained

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RESOLUTION 2012-92 RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF BERLIN REGARDING REVIEW AND AMENDMENT OF THE PERSONNEL POLICY MANUAL

WHEREAS, the Township has a Currently Approved Risk Control Plan for the Camden County Municipal Joint Insurance Fund; and

WHEREAS, the Township desires to maintain its status as a Member with an approved plan, so as to continue to receive preferential insurance benefits; and

WHEREAS, in order to maintain its Member status, the Governing Body is required to review and update the Township's Personnel Policy Manual.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Township of Berlin, that the Personnel Policy Manual be reviewed and amended as recommended by the Township Solicitor to include provisions which are required to be set forth to maintain the Township's status as a Member with an Approved Risk Control Plan, and that the updated manual be distributed to all employees of the Township.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2012-92. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-93 OF THE TOWNSHIP OF BERLIN IN THE COUNTY OF CAMDEN, MAKING APPLICATION TO THE LOCAL FINANCE BOARD FOR REVERSION TO A CALENDAR FISCAL YEAR PURSUANT TO N.J.S.A. 40A:4-3.1.

WHEREAS, the Township of Berlin operates under a State Fiscal Year pursuant to N.J.S.A. 40A:4-3.1; and,

WHEREAS, State law now allows municipalities that operate under a State Fiscal Year to revert to a Calendar Fiscal Year upon approval of an application to the Local Finance Board and passage of an ordinance authorizing the reversion; and,

WHEREAS, the Mayor and Council of the Township of Berlin has considered the matter of reverting to a Calendar Fiscal Year and have found that the reversion is in the best interest of the Township of Berlin;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin as follows:

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Section 1. That the Chief Financial Officer and the Township Auditor are directed to prepare and submit on behalf of the Mayor and Council of the Township of Berlin an application to the Local Finance Board as required by the Board; and,

Section 2. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Township of Berlin is hereby authorized to submit such application and to represent the Township of Berlin in matters pertaining thereto.

Section 4. The Certification of the Chief Financial Officer of the Township of Berlin is incorporated into this Resolution as a certification of the truth and accuracy of the facts submitted in the application for Calendar Fiscal Year Reversion.

Section 5. The Clerk of the Township of Berlin is hereby directed to file a copy of this Calendar Fiscal Year Reversion resolution as part of the application with the Local Finance Board.

Section 6. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by law.

ROLL CALL VOTE – Resolution 2012- 93 DATE: 4/23/12						
COUNCIL MEMBER	INTRODUCED	SECONDED	AYE	NAYE	ABSTAIN	ABSENT
BODANZA						X
MC INTOSH	X		X			
MORRIS		X	X			
EPIFANIO			X			
MAYOR MAGAZZU			X			

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-93. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-94 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR THE DRIVE SOBER OR GET PULLED OVER GRANT.

WHEREAS, a receivable and reserve balance of \$801.98 titled Drive Sober or Get Pulled Over Grant remains on the balance sheet at 3/31/12; 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;

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the receivable and reserve balance of \$801.98 titled Drive Sober or Get Pulled Over Grant is hereby canceled.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-94. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-95 TO AFFIRM THE TOWNSHIP OF BERLIN'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS.

WHEREAS, it is the policy of Township of Berlin to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Township of Berlin has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council of the Township of Berlin that:

Section 1: No official, employee, appointee or volunteer of the Township of Berlin by whatever title known, or any entity that is in any way a part of the Township shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Berlin's business or using the facilities or property of the municipality.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Berlin to provide services that otherwise could be performed by the Township.

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Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Township of Berlin shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

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Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Township of Berlin shall establish written procedures that require all officials, employees, appointees and volunteers of the Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Township of Berlin shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Municipal Clerk shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Berlin. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Berlin Township's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Berlin in order for the public to be made aware of this policy and the Township's commitment to the implementation and enforcement of this policy.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-95. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-96 RESOLUTION WAIVING PARK PERMIT FEE FOR BERLIN TOWNSHIP ATHLETIC ASSOCIATION FOR THE RIVER SHARKS CLINIC PERMIT 2012-19 .

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Park Permit fee for the Berlin Township Athletic Association for the River Sharks Clinic, Permit 2019-19, be waived.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-96. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-97 RESOLUTION CANCELING REMAINING BALANCE IN CONTRACT PAYABLE IN THE GENERAL CAPITAL FUND – KEI ASSOCIATES.

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WHEREAS, there exists a contract payable on the books in the General Capital Fund; and

WHEREAS, the contract payable has been investigated and it has been determined the following should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the following balance of the contract payable listed is hereby canceled:

Resolution Date	Ordinance Number	Purpose	Vendor	Amount
11/24/08	2007-8	Engineering for Rt. 73 Sidewalks	KEI Assoc.	\$41,620.00

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-97. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-98 AWARDED A CONTRACT FOR THE TRANSPORTATION ENHANCEMENT PROGRAM- HADDON AVENUE, PHASES 1, 2 AND 3.

WHEREAS, the Township of Berlin desires to make transportation enhancement improvements to Haddon Avenue, Phases 1, 2 and 3, from Jefferson Avenue to Lucas Avenue; and

WHEREAS, Federal funds have been allotted, under Federal Project No. STP-4072 (108) Construction and N.J.D.O.T. Job No. 5806301, FY2004 Transportation Enhancement Program, for this project; and

WHEREAS, the Township of Berlin advertised for the opening of bids, bids were submitted by five bidders and the bids were opened and read on March 30, 2012 at 11:00 a.m.; and

WHEREAS, the bids were determined to be competitively bid and the lowest bidder, Command Company of Hammonton, New Jersey, was found to be a responsible and responsive bidder; and

WHEREAS, the total lump sum price of \$183,119.90, bid from the low bidder, Command Company, is lower than the engineer's construction estimate; and

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WHEREAS, the New Jersey Department of Transportation must review the bid documents, bid process and award of the contract and, if found to be acceptable, concur with the award of the contract by Berlin Township

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council for the Township of Berlin, in the County of Camden, State of New Jersey that the contract for the Transportation Enhancement Program-Haddon Avenue, be awarded to Command Company of Hammonton, New Jersey for the bid amount of \$183,119.90 conditional upon the concurrence of the award of the contract by the New Jersey Department of Transportation.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-98. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-99 AUTHORIZATION TO HOLD ACCELERATED TAX SALE 2011/2012 FISCAL YEAR TAX 2011/2012 FISCAL YEAR SEWER CAMDEN COUNTY MUNICIPAL UTILITY SEWERAGE ACCOUNTS AND THE BOROUGH OF BERLIN WATER DELINQUENCIES PER THE OFFICIAL EXTENDED TAX DUPLICATE LIST RULES AND REGULATIONS PURSUANT TO N.J.S.A. 54:5-19.

WHEREAS, according to the amended regulations set forth in N.J.S.A. 54:5-19 et seq., all taxes and municipal sewer and other lienable charges payable through the eleventh day of the eleventh month of the current fiscal year shall be subject to tax sale and offered for sale of lien to the lowest bidder or highest premium bidder at a tax sale to be held on the 20th day of June, 2012 at 10:30 AM at the Municipal Hall Court Room, and;

WHEREAS, there are delinquencies appearing in the records of the Township of Berlin for monies levied on the owners of record as they appear in the official tax list filed in the office of the Collector of Taxes of Berlin Township, as well as certified listings from the Borough of Berlin Water Department and the Camden County Municipal Utilities Authority, so;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that the Tax Collector be authorized to hold a Tax Sale for all tax, sewer, maintenance liens, Borough of Berlin water accounts servicing the Township of Berlin and the Camden County Municipal Utilities Authorities arrears payable through the eleventh day of the eleventh month of the current fiscal year, properties located in our municipality on June 20th 2012 and being advertised and/or with official notices of sale for four consecutive weeks and notice to the owners of record according to the requirements of N.J.S.A. 54:5-19 et seq.

Submitted for the April 23rd 2012 meeting.

Diane Macri-Zoppel, CTC

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Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-99. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012- 100 SETTING COSTS OF TAX SALE N.J.S.A. 54:5-26 – N.J.S.A.54:5-29 – N.J.S.A. 54:5-38.

WHEREAS, at any time before a scheduled tax sale, the collector shall receive payment of the amount due on any property, with the interest and costs incurred up to the time of payment, and;

WHEREAS, the taxpayer shall pay the full amount advertised which includes the cost of sale, at two percent of the total delinquency not to be less than \$15.00 nor more than \$100.00, and now must be paid as part of costs, in order to remove the property from sale and;

WHEREAS, the Tax Collector may mail NOTICE OF SALE for any two weeks and advertise for any two weeks, or just advertise consecutively for the full four weeks, with the official tax sale held the following week, and;

WHEREAS, the costs incurred for each mailing of NOTICE OF SALE be set at \$25.00 per mailing, and be collected in order for the property to be removed from said tax sale, so;

THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Council of the Township of Berlin that costs incurred including advertisement be set at the two percent delinquency of not less than \$15.00 nor more than \$100.00, and also be collected if mailed, the \$25.00 Notice of Sale per notice, in order for the property to be removed from said tax sale along with any delinquencies and interest due.

Submitted for the April 23rd, 2012 meeting. **Diane Macri-Zoppel, CTC**

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2012-100. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-101 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.

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Dated April 16, 2012

Diane Zoppel, CTC - Tax Collector

NAME	DESCRIPTION	YEAR	AMOUNT	REASON
Edwin & Rita Tevis Citizen	709-8	2012	250.00	Senior
Fred D'Imperio Citizen	802-21	2012	250.00	Senior

\$500.00 TOTAL to Aug/Nov 2012

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.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-101. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-102 APPOINTMENT OF ANIMAL CONTROL OFFICER

Council President Morris made the recommendation to appoint Joshua Shellenberger as the Animal Control officers stating that the Township will save over \$3000.00 dollars a years just in animal control services and that is not including the saving from the animal shelter. President Morris commented that we will be able to control our expenses by doing it in house.

RESOLUTION 2012-102 APPOINTMENT OF ANIMAL CONTROL OFFICER

BE IT RESOLVED by the Mayor and Township Council of the Township of Berlin, that **JOSHUA SHELLENBERGER** be and is hereby appointed Animal Control Officer effective May 1, 2012 until December 31, 2012.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-102. Resolution adopted by call of the roll, three members present voting in the affirmative, one abstained.

RESOLUTION 2012-103 OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, AUTHORIZING THE PREPARATION AND DISTRIBUTION OF OFFERING DOCUMENTS IN CONNECTION WITH THE SALE OF THE TOWNSHIP'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012; AUTHORIZING THE

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ISSUANCE, SALE AND AWARD OF SAID BONDS; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO. (Reaffirming resolution for the bond ordinance)

BACKGROUND

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

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

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

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

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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

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

WHEREAS, on April 23, 2012 the Township Council, after a public hearing, finally adopted the Refunding Bond Ordinance; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL

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

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

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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 to be entered into by the Township and the Underwriter in connection with the sale of the Refunding Bonds ("Purchase Contract") and the terms and conditions hereof, the following items with respect to the Refunding Bonds:

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

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

Section 4. The Chief Financial Officer shall report in writing to the Township Council at the meeting next succeeding the date when any sale or delivery of the Refunding Bonds pursuant to this resolution is made. Such report

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must include the aggregate principal amount, the interest rate or rates and the maturity schedule of the Refunding Bonds sold, the price obtained, and the redemption provisions thereof, if any.

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

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

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

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

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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 multiple thereof ("Registered Bonds"). The beneficial owner under the book-entry system, upon registration of the Registered Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 9. The Refunding Bonds shall be general obligations of the Township. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the Refunding Bonds and, to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 10. The preparation of a final official statement ("Official Statement") with respect to the Refunding Bonds is hereby authorized and directed. Within seven (7) business days of the sale of the Refunding Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the Township will deliver sufficient copies of the Official Statement to the Underwriter to comply with Paragraph (b)(4) of Rule 15c2-12 promulgated by the

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Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934, as amended ("Rule 15c2-12"). The Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to execute the Official Statement, and the distribution thereof to the Underwriter and others is hereby authorized and directed. The execution of the final Official Statement by the Mayor, Chief Financial Officer or Township Clerk shall constitute conclusive evidence of approval by the Township of the changes therein from the Preliminary Official Statement. The Mayor, Chief Financial Officer and Township Clerk are each hereby authorized to approve any amendments of or supplements to the Official Statement.

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

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

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item of tax preference under Section 57(a)(5) of the Code.

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

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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, 2012 to December 31, 2012, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Refunding Bonds.

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

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

Section 16. The Escrow Agent is hereby authorized, if so directed by the Township, to redeem the Callable Bonds on their respective first call dates, at a

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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 Chief Financial Officer is hereby authorized to execute and deliver an escrow deposit agreement ("Escrow Deposit Agreement") on behalf of the Township and to make the deposit of moneys and investments specified therein ("Escrow Investments").

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

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

Section 20. The Chief Financial Officer is hereby authorized to engage the

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services of Bowman & Company, LLP ("Verification Agent"), to verify the mathematical accuracy of certain computations made by the Underwriter regarding: (i) the adequacy of the maturing principal of and interest on the Escrow Investments to pay each series of the Refunded Bonds as set forth in the Escrow Deposit Agreement; and (ii) the yields on the Refunding Bonds and the Escrow Investments.

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

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

Section 23. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Township Clerk, other Township officials or by the Township's professional

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

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

Section 26. This Resolution shall take effect immediately upon adoption this 23rd day of April, 2012.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2012-103. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-104 PAYMENT OF BILLS APRIL

Resolution 2012-104

Payment of Bills - April 23, 2012

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

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

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TO	ACCOUNT	AMOUNT
Ronald Conklin	Berlin Township Rehab Loan Fund \$	87.45
Robert DePersia, III, Esq.	Mun Public Defender Trust	450.00
Township of Berlin	PB Esc #219	541.30
	PB Esc #286	324.78
	PB Esc #286	2,273.46
	PB Esc #308	243.58
	PB Esc #367	232.13
	PB Esc #370	270.65
Camden County Animal Shelter	Dog Trust	752.40
Treasurer, State of NJ	Dog Trust	79.20

CONFIRMING

Verizon Communications	01-201-20-120-2105	140.63
Verizon Communications	01-201-31-443-2077	99.99
Magnova, Inc.	07-201-55-502-2026	249.98
America on Line	01-201-31-443-2077	32.90
State of NJ Health Benefits	01-201-23-220-2092	55,383.64
State of NJ Health Benefits	01-201-23-220-2092	25,815.98
Police & Firemens Ret. System	01-201-36-475-2167	347,027.00
Public Employees Ret. System	01-201-36-471-2165	180,543.00
	07-201-55-540-2165	9,000.00
Verizon Communications	2-01-31-443-2077	99.99
Ameriflex	Flex Claims Account	75.00
Payroll, Current Fund	3/1/2012	59,597.93
Payroll, Sewer Operating Fund	3/1/2012	3,169.42
Payroll, Current Fund	3/8/2012	53,636.38
Payroll, Sewer Operating Fund	3/8/2012	3,384.72
Payroll, Current Fund	3/15/2012	55,022.70
Payroll, Sewer Operating Fund	3/15/2012	3,169.42
Payroll, Current Fund	3/22/2012	54,206.19
Payroll, Sewer Operating Fund	3/22/2012	3,203.03
Payroll, Current Fund	3/29/2012	71,795.97
Payroll, Sewer Operating Fund	3/29/2012	3,240.34

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-104. Resolution adopted by call of the roll, four members present voting in the affirmative.

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RESOLUTION 2012-105 RESOLUTION WAIVING PARK PERMIT FEE FOR WESLEY UNITED METHODIST CHURCH FOR THEIR NATIONAL DAY OF PRAYER EVENT.

WHEREAS, Wesley United Church, 159 Bate Avenue has submitted a completed Park Permit Application: and

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Park Permit fee for Wesley United Methodist Church, be waived.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-105. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-106 RESOLUTION WAIVING PARK PERMIT FEE FOR ST. SIMON STOCK CHURCH FOR THEIR WALK-A-THON .

WHEREAS, St. Simon Stock, 178 White Horse Pike, Berlin NJ has submitted a completed Park Permit Application: and

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Park Permit fee for St. Simon Stock Church, be waived.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2012-106. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012- 107 RESOLUTION AMENDING SALARY RESOLUTION 2011- 212 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 2011: 212 on December 12, 2011, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2012; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary effective May 1, 2012:

POSITION	AMOUNT
Animal Control Officer	\$ 500.00 per month

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

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Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2012-107. Resolution adopted by call of the roll, three members present voting in the affirmative, One abstained.

Approval of Business Licenses

1) Anthony Gomez, Falcon Security LLC, 287 Katherine Avenue, West Berlin NJ 08091. Unarmed security Guard.

2) Arthur Moore Jr, T/A Tustin Mechanical Services, 401 Bloomfield Drive, Unit 3. Commercial HVAC Contractor.

3) Richard Stone T/A Wireless South Jersey LLC, 240 Route 73 North. Retail Sale of Cellular Devices & Accessories.

4) Scott Jastrzembki T/A Out Island Boat Repairs, 107 Edgewood Avenue. Repair and Service of Boats and Assembly of Boat Engines.

5) Raghbir Singh T/A Kings Corner, 146 Haddon Avenue. Store selling candy, chips and Cigarettes.

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

Approval for Animal Permit

1) Robert Johnson, 207 Taunton Avenue, West Berlin NJ 08091. Permit for 5 Chickens and 1 Mini Rooster

Mayor open it to the public for any comments on the animal permit application.

Ray Ford from Oak Avenue commented that they had complained about a year ago when he had a large rooster. It would make noises all through the nights, but since he has gotten rid of the large rooster and now has a mini one there have not had any problems. I am here now because I don't want to have any problems later.

Amy Shipski, Centaurian Drive stated that last year when Mr. Johnson had the larger rooster she did have a problem with the noise and had a Police Officer come out and speak to Mr. Johnson about the rooster and it was taken care of right away. Our concerns are the same as Mr. Ford we don't want any future problems with the noise. Right now I don't hear it that much, but it is the winter and my windows are shut. The previous rooster did crow all day and all night and

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it was hard to sit out on our deck. But again Mr. Johnson took care of it right away. Amy asked if the permit can have some restrictions.

Mayor stated that maybe we could do the permit for a shorter term and with conditions.

No more comments were to be heard from the public.

Stuart Platt, solicitor stated this animal permit will be for a period of six months and that we can review the permit at our October 22nd meeting. During that six month period the Township would have the right to suspend or revoke the permit if any issues may arise with noise complaints. And if anything should happen to the mini rooster and the applicant wanted to get another rooster then a new application would have to be submitted

Motion by Council President Morris, second by Councilman McIntosh to approve Animal Permit. Permit approved with conditions stated above by call of the roll, four members present voting in the affirmative.

Approval of Minutes for March 26, 2012

Motion by Councilman McIntosh, second by Council President Morris to approve the minutes for March 26, 2012. Motion carried by voice vote, four present voting in the affirmative.

Approval of Executive Session Minutes for March 26, 2012

Motion by Council President Morris second by Councilman McIntosh to approve the closed executive session minutes for March 26, 2012. Motion carried by voice vote, four present voting in the affirmative.

Consent Agenda

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

Correspondence Calendar for March 2012

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

All Other Business

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1) Mayor had discussed the Reversion to a Calendar Year Budget and the Acknowledgement and Agreement. The Township had introduced Ordinance 2012-4 on the changing of State Fiscal Years to Calendar year and had discussed the process.

2) Chief Jackson would like to make some recommendation to amend the Township Towing Ordinance. Chief handed the Solicitors his recommendations and amend the ordinances.

3) Pending Legislation has been introduced to reform and modernize the Open Public Meeting Act and Open Public Records.

Mayor stated the OPRA and OPMA laws are now in pending legislation and these changes will affect the municipality.

Catherine Underwood, Township Clerk stated that some of the pending legislation for OPMA is that no action can be taken if it is not on the agenda. So if a resident comes out to a meeting to discuss an issue, Mayor and Council can not take any action. Action can only be taken if it is a Safety, Health and Welfare issue. As for the OPRA, unfortunately the Open Public Records Act was put in place to help make the municipality open and transparent to the public. But what it has done is open the flood gates for companies and individuals who abuse the law for there own profit. We have companies asking for lists of construction permits to try and get work like painting or landscaping. Or individuals asking for a list of the townships licensed pet for their potential grooming business. We are now doing a job for free so they don't have to pay someone or a company to do at the Township expense.

Mayor stated that we now have in place an alert system so that we can contact the residents and or senior citizens of any issues going on. This list is now available for anyone to access with address and email information. Before this would have been confidential information. Mayor stated that the new pending legislation will be more abuse by the public at the Township expense. Mayor stated that its not that we don't want to be transparent but we don't want disgruntling residents coming from court asking for information in retaliation.

Stuart Platt, Solicitor remarked that the Government Council tends to lean on the requester side in most of these cases of abuse. He stated that a lot of towns have adopted resolution at the request of the League of Municipalities Opposing these two laws. These pending bills are unfunded so any help additional help needed in the clerks office would be at the tax payer expense. If Tax payers knew the abuse of OPRA they would never stand for it. It is suppose to be for transparency and openness. These pending bills applies to the municipalities not legislation.

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Mayor stated that this is why we have this on as discussion because the League of Municipalities is asking us to do a resolution opposing the pending legislation.

Stuart stated that this Government Body is in favor of a transparent and open government in terms of records and as well as public meeting. But the proposed bill and amendment is burdensome and costly to the township and its residents.

RESOLUTION 2012-108 RESOLUTION OPPOSING SENATE BILL 1451, OPEN PUBLIC MEETINGS ACT AND BILL 1452, OPEN PUBLIC RECORDS ACT.

WHEREAS, legislation has been introduced to reform and modernize both the Open Public Meetings Act (S-1451) and the Open Public Records Act (S-1452); and

WHEREAS, the governing body of the **Township of Berlin** agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such

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input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and

- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the governing body of the **Township of Berlin** agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens’ reasonable expectation of privacy; and

WHEREAS, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any

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public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and

- The creation of a definition for “advisory, consultative or deliberative” material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for “reasonable” that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians’ Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency’s website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by “access to a computer”; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and

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- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS, the provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the governing body of the **Township of Berlin** strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the **Township of Berlin**, County Camden, and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-108. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2012-109 RESOLUTION TO PARTICIPATE IN THE COUNTY BID FOR SOLID WASTE DISPOSAL

WHEREAS, the Mayor and Council passed a resolution, conceptually in favor in participating with the county in the bids for solid waste disposal with the option to opt out ;and

WHEREAS, the County has informed the Township Engineer that your either in or your out, that there is no option; and

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WHEREAS, the Engineer has recommended that the Township of Berlin participate in the County bid for solid waste disposal.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin is hereby authorized to participate with the county in the bids for solid waste disposal.

Motion by Councilman McIntosh, second by Councilman Epifanio to adopt Resolution 2012-109. Resolution adopted by call of the roll, four members present voting in the affirmative.

Public Portion

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

Jackie Bonifiglio, Thurman Avenue talked about the beaver blocking the water flow and asked where it was.

Chuck replied that is was at the DOT basin property on Walker Avenue.

Jackie stated that the water level was so low, then with just the past rain it shot up so hi that it concerns me that their may be a blockage.

Chuck replied that when it rains the basin is suppose to help with the leveling of water from peaking. The basin helps regulate that flow.

Jackie asked if someone will be monitoring the beavers.

Council President Morris stated that the growth and vegetation will always be a factor with the beavers. We are just trying to stay pro-active and monitor it frequently.

Amy Shipski, Centuarian Drive commented that her house was broken into and that a neighbor had called the police telling them that someone had broken into a her house. She asked if she could give her information to that neighbor so that she could thank them.

Chief Jackson replied for her to contact him.

Rich Oliver, Minick Avenue stated that the road has become an express way for

No more comments were to be heard.

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Motion by Council President Morris, second by Councilman Epifanio to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public.

Adjourn

Motion by Council President Morris, second by Councilman Epifanio to adjourn the meeting at 6:57 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 6:57 pm

Catherine Underwood, Township Clerk