

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD IN THE CONFERENCE ROOM OF THE SCHOOL BOARD ADMINISTRATIVE BUILDING, 225 GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY APRIL 26, 2010 AT 6:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Councilman DiGangi, Councilman McIntosh, Council President Morris, Mayor Magazzu. Council Batten **arrived at 6:35**

Also Present- Donafaye Zoll, Solicitor, Chuck Riebel, Engineer & Director Public Works, Joseph Jackson, Chief Of Police

Absent-

GOOD AND WELFARE #1

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

Larry Stellar, 367 Thurman Avenue asked what the latest updates were since the last meeting in March, Because the water pumps are still running and water is still coming in our basements.

Chuck Riebel Township Engineer and Public Works Director stated that he had contacted Berlin Circle Plaza in regards to the storm water pond on their site. They had found that the 4" orifice had been blocked by stones.

Debra Stellar asked where are the maintenance records for that reservoir and how do we know if maintenance is going to be kept or maintained.

Council President Morris responded that we are going to keep on them to keep it maintained the water. Council President stated that he has been at the site on a regular basis to monitor the water and will continue to do so.

Chuck Riebel explained why there was a 4" orifice in the pond and that the design of the storm water pond is to manage the water flow and how it is discharged. I have not review the design documents from when it was put in years ago. I believe these structure of the ponds were reviewed by D.E.P and approved by D.E.P.

Larry Stellar commented that the next issue that we have had problems on was electricity in the area and pole.

Council President Morris stated that Chuck had put a request in with Atlantic City Electric to review that and look at the pole (Potter). They did say that they would come out and cleaned it up. They said that the power would not be interrupted.

Larry Stellar replied that sounds like it will be very helpful since our sum pumps are running all the time and need the electricity on.

Larry Stellar said the third issue is the small drains in front of our homes on Thurman Avenue, they came out to work on them. They got one of them working but apparently the two other they could not do it.

Council President Morris stated they he has given the address to Public works Director Chuck Riebel on the drains in front of the homes.

Barbara Cubit, 362 Thurman Avenue spoke about the water in front of her house that is coming from her neighbors house, that has been their since March, which comes all the way down the street in my driveway from the pumps that run every two minutes and may concern is the mosquitoes. So I called the mosquito committee they came out and tested my water in front of my house. There were no mosquitoes because the water is running and moving and the streets were just cleaned the week before so you could not see how nasty it can get. But he did go down to the end of Grove Avenue at the vacant lots where there is standing water and is infested with mosquitoes. So what are you going to do with the standing water in the Township.

Councilman DiGangi stated that we are aware of it.

Barbara Cubit responded I am aware about it too, what are you going to do about it. It is costing me, I don't have Pumps or French drains. I have had water in my basement for 27 straight days. It is going to cost me about \$9,000 dollars to put in pumps and french drains. I don't have \$9,000 dollars.

Mayor Magazzu replied I understanding exactly how you feel because we had water in our basement that we never had before either. But talking to other mayors in other towns the problem is all over. We are trying to deal with it the best we can.

Councilman DiGangi commented that the water table has risen because of all the snow and rain.

Barbara asked if the street opened up, was that considered wet lands at one time.

Councilman DiGangi said no that has been opened up for years. We haven't had water until this year. Councilman said let me restate thatTheir have been other times, but this year has been the worse.

Mrs. Metzger stated that the water sit in front of her house and does not move or drain.

Chuck said that the extension of Grove Avenue is pitched towards the pond. The intersection of Grove Avenue and Thurman Avenue is an area that could be addressed.

Mrs. Metzger stated that the water is seeping into my basement from everyone pumping out their basements. its draining into the street to my front lawn.

Councilman DiGangi stated that he has seen the street and it appears to be an issue where the streets meet. Our Engineer will take a look at it.

Barbara stated that her drain is not open.

Mr. Hertzberg, 202 Lucas Avenue, spoke about the Berlin dam that now is cemented. Years ago you could open it, but throughout the years it has deteriorated. The flow now comes over the dam. The D.O.T. (Frank Morgan) was suppose to come out and check out the dam with a camera.

Councilman McIntosh stated that he had heard that their was a 2 foot pipe and it was clogged.

Mayor Magazzu replied that they said it was done.

Mr. Hertzberg said that the water is not going to go anywhere then.

Mayor Magazzu said that they said that they fixed it, they went under with the camera and cleaned it out.

Mr. Hertzberg said did they give you literature to that effect that they cleaned it.

Mayor Magazzu replied no when I called them this was the information that they gave me.

Mr. Hertzberg remarked they said it was cleaned.

Mayor Magazzu said yes.

Council President asked when was this the same time we opened up Walker Avenue.

Mayor Magazzu asked Chuck what time did we have the meeting.

Chuck stated that is was last August.

Mr. Hertzberg stated that he doesn't believe it was done if they didn't follow it up in writing.

Mayor Magazzu said we will ask for something in writing.

Council President Morris commented that the pond was clogged and now that is cleared, so now they need to make sure it stays cleared (ACP/ Shoprite Plaza) so the water will drain out of the pond.

Mr. Hertzberg commented that there was another item from the last meeting with an over flow pipe that was suppose to be put in from the circle that was on the other side of Cross Keys Road, that didn't dump water into the pond at the auction, that was suppose to run parallel up Cross Key Road and direct water right into where the Delaware River runs through Berlin. And that was suppose to be an overflow pipe and we didn't have confirmation from the DOT because the Site Engineer that was suppose to give the okay wasn't at the meeting, and the DOT representative said he was going back and talk to the Site Engineer and get an answer on that. I don't think we ever got an answer on that.

Chuck responded that it is my understanding that the pipe is in, did we get a verbal confirmation on it, no.

Mr. Hertzberg said we need a written confirmation, because I walked that road a couple of times and I see no pipe dumping in there, unless they buried it.

Mayor Magazzu asked Chuck if we could get some kind of maintenance report from ACP (Shoprite Plaza).

Chuck said sure.

Councilman DiGangi asked for a maintenance schedule as well and monthly report.

Mr. Hertzberg stated that he thinks that the dam in Berlin Park should adjust the water flow or storm drain management. I don't know who cemented it.

Councilman DiGangi stated that the County controls that dam.

Council Presidents replied that he thought that it has been like that for awhile.

Chuck stated that it would be nice to have gates installed in both dams to allow us to lower it and to provide storm water management during heavy storms.

Mr. Hertzberg asked if there was any money available out there because of the lack of money being spent on maintenance and repairs for the dams has caused a lot of damage and flooding for homes in the area.

Mayor Magazzu asked Chuck if that would be something that we would request from the DEP.

Chuck replied that the County would be the one.

Councilman McIntosh asked if the water was pumped from the Shopping center in to Zulker Avenue would it run.

Chuck said yes

Councilman McIntosh asked if that would give them some relief.

Chuck responded that is what we intend to do tomorrow. Chuck stated that the piping system and ditches at Zulker Avenue seem to be flowing very well. No blockages in that system and plenty capacity left.

Residents question the two houses built on Minick Avenue and why the neighbors were not notified when they were built, when the property was considered environmental sensitive. They took trees down that could soak up the water. And the owner who built those houses sits on the Planning Board.

Chuck Riebel stated that the D.E.P. made a determination that the area was not wetlands. The DEP granted them a letter of Interpretation.

Mayor Magazzu responded that the D.E.P. supersedes over us.

Councilman DiGangi stated that we know that there is a water problem now and part of the reason is the water shed and the other reason is our water table is higher. So what I think what we need to do is find a way to relieve water and get it off our town and get it some place else, that's where we should put our energy.

Mayor Magazzu stated that when an owner has all the proper approvals we can't stop them from building.

Residents said that you should not have let that go through.

Mayor Magazzu replied again we have no control over that.

Resident stated you should be for us.

Councilman DiGangi stated that we have a Planning and Zoning Board with Construction Officials, who issues the permits to build. I don't know how owners or Mr. Simone did what they did to get houses built back there.

Resident asked about notification on a property that was being built

Mayor Magazzu replied that they might have needed a variance. In a variance, anybody 200 ft of that property would have been notified. Then that property owner would come in front of the Planning and Zoning Board for approval.

Bill Lynch 386 Thurman Avenue stated that Mr. McIntosh was involved with the decision of these two lots. In the first place 2 houses should not have been allowed to sub divide. In 1999 we stopped the building of those houses till May 2000. The owner then was Anthony Caporelli, in 3 successive meetings we stopped him. We stopped him because we got the D.E.P. involved. You people issued him a map, I have a copy of that map. You told us these lots were E-1 environmentally sensitive, these two home are built there. This happened because you people need to come to every meeting other wise they find a way around it. You granted Mr. Caporelli a subdivision for that lot.

Donafaye Zoll Solicitor responded that you understand that was a different board at that time.

Mr. Lynch replied it the planning board of the Berlin Township. Mr. McIntosh was on it then, and dumped the fill dirt on Rickles Property.

Councilman McIntosh stated trust me if I dumped dirt there I would remember, I did not. But I am the guy who put the foundation down and never got paid, because it got stopped on Fiske Avenue.

Mr. Lynch commented that the sub division occurred and it shouldn't have happened and it didn't until Mr. Caporelli sold the property to Mr. Simone, then all of a sudden a subdivision was granted two houses went up all the trees came down and all the fill dirt was put in and now you have a dam back there. You don't think the water is laying , take a ride back and you will see it today. The Lot I have behind my house is nothing but water.

Mayor Magazzu asked was this when you were on Council.

Mr. Lynch replied no, we got him out of there for one term. One term only after all this took place. Finally people got fed up. We are right back to where we started. There it is, sub division was granted, the grounds in place, you filled it all in, trees are all gone and the water is laying there.

Mayor Magazzu replied don't say "You" let them do it because it's no different to them, you were on the board too.

Mr. Lynch commented ... the Township... the Township, absolutely I know I did. The problem is not going to go away. To put the sewers in it took special equipment to put the pipes in because the sides were caving in.

Councilman DiGangi said we take the input from our engineers companies. We had a sewer engineer and all these separate engineer who guides us. We have them guides and to say that this project will work. All of a sudden in 2010 we have this major crisis in Berlin and I know that the water table is higher and I know that is what is causing this.

Debra Stellar stated that she was at a meeting in April 2007, we were here.

Mayor Magazzu stated she does not remember.

Councilman DiGangi replied I apologize on my memory not being that great but, I remember having some discussion on drainage issues, but not these issues. I know that there are 2 boards is it possible you have theme mix up.

Mr. Lynch spoke about concerns with the speeding cars on Grove Avenue since the street was opened up. Council had met at my house and stated that you would consider stop signs but the former Chief of Police did not feel the need to put signs up, that it was not necessary. There is nothing to prevent cars from flying up and down that street. We have had drag racing on that street. The latest incident that you are probably aware of is when you had the barriers the end of Grove Street and a kid went through there at night and took the whole thing out, he beat the rap because there was not proper signage.

Councilman DiGangi agreed that we need a stop sign on that street.

Mr. Lynch asked about speed bumps.

Chuck Riebel stated that street bumps can not be permitted if the street is connected to a State or County Road.

Councilman DiGangi noted that we can put up a stop sign.

Mr. Lynch stated that when you first were going to open Grove Ave the bids were higher because you were going to include Fiske, then when you opened it you just did Grove. The water is not going we are going to get mosquitoes. I ask you to consider the stop signs.

Tim Schmidt, 73 Haddon stated at a meeting in December 2009 on the agenda was Employees Salaries. Bruce asked if anyone had received any pay increases.

Mayor Magazzu replied no. no pay increases zero.

Gerald Brindley, 387 Cleveland Avenue, I also was here in 2007 with the drainage. The problems started then, which is right around the time they did this pond. The drainage ditch by Shoprite has gone up and up over the years. I have not had water for over 20 years until a few years ago. Now I get it several times a year. Not as bad as some of these people that I have heard. So this problem has happened for the last three years. I

believe it was the 73 circle. That 4" hole is going to continue to clog and increase in water we need to think about increasing the hole from 4".

Mayor Magazzu responded that the Engineer is going to talk to them with install gates which will help it even more.

Councilman McIntosh said that he believes that Shoprite made an agreement that they would pump the water out if there were any problems. We should check the records and resolution.

Councilman Batten asked Shoprite or ACP (American Continental Properties)

Councilman DiGangi said ACP.

Council President Morris remarked that we are going to start pumping tomorrow.

Mr. Stellar asked what kind of time frame are we looking out to see relief.

Chuck Riebel replied I can't give you an answer on that, we will have to monitor the pumping and see how well it goes. I don't know the what the water table issue is at this time.

Diana Horan asked what is going to happen if you start pumping tomorrow and the pipe is clog at the Borough Park.

Chuck Riebel said that if the pipe is clogged it will be an issue, will we just have to wait and see.

Council President Morris said that in Borough Park is okay they have the capacity. But it may be the pipe connecting the two. We have to look at it to see what we can do.

Chuck Riebel is going to closely monitor it when we begin the pumping tomorrow.

Debra Stellar stated that Gloucester Township has flood damage setup with residents with FEMA why doesn't Berlin Township have this.

Joe Jackson responded that FEMA has been contacted from March storms. It is a long process that we just finalized the December storm with them.

Debra Stellar said she called FEMA they said the Mayor.

Mayor Magazzu responded that we try and collect for every storm. Joe Jackson fills out all the paper work and I sign off on it.

Joe Jackson stated that a declaration from FEMA stating that are area had sustained damage. They will target different towns.

Mayor Magazzu stated that the county needs to declare you a State of emergency before you can start anything. Once they declare it we notify them to get money.

Debra Stellar that FEMA was never notified by Berlin or any County in Camden with numbers from the last storm.

Joe Jackson replied we have not been notified by the county saying that we have been declared a state of emergency.

Mayor Magazzu said we should have heard from them by know (FEMA) if we have been declared.

Mrs. Metzger, 387 Thurman Avenue stated that she has called Mike McGee from Public works in regard to her front yard property is sinking in. No one has come out to take a look at it. My house is constantly flooding since 2007, my ground is getting softer and softer.

Chuck Riebel said that he will take a look at it.

Debra Stellar said because of the water on my lawn it has killing an oak tree on my property, its dying and its going to take the lines down, can the Township take it out.

Donafaye Zoll, Solicitor responded that it is on private property and we can touch it.

Council President Morris said he will check with the electric company to see if they can do anything.

Mayor Magazzu wanted to make something clear to Tim Schmidt who had asked early about the raises. Mayor stated that all administration has taken zero pay increases but we have not had settlement with any of our collective bargaining units.

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

RESOLUTION 2010-103 AUTHORIZING MAYOR TO SIGN CONTRACT AGREEMENT BETWEEN TOWNSHIP OF BERLIN AND ACP JERSEY ASSOCIATES LLC (ACP) AMERICAN CONTINENTAL PROPERTIES

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign and execute an agreement with Township of Berlin and ACP Jersey Associates LLC.

Motion by Council President Morris, second by Councilman DiGangi to adopt Resolution 2010-103. Resolution adopted by call of the roll, four members present voting in the affirmative.

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

Kevin Huges from Gilbrator's Construction said we have a property on route 73 and we would like to inform you some changes that we would like to make due to the economy and the down fall of the market. We will be on tomorrows Planning and Zoning Board meeting as an informal, but we wanted to let you aware of what we are planning to do. We know that we have to go back and make some changes with our previous approvals but we have submitted plans for a solar panel project. We will be marketing the solar panels pad sites. We just wanted to let you know what we are planning to do.

DEPARTMENTAL REPORTS

ENGINEER'S REPORT & PUBLIC WORKS DIRECTOR

A. CHANGE ORDER(S) AND/OR VOUCHER(S)

No change orders or vouchers to report at this time.

B. ENGINEER'S REPORT

1. **SIDEWALK ALONG N.J.S.H. ROUTE 73-EDGEWOOD AVENUE TO JACKSON ROAD (N.J.D.O.T. FY 2008 AN FY 2009-\$320,000) (PROJ. NO. E-494)**

We have completed the specifications, plans, and storm water management calculations for submission to the Pinelands Commission. We must provide the required public notice for the application to the commission.

The N.J.D.O.T. has threatened to recapture the funding since the construction has not been completed by the required time frame. We have requested that the N.J.D.O.T. extend the deadline date to allow for the Township to obtain approval from the Pinelands Commission.

We are hopeful that the Pinelands Commission will expedite their review process to provide for the commencement of construction in the near future.

2. **N.J.D.O.T. FY 2010 MUNICIPAL AID FUNDING**

The N.J.D.O.T., for many years, has provided funding to municipalities for street improvements. The N.J.D.O.T. has informed us that there will be no program next year. Therefore, they will not be accepting applications.

We recommend that the members of the Governing Body contact your representing State legislators to restore the funding for this program.

3. RESURFACING OF MT. VERNON AVENUE- FRANKLIN AVENUE TO MINCK AVENUE (N.J.D.O.T. FY 2010 MUNICIPAL AID FUNDING - \$180,000)(PROJ. NO. E-506)

I recommend that the Governing Body authorize the preparation of the bid documents and the receipt of bids. I believe that it is very important to receive bids, as soon as possible, as N.J.D.O.T. is looking to recapture unused funds, wherever possible.

4. MICRORESURFACING OF HILL AVENUE (C.D.B.G. YEAR 32 FUNDING - \$30,257.00)(PROJ. NO. E-1000)

I recommend that the Governing Body consider authorizing the preparation of the bid documents and receipt of bids for this project. The scope of the project will be limited to the amount of the C.D.B.G. funds.

5. FY 2010 FEDERAL APPROPRIATIONS REQUEST

No update to report.

6. LESTER AVENUE STORM DRAINAGE AND MANAGEMENT

We had submitted the preliminary analysis to the Governing Body, which included the estimated costs for the possible options.

The most cost effective option may be the construction of a storm water detention basin on the Luke Avenue Recreation site with the outflow pipe connection to the existing storm drainage, which is along the ball fields. It will be necessary for the Township to obtain consent and, probably, an easement from Public Service Electric and Gas for the construction of the outflow pipe across their property.

It may be possible for the Public Works Department to construct the basin and storm piping, rather than contracting the project. I believe that the performance of the work by the Public Works Department will result in a lesser cost to the Township.

7. PROPOSED MUNICIPAL BUILDING, N.J.S.H. ROUTE 73 AND DAY AVENUE

a. N.J.D.O.T. Highway Access Permit

The N.J.D.O.T. has informed us that they expect to complete the review of the application by May 19, 2010.

b. Site Work

We have issued the punch list for the connective work to be performed by MJJ Construction.

We anticipate the application of the sealcoat and line striping on the front parking area in may, as the lowest daily temperature must be at least 50 ° F.

We had obtained a credit price for the sealcoat, the cost for milling and bituminous overlay was excessive. Therefore the seal coat will be applied to the existing pavement.

The P.W.D. has constructed a handicap accessible sidewalk at the front entrance of the building. The replacement of the original handicap ramp with the standard sidewalks.

c. Landscaping and Irrigation

I believe that the Township is contacting local landscaping firms to see if they would be willing to landscape the areas within the complex.

We strongly recommend that an irrigation system be installed, prior to the planting of the landscape areas.

8. FORMER MUNICIPAL BUILDING SITE

Mayor Magazu is addressing the issue with the deed restriction with the Board of Education.

9. TRAFFIC SIGNAL AND GEOMETRIC IMPROVEMENTS AT THE INTERSECTION OF COOPER ROAD AND TAUNTON AVENUE

The construction is underway.

10. HADDON AVENUE STREETScape

a. PHASE 2- FRANKLIN AVENUE & BATE AVNUE

Atlantic Electric Company has informed us that they have removed the original street lights. We will verify that all unnecessary lighting has been removed. I would assume that the invoice for street lights to the Township will be reduced, accordingly.

b. PHASES 1 AND 3

The N.J.O.T. Local Aid Office has informed us that the federal and state funding (\$677,000) is still available. They need to know, immediately, if the Governing Body is still interested in utilizing the funds. If not, they will re-designate the funds to another municipality.

The following is an estimate for the improvements

1. Decorative street lighting- Jefferson Avenue to Franklin Avenue. (\$125,000)
2. Decorative street lighting- Walker Avenue – Bate to Lucas Avenue. (\$175,000)
3. Decorative handicap ramps at all street corners Jefferson Avenue to Lucas Avenue (\$195,00)
4. E-C-C- (\$495,000)

It would be possible to utilize the anticipated, remaining funds for the construction of a portion of the decorative sidewalks.

The estimated engineering cost for KEI Associates for the amendments to the plans and specifications, per the N.J.D.O.T. review comments, update the certification and amend the project cost estimate is \$7,000. The estimated cost for KEI Associates to perform the contract administration and inspection cost is \$16,000. It may be possible for the in-house engineering staff to perform the contract administration and inspection work.

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

a. PUNCH LIST ITEMS- SANITARY SEWER CONTRUCTION, N.J.D.O.T. ROUTE 73 PROJECT

I recommend that this matter be discussed with the new N.J.D.O.T. Commissioner, since I have not been able to receive any response from the Assistant Commissioner.

b. PLANTING OF TREES ALONG THE REAR OF THE RETAIL CENTER ALONG N.J.D.O.T. RAMP, CONNECTING OAK AVENUE TO TAUNTON AVENUE

The N.J.D.O.T. has planted the row of mature arborvitae along the entire length of the commercial side of the ramp.

12. SANITARY SEWER EXTENSION ALONG ALLIED PARKWAY AND EDGEWOOD AVENUE

Ms. Zoll has recently discussed the matter with representation of the Pinelands Commission. As discussed at the meeting, I have submitted another letter to the Pinelands Commission, requesting for the re-designation of the zoning district and extension of sanitary sewer to only the existing buildings along these streets.

If the Governing Body would like to pursue the re-designation of zoning and extension of sewer for the remainder of the non-sewered areas within the Pinelands Area, it will be necessary for the Township to produce additional documentation.

13. ZONING ISSUES FOR BLOCK 2001, LOT 1, 120 E. COLLINGS AVENUE

Ms. Zoll has discussed this matter with the representatives of the Pinelands Commission. I believe that they are reviewing their records to determine why they had listed the zoning as residential to determine why they had listed the zoning as residential rather than the commercial zoning.

14. ISSUES ON THE 300 BLOCK OF THURMAN AVENUE

On April 6, 2010 I have met with several residents, within the area to discuss their issues with flooding basements and loss of electricity. I have contacted the N.J.D.E.P. and owner of the Berlin Circle Plaza Shopping Center to discuss relief of water within the storm water ponds on their site. They had found that the 4" +/- diameter orifice at the bottom of the dam had been blocked. The blockage has been cleared by the owner. I have also requested the permission of the owner and N.J.D.E.P. for the pumping of water, from the ponds over the dam in hopes of drawing down the water table at the homes. The N.J.D.E.P. has informed us they will permit the lowering of the ponds, once, in an effort to lower the whole table.

I informed the residents that an older version of the Camden County Soils Survey depicts intermittent streams within this area. Since that meeting I have plotted Ms. Steller's location, 367 Thurman Avenue, which falls directly where an intermittent stream is depicted on the Soils Survey. I have provided Ms. Steller with a marked copy of the Soils Survey, depicting the location of her house.

Council President Morris has been discussing the matter of the growth of the tree at the utility pole at the end of Potter Avenue with the governmental relations representative from Atlantic City Electric.

15. POTENTIAL SOLAR FARM AT THE PROPOSED PROMENADE

I believe that the property owner may be presenting their proposal to the Governing Body and Planning Board in the near future.

16. ALTERNATIVE ENERGY SOURCES AND ENERGY EFFICIENCY PROGRAMS

I would be glad to provide the Governing Body with any information in addition to the information which I had previously provided in the past.

17. LEGISLATIVE MATTERS

a. EXEMPTING SOLAR PANELS FROM IMPERVIOUS COVER DESIGNATION (S321/A2289)

The legislation has been passed by both Houses and is awaiting the Governor to sign it into law.

b. CHANGES TO THE REQUIREMENTS FOR NOTICE OF HEARING ON CERTAIN ZONING CHANGES (A103)

The bill is still being reviewed by the Assembly Housing and Local Government Committee.

c. TIME OF APPLICATION (A437/582)

This bill would amend the Municipal Land Use Law to require that the development regulations, which are in effect at the time the development application is submitted, will govern when the Planning Board considers the Application.

Both Houses passed the legislation on March 15, 2010

18. AUCTION FOR VARIOUS VEHICLES, EQUIPMENT, AND FURNATURE

I recommend that the Governing Body consider authorizing an auction for unneeded items as soon as possible. Many items are being stored by Public Works.

RESOLUTION 2010-104 RESOLUTION TO UTILIZE FEDERAL AND STATE FUNDING IN THE SUM OF \$677,000.00 FOR THE HADDON AVENUE STREETScape.

BE IT RESOLVED, that the Mayor and Council of the Township of Berlin is going to utilize the NJDOT funding in the sum of \$ 677,000.00 for the Haddon Avenue Streetscape.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2010-104. Resolution adopted by call of the roll, five members present voting in the affirmative.

SOLICITOR'S REPORT

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

POLICE DEPARTMENT

Joseph Jackson, Chief of Police stated that we are almost completely moved into the new building. The chief commented that the police department will patrol Grove Avenue and Franklin Avenue with the residents concerns with speeding. Chief suggested that since the circle area was constantly flooding before the State D.O.T. came out and removed it, then maybe we can get the State Engineer to come out to take a look at it. Chief also commented that they have finalized the amount that Berlin Township will be getting back from the past snow storm. It will be around \$ 35,000.00.

MAINTENANCE / ZONING DEPARTMENT

Michael Laginestra, Maintenance Officer stated that it is almost time to do the dog census, it will take at least a week to 10 days to do it. Mike commented that St John Methodist church would like to put up a fence and has asked the Township to Waive the Permit fees.

RESOLUTION 2010-105 RESOLUTION WAIVING FENCE PERMIT FEE FOR ST. JOHN'S METHODIST CHURCH, FAIRVIEW AVENUE.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the fence permit fees for St. John's Methodist Church, be waived.

Motion by Councilman Batten, second by Councilman DiGangi to adopt Resolution 2010-105. Resolution adopted by call of the roll, four members present voting in the affirmative, one abstained.

ORDINANCE 2010- 2 AMENDING ORDINANCE 2009-17 FIXING AND DETERMINING SALARY RANGES 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 Ordinance 2009-17 on January 25, 2010 fixing and determining salary ranges for the officers and employees for the calendar year 2010; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary ranges effective March 29, 2010:

POSITIONSALARY RANGE.....	
	FROM	TO
Director of Public Works/Township Engineer	\$135,000.00	\$138,000.00

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

Motion by Council President Morris, second by Councilman DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2010-2. There were no requests to be heard. Motion by Councilman Batten, second by Councilman DiGangi to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Council President Morris, second by Councilman Batten to adopt Ordinance 2010-2. Ordinance adopted by call of the roll, five members present voting in the affirmative.

AN ORDINANCE 2010-3 AMENDING CHAPTER 22 OF THE CODE OF THE TOWNSHIP OF BERLIN CAPTIONED "POLICE DEPARTMENT"

WHEREAS, the Governing Body has reviewed the Ordinances regarding the Township’s Police Department; and

WHEREAS, in light of changes within the Township and changes to the laws of this State, and the Governing Body has determined that it is appropriate to amend the composition of the Police Department.

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

SECTION 1: Chapter 22 of the Ordinances of the Township of Berlin, §22-1, captioned “Establishment of Department; composition” is hereby amended as follows:

§22-1. Establishment of Department; composition.

There is hereby created in and for the Township of Berlin a police department, which shall consist of a Chief of Police, one lieutenant, five sergeants, and a number of patrolmen as needed, to be appointed to these positions by the Governing Body of the Township. The number of patrolmen needed shall be determined by and within the discretion of the Governing Body.

SECTION 2: If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the

section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed to be valid and effective.

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

SECTION 4: This Ordinance shall take effect upon final passage and publication pursuant to law.

Motion by Council President Morris, second by Councilman Batten to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2010-3. There were no requests to be heard. Motion by Councilman McIntosh, second by Councilman DiGangi to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Ordinance 2010-3. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2010-98 AUTHORIZATION TO HOLD ACCELERATED TAX
SALE
2009/2010 FISCAL YEAR TAX
2009/2010 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 22nd day of June, 2010 at 10:00 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 22nd, 2010 with official notices of sale and being advertised and notice to the owners of record according to the requirements of N.J.S.A. 54:5-19 et seq.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2010-98. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2010-99 SETTING COSTS OF MAILING NOTICES 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 in order to remove the property from sale, and;

WHEREAS, the amount advertised includes the amount for cost of sale and is not to be paid if payment is received prior to said sale, and;

WHEREAS, the Tax Collector will mail NOTICE OF SALE each week for two weeks and then advertise each week for two more weeks, with the official tax sale held the following week, and;

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that 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, and;

THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Council of the Township of Berlin that costs incurred and for advertisement to be set at \$15.00, and also be collected, once advertised, in order for the property to be removed from said tax sale along with any delinquencies and interest due.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2010-99. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2010-100
SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF
MAY 24th – JUNE 6, 2010

WHEREAS, there 716 motor vehicle fatalities in New Jersey in 2007; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

WHEREAS, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHAREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide Click It or Ticket safety belt mobilization from May 24 – June 6, 2010 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 91% to 93%; and

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

THEREFORE, be it resolved that the Township of Berlin declares its support for the Click It or Ticket safety belt mobilization both locally and nationally from May 24 – June 6, 2010 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2010-100. Resolution adopted by call of the roll, five members present voting in the affirmative.

Resolution 2010-101

Payment of Bills April 26,2010

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

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

TO	ACCOUNT	AMOUNT
AWSCC-Animal Shelter	Dog Trust	480.00
Animal Emergency Service	Dog Trust	205.50
Camden County Dept of Health	Dog Trust	878.75
Treasurer, State of NJ	Dog Trust	109.80
Robert E. Depersia, II	Mun Public Defender	75.00
	Mun Public Defender	525.00
KEI Associates	Planning Board Esc #308	1,362.50
	Planning Board Esc # 313	430.00
	Planning Board Esc # 336	1,815.00
	Planning Board Esc # 343	515.00
	CONFIRMING	
America On Line	01-201-20-120-2105	32.90
Township of Berlin Payroll	01-201-23-225-2168	817.36

Township of Berlin Sewer	07-201-55-502-2036	110.00
Police & Firemens Retirement	01-201-36-475-2167	357,139.00
Public Employees Retirement	01-201-36-471-2165	134,886.00
	07-201-55-540-2165	13,000.00
NJ State Health	01-201-23-220-2092	16,786.35
	01-201-23-220-2092	51,748.98
Payroll, Current Fund	3/4/2010	57,211.49
Payroll, Sewer	3/4/2010	4,597.63
Payroll, Current Fund	3/11/2010	58,394.72
Payroll Sewer	3/11/2010	4,382.33
Payroll, Current Fund	3/18/2010	56,251.43
Payroll, Sewer	3/18/2010	4,415.27
Payroll, Current Fund	3/25/2010	80,397.19
Payroll, Sewer	3/25/2010	4,382.33

*****PLEASE SEE ATTACHED LIST DATED APRIL 7, 2010*****

Motion by Councilman Batten, second by Councilman McIntosh to adopt Resolution 2010-101. Resolution adopted by call of the roll, five members present voting in the affirmative.

BUSINESS APPROVALS

- 1) Niagara Machine, James J Sullivan, 415 Bloomfield Drive Unit 5
Sale and rental of concrete preparation machine. . Motion by Councilman DiGangi, second by Councilman McIntosh to approve business license for Niagara Machine. License approved by call of the roll, five members present voting in the affirmative.

- 2) Someone Special, Charlotte Ellner, 419 Commerce Lane Unit3,4
Distribution of gifts and collectibles via internet, mail order. Motion by Councilman DiGangi, second by Councilman McIntosh to approve business license for Someone Special. License approved by call of the roll, five members present voting in the affirmative

- 3) Brass Elegans Inc., Ranobir Roychowdhury, 417 Bloomfield Drive Unit 4,5. Brass hardware import and Distribution. . Motion by Councilman DiGangi, second by Councilman McIntosh to approve business license for Brass Elegans Inc. License approved by call of the roll, five members present voting in the affirmative.

4) Superior Play Station, John Oliver, 765 South Route 73
Play equipment, show room. . Motion by Councilman Batten,
second by Councilman DiGangi to approve business license for
Superior Play Station. License approved by call of the roll, five
members present voting in the affirmative.

5) Wand Sons Fuel, Gulshan Grewal, 250 Route 73 South.
Service Station with Convenience Store. Motion by Councilman
Batten, second by Councilman McIntosh to approve business
license for Wand Sons Fuel. License approved by call of the roll,
five members present voting in the affirmative

REGISTRATION

1) Kaighn Auto Service, Mahlon M. Kaighn, 250 South Route 73
Auto Repair Service. Motion by Councilman DiGangi, second by
Councilman Batten to Table license for Kaighn Auto Service.
License tabled by call of the roll five members present voting in the
affirmative.

2) Day Break, Glen Christen, 258-268 Pinedge Drive
Adult Partial Care Services. . Motion by Councilman DiGangi,
second by Councilman McIntosh to approve license for Day Break.
License approved by call of the roll, five members present voting in
the affirmative.

3) State Farm Insurance, Rodney Stevenson, 385 North Route 73
Sale and Service of Insurance and Financial Service. . Motion by
Councilman DiGangi, second by Councilman Batten to approve
license for State Farm Insurance. License approved by call of the
roll, five members present voting in the affirmative.

CONSENT AGENDA

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

APPROVAL OF CORRESPONDENCE CALENDAR FOR MARCH

Motion carried by Councilman DiGangi, second by Councilman Batten to receive
and file the correspondence calendar for March 2010. Motion carried by voice
vote, all present voting in the affirmative.

APPROVAL OF MARCH 22, 2010 MEETING MINUTES

Motion by Councilman McIntosh, second by Council President Morris to approve the minutes for March 22, 2010. Motion carried by voice vote, five present voting in the affirmative,

GOOD & WELFARE #2

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

There were no comments to be heard

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

ALL OTHER BUSINESS

Council President Morris talked about the speeding at Sahara Sam's Parking lot and asked what the process would be to allow our Police Department to patrol the lot like we do for Shoprite Plaza.

Councilman Batten responded that Sahara Sam's need to notify the Township, to give the Township Authorization to enforce Title 39 on their parking lot along with the proper signage.

Councilman President remarked that Sahara Sam's would notify the Township and then we would do a resolution.

Mayor Magazzu noted that from the training that we attended for JIF we had received a credit in the amount of \$1,301.35.

RESOLUTION 2010-106 CLOSED SESSION

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

RESOLUTION 2010- 102 RESOLUTION FOR INCREASING BID THRESHOLD AND APPOINTING A QUALIFIED PURCHASING AGENT

WHEREAS, the recent changes to the Local Public Contract Law gave local contracting units the ability to increase their bid threshold up to \$29,000; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the thresholds; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Lori Campisano possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, Lori Campisano desires to take advantage of the increased bid threshold:

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Berlin , in the County of Camden, in the State of New Jersey hereby increases its bid threshold to \$29,000; and

BE IT FURTHER RESOLVED, that the governing body hereby appoints Lori Campisano as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A: 11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2 the local unit clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Lori Campisano's certification to the Director of the Division of Local Government Services.

Motion by Councilman Batten, second by Councilman McIntosh to adopt Resolution 2010-102. Resolution adopted by call of the roll, five members present voting in the affirmative.

ADJOURN

Motion by Council President, second by Council President McIntosh to adjourn the meeting at 9:50 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 9:50 pm

Catherine Underwood, Township Clerk

