

APRIL 27, 2009

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD AT THE DWIGHT D. EISENHOWER SCHOOL ON GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY April 27, 2009 AT 6:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Councilman Batten Councilman McIntosh, Councilman Morris, Council President DiGangi, Mayor Magazzu

Also Present- Donafaye Zoll, Solicitor Charles Reibel Jr. Engineer Michael Laginestra, Zoning Officer, Michael McGee, Director Public Works, Lori Campisano, CFO, Michael Hayden, Chief of Police

Philip Norcross, Parker McCay, Bond Council
Bob Garrison, Garrison Architects
Joe Hartman Department of Corrections

Mayor Phyllis Magazzu opened the meeting. Chief of Police Michael Hayden gave out three awards to Police Officer Davis, Silvestro and Pumphrey for saving a residents life.

Deputy Clerk Catherine Underwood certified that a petition had been duly filed within the required 20 day frame with the proper number of signatures for Bond Ordinance 2009-2

Philip Norcross spoke about the petition and the options that can be taken from this point on with the petition committee and the Governing body. Philip also talked about the process of an election and the cost of that if a "Special Election" would occur, the cost would be \$15,000 dollars.

Bob Garrison talked about the locations of the Municipal Building and the cost for each location along with the square footage for each building and location.

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Phyllis commented that since the meeting on March 23rd there have been questions about the municipal building and that one of the concerns was that the public felt they were not informed enough. Mayor Magazzu apologized to the public and said that it was not done intentionally; we tried to inform the public through our quarterly newsletter and meetings and are here tonight to address any questions.

Bob Lightcap questioned the amount of money spent on the process of the municipal building.

Lori Campisano responded that the cost included studies, professional costs and appraisals.

Rick Tsonis asked why didn't anyone know the condition of the building before it collapsed and blamed the Mayor for putting the employees in danger.

Mayor Magazzu said that for years the Township had been fixing the building with the Township Engineer.

Councilman Morris responded by saying you being a police Chief in your Township would know all the safety aspects of a bullet proof vest because that is your profession, but your Mayor may not. So you just can't expect our Mayor to have known that this would have occurred, or to be on the roof of a building inspecting it.

Jim Lattimer asked if the Township could stay working in the condition that they are in now a little longer.

Mayor Magazzu responded that it was not safe for the Police department and that we are now having problems with our records and mold.

Jim Lattimer stated then we should move ahead with Gordon's.

Marion Bodanza asked Joe Hartman of the Department of Correction how much longer the Department of Correction would allow the police to work under these conditions.

Joe Hartman responded that he would not be able to answer that, until he could see the conditions.

Bob Daniels commented that the people on this committee are interested in the Municipal building and the raising of taxes that it would bring. Bob stated that he is very proud of his daughter in law.

Linda Fabrico stated that she did not agree with the gentleman's comment about the building, but thanked the Township and employees for great job they are doing.

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Terry Hertzberg commented that he has come to most of the Mayor and Council meetings and that on one occasion he was upset because the meeting had gone into closed session and felt the public should be included. Terry also stated, when any question were asked at a meeting the Mayor and Council had always answered. He also suggested that Mayor and Council push a little harder into doing Shared Services with Berlin Borough and open the lines of communication with them.

Councilman Morris agreed that Shared Services was what the Township was looking into whether with Berlin Borough or someone else.

Diana Horan questioned the cost of the Municipal building, when Hammonton just built a Municipal Building cheaper.

Chief of Police Hayden commented that he and Councilman Batten had gone to see the Building and that the building was too small and could not accommodate storage. Chief also stated that the figures for the building were much higher when building was completed.

Mary Soards commented that the Township needs to move on with Township building, and asked the committee members to withdrawl the petition they had filed.

Jean Rodrigues said that we need to let the Mayor and Council do their job and move on with the Municipal Building.

Joan Madera commented that she is an EMT for Berlin EMS and that she had a call to the Police Department. On this occasion they had to treat the patient outside the building because of safety issues.

Cathy Pantano asked the committee members to come forward and rescind the petition.

Greg Johnson stated that he wanted the Police department to move out of his neighborhood and wanted his senior citizens building back.

Sam Skyes said that this is the time that we need to come together as a town and unite with each other and move forward.

Andrew Tindell said that he did not sign the petition but would now, because of not being properly informed. Andrew comment about coming late and did not see presentation on Buildings. Bob Garrison handed Andrew a hard copy of the presentation.

Sharon Simpson spoke about the municipal building and stated she did not want the building back on Bate Avenue.

Steve Underwood stated that he had received a letter in the mail that stated if you have any questions to call this phone number. He had called the number and the Mayor had answered the phone. So you can easily access the Mayor at anytime.

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Eric Lucier stated that he had signed the petition but after this evenings meeting he would like it removed.

Andy Simone stated that as a town we voted these individuals in and now we have to trust our council members.

Mayor Magazzu stated that we would take a break for 10 minutes.

GOOD AND WELFARE #1

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

No other comments were to be heard.

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

DEPARTMENTAL REPORTS

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

None at this time.

B. ENGINEER'S REPORT

1. ECONOMIC STIMULUS PROGRAMS

a. FY2010 Appropriations Request Form:

On behalf of the Township, we submitted the request forms for the following projects, to Congressman Andrews' Office:

Priority 1- New Municipal Building
Amount Requested: \$ 4,993,107.00

Priority 2- Street Improvements Program
Amount Requested: \$ 2,100,000.00

b. N.J.D.E.P. 2009 Economic Recovery Program (KEI# 179BT3641):

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The Governing Body had decided that an application would not be submitted for the program.

c. N.J.D.O.T. Local Aid Infrastructure (Discretionary) Fund Request:

We had, recently, been informed that no Federal Stimulus funds will not be distributed, through the N.J.D.O.T., to the municipalities unless the road is a designated as a Federal road. A request was submitted for discretionary funds for the following streets:

- | | |
|---|------------------|
| 1) Katherine Avenue- Route 73 to the end | = \$1,077,000.00 |
| 2) Mt. Vernon Avenue- Minck Avenue to Franklin Avenue | = \$ 234,400.00 |
| 3) Hazel Avenue- Chestnut Avenue to Cushman Avenue | = \$ 189,300.00 |
| 4) Magnolia Avenue- Chestnut Avenue to Cushman Avenue | = \$ 170,135.00 |

The Mayor received a letter from the N.J.D.O.T. informing her that no discretionary funds were allotted for any of the requested streets.

2. N.J.D.O.T. FY2010 MUNICIPAL AID APPLICATION:

The N.J.D.O.T. has announced the acceptance of applications for street improvements, pedestrian safety improvements, bikeways and streetscapes. Applications must be passed by resolution and submitted to the N.J.D.O.T. Local Aid Office, electronically, by June 12, 2009.

The N.J.D.O.T. is limiting the number of applications. A maximum of two applications will be permitted for street improvements. Only one application will be permitted for each of the other categories. The N.J.D.O.T. also noted the key criteria, when they are reviewing applications, which are road condition, traffic volumes, safety and the performance of the municipality in awarding a contract and closing out the project for final reimbursement.

The N.J.D.O.T. also recommends that the municipality request and, then submit letters of support from local groups, especially for pedestrian safety and bikeway projects.

We strongly recommend that application(s) be submitted for, at least, street improvements. The Governing Body may want to consider applying for one or two of the streets, which discretionary funds were requested by the Township.

The Governing Body may want to consider submitting a pedestrian safety application for those improvements and equipment, which were

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previously requested along Franklin Avenue. We would be glad to submit a list of recommended projects.

3. N.J.D.O.T. TRANSPORTATION ENHANCEMENT GRANT PROGRAM:

The N.J.D.O.T. has announced the acceptance of applications for this program, which is being funded through the American Recovery and Reinvestment Act (ARRA). A total of \$19.5 million in funding is available. The deadline for the ELECTRONIC submission of the application is May 13, 2009.

The requested project must be "construction ready". All final construction documents, estimates, and related documents must be submitted by January 4, 2010. The projects must be authorized for funding by March 2, 2010. The funds are reimbursed by the N.J.D.O.T.

It is highly recommend that Letters of Support, from local organizations, be submitted with the application. We recommend that a public hearing also be held to demonstrate support for the project.

The following is a listing of the eligible categories:

- Provision of facilities for pedestrians and bicyclists
- Provision of safety and educational activities for pedestrians and bicyclists
- Acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs (including the provision of tourist and welcome center facilities).
- Landscaping and other scenic beautification
- Historic preservation, rehabilitation and operation of historic transportation buildings
- Structures and facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian and bicycle trails)
- Control and removal of outdoor advertising
- Archeological planning and research environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity establishment of transportation related museums.

Transportation Enhancement funds are to be used only for projects with a direct transportation relationship that enhance quality of life while reaching the greatest number of people.

4. SIDEWALK ALONG N.J.S.H. ROUTE 73, EVERGREEN AVENUE TO JACKSON ROAD, [N.J.D.O.T. FY 2008 AND FY2009 FUNDING - \$320,000.00]:

We are preparing the construction documents. The Pinelands Commission has informed us that we cannot include this project into the previous approval for

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the N.J.D.O.T. project. We are still trying to obtain any information regarding the stormwater management design for the N.J.D.O.T., in hopes of utilizing this information when submitting the applications to the N.J.D.O.T. and the Pinelands Commission.

5. LEASE/PURCHASE OF SENIOR CITIZENS BUS, (C.D.B.G. YEARS 30 AND 31 FUNDING- \$60,500.00+/-)

We are preparing the bid documents for the lease/purchase of the bus, utilizing the C.D.B.G. funds. The proposal will include bids for a gasoline, diesel, or liquid propane engine bus.

We expect to receive bids for review and consideration for action, by the Governing Body at the Council Meeting on May 18, 2009.

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

We have completed the construction plans and technical specifications for the site work and have submitted the documents to Garrison Architects.

We had commenced with the preparation of plans and specifications for lawn and irrigations system bids, but have postponed the preparation until we receive re-authorization from the Governing Body.

7. 2008 STREET IMPROVEMENT PROGRAM (KEI# 491BT0308)

The weather is now suitable for the Contractor to perform the corrective work. We have contacted the Contractor, DiMeglio Construction, and advised them to proceed. We anticipate finalizing the Contract this month.

8. HADDON AVENUE STREETSCAPE IMPROVEMENTS (KEI #430BT1104 & #431BT1104):

a. Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$200,000.00) (KEI #431BT0105):

As discussed, a request was submitted to Assistant Commissioner Sharon Shinkle-Gardner, Government/Community Relations and Communications for her assistance in obtaining the \$3,180.00 reimbursement.

We have contacted Ms. Shinkle-Gardner's Office to determine the status. They have advised our office that the Department has responded to the request. We question if the Township has received the correspondence. We are attempting to obtain a copy of the correspondence.

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- b. Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (FY2004 Transportation Enhancement Program and FY2005 SAFETEA-LU) (KEI #29-430BT1104):

We have, recently, been contacted by the N.J.D.O.T. Local Aid Office. They questioned if the Township would be interested in completing the entire project if they provided the respective funding, which they stated is \$850,000.00. The N.J.D.O.T. has, recently announced that there was additional funds, available through this program, since many applicants are still trying to obtain all necessary Federal and State approvals.

It is our understanding that there may be a bonding issue with the project. Therefore, we have forwarded figures to Ms. Campisano for her review, discussion with the Governing Body, and follow-up with our office, so we may advise the Department of the Governing Body's decision.

In addition, we forwarded an email to Mr. Arun Kumar, Project Engineer, N.J.D.O.T. Local Aid Office, questioning whether an arrangement could be made, whereas, the N.J.D.O.T. would approve and pay vouchers directly to the Contractor, after the Township approved the voucher. The Contractor would have to wait longer to receive payment, and the Township would not have to bond the construction. Mr. Kumar has not yet responded, noting that he would present the procedure to his director and accounting supervisor to determine if it would be feasible with a Federally funded project.

Upon receipt of a response we will advise the Governing Body.

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

The County Engineer has informed us that the Freeholders have allocated the funds for the project. As requested by the County Engineer, we have forwarded copies of the plans and specifications to him for submission to the N.J.D.O.T. Local Aid Office.

The Plans and Specifications have been submitted and as a result the Department has submitted comments requiring minor revisions to the plans and specifications. We are currently completing the required revisions and anticipate resubmission of the plans and specifications to the Department within the next two weeks.

We anticipate that the Freeholders will be bidding the project during the Spring/Summer of 2009.

10. IMPROVEMENTS TO THE INTERSECTION OF HADDON AVENUE AND FRANKLIN AVENUE:

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No update to report at this time.

11. MULTI-YEAR CAPITAL IMPROVEMENTS PROGRAM:

We must still issue the Engineer's Recommendation Report for the consideration for the selection of projects, by the Governing Body, in the future.

12. N.J.D.O.T. MATTERS

- a. Request to the Commissioner for the Reconsideration for a Traffic Signal at the Intersection of N.J.S.H. Route 73 and D'Angelo Drive:

The N.J.D.O.T. Commissioner has discussed the request with Mayor Magazzu. I have received a letter from N.J.D.O.T. Commissioner Dilts noting that they maintain their position of denial of the traffic signal at the intersection.

- b. Planting of Trees Along the Rear of the Retail Center, Along the N.J.D.O.T. Ramp, Connecting Oak Avenue to Taunton Avenue (KEI484BT0108):

I had sent a letter, in February, to the owners of the shopping center, requesting that they contact the N.J.D.O.T., regarding this matter. I have sent another letter, requesting the same.

- c. Request for No U-Turn at Median Opening Along Route 73 at the Proposed Driveway for the Golden Corral Restaurant:

I have requested, from the N.J.D.O.T., a status of the application for the Highway Access Permit and their consideration for the request by the Township. To date, I have not received any response from the N.J.D.O.T.

13. DELAWARE VALLEY REGIONAL PLANNING COMMISSION (DVRPC) ROUTE 73 CORRIDOR STUDY:

On March 26, 2009, the DVRPC held a meeting to present their preliminary recommendations for the corridor of the highway. If no representative from the Township was present at the meeting, I will request a brief summary of their presentation, specifically for the portion, within Berlin Township.

14. CAMDEN COUNTY OPEN SPACE, ROUND 10 APPLICATION (KEI #487BT0208):

Last year, the Township submitted an application for the following projects:

- | | | |
|----|---|---------------|
| a. | Re-coating of the hockey court at Robert T. Clyde Memorial Park | = \$26,070.00 |
| b. | Terraced amphitheater at Luke Avenue Recreation Complex | =\$385,000.00 |

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- c. Lawn irrigation system for the multi-purpose field at the Robert T. Clyde Memorial Park = \$ 41,000.00

Typically, funding is limited to \$25,000.00.

It is our understanding that the open space committee is reviewing applications for Round 10 funding, which should be announced in the Spring/Summer of this year. If the Governing Body wishes to push for the funding, I recommend that members of the Governing Body contact the Freeholders to express their interest in receiving these County funds.

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

The C.C.M.U.A. Commissioners and the Governing Body have passed resolutions, authorizing the agreement for the conditional increase of 200,000 gallons per day of sanitary sewer allocation.

It is important that the Camden County Municipal Utilities Authority continue to request the amendment to the Wastewater Quality Management Plan to allow for the permanent increase in allocation. The current requests is for an additional 225,000 gpd.

It is anticipated that a development application will be submitted for the Pinedge III Single Family residential development, in the near future. The C.C.M.U.A. representative had stated that the above mentioned, temporary allocation will limit residential developments to a maximum of 50 dwelling units for any residential development. Therefore, I recommend that the Township Officials continue to push the C.C.M.U.A. for the permanent increase in the allocation.

16. BERLIN TOWNSHIP WATER ALLOCATION AND CONNECTIONS FOR NEW DEVELOPMENTS:

At the last Council Meeting, the Governing Body directed Ms. Zoll, Esq. to send a letter to the Governing Body for Berlin Borough, requesting a status of the resolution of the matter with the N.J.D.E.P.

The current N.J.D.E.P. restriction will affect all future developments by limiting residential developments to 15 dwelling units and non-residential developments to, I believe, 6,000 gpd of water usage, until the restriction is lifted.

17. PERFECTION OF THE SUBDIVISION FOR THE LUKE AVENUE RECREATION COMPLEX AND P.S.E.G. PROPERTIES:

The Planning Board is scheduled to pass the resolution, extending the approval of the subdivision, at their meeting on April 28, 2009.

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18. MUNICIPAL STORMWATER PERMIT:

The N.J.D.E.P. has renewed the permit for another five-year period. As part of the permit renewal the Township is required to amend the Stormwater Pollution Prevention Plan (SPPP) and the Yard Waste Ordinance.

The Township must, also, adopt a Private Catch Basin Retrofitting Ordinance and Refuse Container Ordinance (for those dumpsters and containers which are outdoors and exposed to stormwater).

There are several Best Management Practices (BMP's), employee training, and public education procedures, which must be revised.

The N.J.D.E.P. is requiring that all ordinances be adopted and the SPPP revised by June 1, 2009.

Mr. McGee must submit the Annual Report and Certification by May 2, 2009.

I believe that Mr. McGee will be scheduling a meeting with the Stormwater Committee to discuss the proposed changes and additions to the regulations.

We would be glad to assist the Township in whatever capacity, which is determined to be necessary.

19. MONTEBELLO AGE-RESTRICTED DEVELOPMENT (KEI#29-104BT):

The developer had requested that the Township permit the delay of the excavation of the portion of the lake, below the proposed water level, due to current financial difficulties, which they are experiencing with the economic conditions. The Planning Board was agreeable to this request as long as the construction was covered by a bond and the work was completed by July 2010, before the expiration of the respective N.J.D.E.P. permit.

20. STATE LEGISLATION

a. Recreation Fee

It is my understanding that the Supreme Court will make a decision regarding this matter in the Summer of 2009.

b. Freeze on the Collection of the 2.5% Non-Residential Development Fee for Affordable Housing:

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The Senate has passed the bill. It is my understanding that the Assembly Housing and Local Government Committee have released their findings and the Assembly Speaker is reviewing the matter.

c. Permission of the Conversion of Age-Restricted Housing Units to Non-Restricted Housing Units (S2577/A3772):

On March 16, 2009, the legislation was passed by both Houses, which allows for the conversion of age-restricted housing developments to market rate units, under certain conditions. The following is a summary of some of those conditions:

- a. Preliminary or Final approval had to be granted
- b. The developer is not holding a deposit or has not conveyed any dwelling units, within the development
- c. The developer will provide up to 20% of the units as affordable housing units
- d. No use variance will be required for the conversion
- e. Applications for the conversion of the units shall address conformance with the N.J.R.S.I.S., recreational needs will be met, the water supply and capacity of sewer is adequate, additional parking will be provided, if necessary, the impervious area for additional parking cannot increase the impervious surface by more than one percent or the stormwater management system shall be redesigned, the size of the buildings shall not be increased, and there will be no Planning Board application fees.

d. Permitting Certain Solar and Wind Facilities within the Industrial Zones (S1299/A2550):

On March 3, 2009, both Houses had passed the legislation that allows renewable energy facilities on industrial zoned lands, on 20 or more contiguous acres, owned by the same party.

e. Requirement for Builders to Offer an Option for Solar Panels:

On March 31, 2009, Governor Corzine signed bill A1558/S2265. This legislation requires builders, constructing developments of 25 or more units, to offer an option for solar panels, when it is determined to be "technically feasible".

f. Inclusion of Facilities Supplying Electrical Energy from Wind, Solar, Photovoltaic Technologies as "Inherently Beneficial Uses" (S1303/A3062):

Both Houses have passed the legislation, designating these facilities and structures as "inherently beneficial uses". Therefore, they presumptively satisfy the positive criteria to grant a "d" variance, regardless of whether it is a principal use, part of a principal use, or an accessory use or structure.

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g. Charitable Solicitation on Roadways:-

Effective April 6, 2009, charitable organizations must obtain approval from the Governing Body, via the adoption of an ordinance (the passage of a resolution is not acceptable). The Governing Body cannot authorize a charitable solicitation along a County Road or intersection thereof until the Freeholders have granted approval.

Charitable Solicitations cannot be made on State highways or intersections thereof until the ordinance is adopted and the N.J.D.O.T. has issued an approval. In the case of a State highway, the ordinance must authorize the Police Chief, or whomever is responsible for municipal police services, to sign the N.J.D.O.T. permit. The ordinance must also state that the municipality has consulted with the Police Chief, or person responsible, and that they will be responsible for supervising the solicitation and enforcing the terms of the permit.

21. FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) REVISION TO FLOOD DAMAGE PREVENTION ORDINANCE (F.D.P.O.):

Recently, the N.J.D.E.P. has issued a letter to the Municipal Flood Plain Management Coordinator, which provides assistance to municipalities, regarding further amendment of the ordinance to reference the Flood Insurance Rate Map Panel numbers and other information. A draft copy of the ordinance is required to be submitted to the N.J.D.E.P. by March 24, 2009. Once adopted, two copies of the signed and sealed amendment must be sent to the N.J.D.E.P.

If the Township has received the correspondence, we would be glad to assist the Township in whatever capacity, which is determined to be necessary.

22. AMENDMENTS TO TREE PROTECTION ORDINANCE:

I believe that Council President DiGangi is preparing a listing of discussion items and Ms. Underwood is obtaining a copy of the Voorhees Township Ordinance.

Should you have any questions or comments in regard to the contents of this report, please contact me at this office.

SOLICITORS REPORT

1. Water Agreement with Berlin Borough
2. Increase Sewer Allocation Buildout
3. Vacation Portion Kelley Drive
4. New Municipal Building
5. Verizon Peg Channel
6. C & M Auto Repair

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7. Richard Winans V. Berlin Township Walt Shendock
8. Salahuddin Smart V. Police Officer
9. Nancy Anderson V. Berlin Township
10. Shehata Ibrahim V. Berlin Township
11. Carol Winn
12. Tax Foreclosures
13. 2009 Real Estate Tax Appeal
14. Clothing Donation Bins

PROCLAMATION "Day of Prayer"

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

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

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made "the Laws 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 prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing from 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 7, 2009** 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 7th day of May, 2009

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SECOND READING AND PUBLIC HEARING ORDINANCE 2009-4 AMENDING CHAPTER 87 OF THE CODE OF THE TOWNSHIP OF BERLIN CAPTIONED "PEACE AND GOOD ORDER".

WHEREAS, it has come to the attention to the Governing Body of the Township of Berlin that a portion of the Township Ordinance regarding prohibited conduct should be repealed pursuant to provisions of New Jersey state law.

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 87, Article I, '87-2A(1) is hereby repealed. A new '87-2A(1) is hereby adopted as follows:

A(1) Be disorderly in any public omnibus, street, highway or thoroughfare or on any public sidewalk or in any store, restaurant, park or other public or quasi-public place or conveyance to the annoyance of any person.@

SECTION 2: Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause or phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

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

SECTION 4: This Ordinance shall take effect twenty (20) days following adoption and publication as required by law.

Motion by Councilman Batten, second by Councilman Morris to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2009-4. There were no requests to be heard. Motion by Councilman Batten, second by Council President DiGangi to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman Batten, second by Council President DiGangi to adopt Ordinance 2009-4. Ordinance adopted by call of the roll, five members present voting in the affirmative.

SECOND READING AND PUBLIC HEARING ORDINANCE 2009-5 AMENDING CHAPTER 129 OF THE CODE OF THE TOWNSHIP OF BERLIN TITLED "ZONING"

WHEREAS, in order to clarify the intent of the requirement for set back limits for swimming pools, the Governing Body desires to amend its current ordinance so as to exclude certain smaller structures from the set back requirements.

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NOW, THEREFORE, BE IT ORDAINED, by the Mayor and the Township Council of the Township of Berlin, that Chapter 129 of the Code of the Township of Berlin, titled "Zoning" is hereby amended as follows:

SECTION 1: Article IV, §129-18.2(B) is hereby repealed and replaced with the following:

"B. Setbacks. In all zones, all swimming pools, spas and hot tubs containing 24 inches (610 millimeters) or more of water in depth at any point shall be set back so that the water's edge of the swimming pool, spa or hot tub is at least 10 feet from all adjacent property lines. Further, any concrete or other type of pavement surrounding any such swimming pool shall be set at least six feet from all adjacent property lines."

SECTION 2: Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause or phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

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

SECTION 4: This Ordinance shall take effect twenty (20) days following adoption and publication as required by law.

Motion by Councilman Batten, second by Council President DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2009-5. There were no requests to be heard. Motion by Councilman Batten, second by Councilman Morris to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman Batten, second by Council President DiGangi to adopt Ordinance 2009-5. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2009-6 AMENDING
CHAPTER 79 OF THE CODE OF THE TOWNSHIP OF BERLIN CAPTIONED
"LICENSED OCCUPATIONS"**

WHEREAS, the Governing Body of the Township of Berlin seeks to protect the Township's resources and provide compensation for the additional use of Township services provided to certain types of businesses within the Township; and

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WHEREAS, the Governing Body has determined that it is therefore appropriate in certain circumstances to levy a fee to be paid by the users or owners of particular types of businesses within the Township which are primarily of an entertainment nature; and

WHEREAS, the Governing Body has determined an amount of the fee to be charged in the first instance, with the intent to review the amount of the fee on an annual basis so that protection of the Township's resources may be assured.

NOW, THEREFORE, be it ORDAINED, by the Mayor and the Township Council of the Township of Berlin, as follows:

SECTION 1: Article I, Chapter 79, is hereby amended to include the following sections:

§79-18A Additional fee for certain types of businesses.

There is hereby established an additional fee which shall apply to all businesses whose nature is primarily recreation and entertainment, including but not limited to movie theaters, any business of any type or park of any type charging an admission fee for use of the facilities or premises, and all businesses which are classified as a Recognized Amusement Park as defined in section 37-12 of this Code. It shall be the responsibility of the owner or operator of the business to remit to the Township the sum of 1% of the amount of the gross ticket sales (e.g. \$1.00 for every \$100.00 of ticket sales) sold for use of or admission to the facilities or premises. Such fees shall be remitted to the Township on at least a quarterly basis, and shall be due no later than the first day of the first, fourth, seventh and tenth months of the calendar year. The owner shall also provide to the Township documentation reflecting the gross ticket sales during the applicable quarter for which the fee is remitted. Upon reasonable request by the Township, the owner or operator of the business shall permit Township representatives to audit the documentation provided to confirm ticket sales.

SECTION 2: Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause or phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

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

SECTION 4: This Ordinance shall take effect twenty (20) days following adoption and publication as required by law.

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Motion by Councilman 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 2009-6. There were no requests to be heard. Motion by Councilman Morris, second by Council President DiGangi to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman Batten, second by Council President DiGangi to adopt Ordinance 2009-6. Ordinance adopted by call of the roll, five members present voting in the affirmative.

FIRST READING ORDINANCE 2009-7 AMENDING CHAPTER 101 OF THE CODE OF THE TOWNSHIP OF BERLIN CAPTIONED "STORMWATER MANAGEMENT"

WHEREAS, the Township of Berlin has reviewed its ordinances regarding disposal of waste and stormwater system connections, as well as its ordinances with respect to the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, in accordance with directives issued by the New Jersey Department of Environmental Protection; and

WHEREAS, the Township has determined that it is necessary to adopt certain additional Ordinances to address these issues, so as to protect the health, safety and welfare of the citizens of the Township of Berlin.

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 101, entitled "Stormwater Management", is hereby amended to include the following Articles:

**Article III
Refuse Containers/Dumpsters**

101-10. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Berlin or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

PERSON any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

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REFUSE CONTAINER B any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

STORMWATER B means water resulting from precipitation (including rain and snow) that runs off the land=s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

WATERS OF THE STATE B means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

101-11. Prohibited Conduct.

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not

leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Berlin.

101-12. Exceptions to Prohibition.

The following are exceptions to 101-11:

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers.
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

101-13 Enforcement.

This ordinance shall be enforced by the Berlin Township Police Department and/or the Property Maintenance Officer of the Township of Berlin.

101-14. Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$25 for the first offense. For a second or subsequent offense the fine shall not exceed \$100.

Article IV

Retrofitting of Storm Inlets on Private Property

101-15. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word **shall** is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)B a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Berlin or other public body, and is designed and used for

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collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

PERSON B any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORM DRAIN INLET- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

WATERS OF THE STATE B means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

101-16. Prohibited Conduct.

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

A. Already meets the design standard below to control passage of solid and floatable materials; or

B. Is retrofitted or replaced to meet the standard in Section 101-17 below prior to the completion of the project.

101-17. Design Standard.

Storm drain inlets identified pursuant to this Article shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, A solid and floatable materials@ means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 101-17(C) below.

A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more

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clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

C. This standard does not apply:

(1) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

b. A bar screen having a bar spacing of 0.5 inches.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1@) spacing between the bars; or

(4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-

7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

• **101-18. Enforcement.**

This ordinance shall be enforced by the Berlin Township Police Department and/or the Stormwater Management Officer of the Township of Berlin.

• **101-19. Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$2,000 for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION 2: Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause or phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

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

SECTION 4: This Ordinance shall take effect twenty (20) days following adoption and publication as required by law

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Ordinance 2009-7 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-94 AUTHORIZING REFUND OF SEWER FUNDS FOR BLOCK 286 LOT 4, JEAN & RICHARD PENNIE

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WHEREAS, an agreement was made between the Township of Berlin and the Township of Voorhees to allow certain properties to connect into the Berlin Township sewer system, and;

WHEREAS, the above mentioned parcel was the LAST EDU permitted to connect from Voorhees, and;

WHEREAS, the owner was not able to install what was needed by Voorhees Township, and;

WHEREAS, on September 11, 2008, a connection fee was paid to secure the last EDU in the amount of \$2,186.00 and a refund has been requested by the owner, so;

NOW THEREFORE, BE IT RESOLVED that a refund be made in the amount of Two Thousand, One Hundred, Eighty Six dollars (\$2,186.00) to:

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-94. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-95 AUTHORIZATION TO HOLD ACCELERATED TAX SALE

2008/2009 FISCAL YEAR TAX
2008/2009 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 23rd day of June, 2009 at 10:00 AM at the FOP Hall located at 235 Pine Avenue in West Berlin, NJ 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

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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 23rd, 2009, 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 Batten, second by Council President DiGangi to adopt Resolution 2009-95. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-96 SETTING COSTS OF MAILING NOTICES OF TAX SALE
N.J.S.A. 54:5-26

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 collected in order for the property to be removed from said tax sale along any advertising costs incurred and all and any delinquencies and interest due.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-96. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-97 RESOLUTION CERTIFYING RECYCLING TAXES PAID FOR
CALANDAR YEAR 2008 PURSUANT TO P.L.2007. CHAPTER 311

WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

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WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that the Township of Berlin hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2008 in the amount of \$3,866.73. Documentation supporting this submission is available at 170 Bate Avenue, West Berlin, NJ 08091 and shall be maintained for no less than five years from this date.

Tax reimbursement certified by: Lori A. Campisano, Chief Financial Officer, 4/15/09

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2009-97. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-98 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948)

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

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

WHEREAS, the Chief Financial Officer has certified that the Township has received a Clean Communities Grant from the Department of Environmental Protection for \$7,909.12;

BE IT FURTHER RESOLVED that a like sum of \$7,909.12 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Clean Communities Grant	\$7,909.12

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

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Motion by Councilman Morris, second by Council President DiGangi to adopt Resolution 2009-98. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-99 RESOLUTION OF CONCURRENCE WITH THE AGREEMENT TO AWARD OF CONTRACT TO SWIFTREACH NETWORKS, INC. FOR THE PURCHASE OF AN "EMERGENCY NOTIFICATION SYSTEM" IN ACCORDANCE WITH THE COOPERATIVE BID AWARDED BY THE COUNTY OF CAMDEN

WHEREAS, the County of Camden, as the lead agency for the Camden County Cooperative Pricing System, in which Berlin Township is a member, system identifier #57-CCCPS (Cooperative), received and opened bids at its Division of Purchasing on September 10, 2008 at 2:00 p.m., Prevailing Time, Bid A-58, Emergency Notification System for the Camden County Department of Public Safety under the Camden County Cooperative Pricing System, the receipt of which bids were duly advertised in accordance with law; and

WHEREAS, Swiftreach Networks, Inc., is the lowest responsible bidder who complied with the specifications, bid the sum of Sixty-Six Thousand Dollars (\$66,000.00) of which the cost to the Township of Berlin is Zero (\$0.00); and

WHEREAS, by resolution adopted on September 18, 2008, the Camden County Board of Chosen Freeholders awarded contracts for Camden County's needs and participating municipalities in the Cooperative, under the aforementioned bid to Swiftreach Networks, Inc; and

WHEREAS, the bid specifies that the Township of Berlin may contract with Swiftreach Networks, Inc. for non emergency services notifications as proposed by the company at its own cost; and

WHEREAS, the term of the contract awarded shall be for the period October 3, 2008 to September 25, 2009; and

WHEREAS, funding for the non emergency services notification for this purpose shall not exceed the maximum budgeted line items for Mayor and Council Other Expenses in the temporary and/or permanent SFY 2009 and SFY 2010 budgets and shall be encumbered in accordance with N.J.A.C. 5:34-5.3(b)(2); and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Township concurs with the emergency notification system award to Swiftreach Networks, Inc. pursuant to Camden County Bid A-58, Emergency Notification System for the period of October 3, 2008 to September 25, 2009 and that the Township may contract with Swiftreach Networks, Inc. for non emergency notifications as proposed by the company at its own cost.

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Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-99, Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009- 100 RESOLUTION AUTHORIZING THE PURCHASE OF ITEMS FROM VENDORS WITH STATE CONTRACTS IN EXCESS OF BID THRESHOLD DURING SFY 2009

WHEREAS, the Township of Berlin may, pursuant to N.J.S.A.40A:11-12, purchase materials, supplies and equipment under contracts entered into on behalf of the State of New Jersey by the Division of Purchases and Property in the Department of the Treasury; and **WHEREAS**, purchases under the aforesaid State Contracts may be made by the Township without the necessity of advertising for bids or may be made in cases where advertisements for bids have produced either no bids or have produced rejected bids; and

WHEREAS, the following purchases were made or will be made during SFY2009 in excess of the bid threshold:

CONTRACT#	VENDOR	ITEM	DATE OF EXPIRATION
1. A72467	Winner Ford	2009 Ford Crown Vic.	9/10/09

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby formally authorize the above purchases be available under State Contract, to the Township pursuant to N.J.S.A. 40A:11-12.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-100, Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-101 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH IKON OFFICE SOLUTIONS FOR LEASING A DIGITAL COPIER MACHINE FOR THE POLICE DEPARTMENT IN ACCORDANCE WITH STATE CONTRACT

WHEREAS, The State of New Jersey, Division of Purchasing, has awarded a contract to Ikon Office Solutions for leasing of a digital copier machine; and **WHEREAS**, the Township of Berlin wishes to lease a digital copier machine for the Police Department in accordance with the State Contract 64039 awarded to Ikon Office Solutions for a price of \$79.10 per month for 48 months as permitted by N.J.S.A. 40A:11-15; and **WHEREAS**, funds are available as set forth on the attached Certification from the Township Chief Financial Officer; and **WHEREAS**. In accordance with N.J.S.A. 40A:11-15 the lease agreement contains a clause making it subject to the availability and appropriation made annually of sufficient funds as required to meet the extended obligations as well as an annual cancellation clause; and

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BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor be and is hereby authorized to sign the lease agreement with Ikon Office Solutions in accordance with State Contract 64039 for \$79.10 per month for 48 months.

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2009-101, Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-102 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH IKON OFFICE SOLUTIONS FOR LEASING A DIGITAL COPIER MACHINE FOR THE PUBLIC WORKS DEPARTMENT IN ACCORDANCE WITH STATE CONTRACT

WHEREAS, The State of New Jersey, Division of Purchasing, has awarded a contract to Ikon Office Solutions for leasing of a digital copier machine; and

WHEREAS, the Township of Berlin wishes to lease a digital copier machine for the Public Works Department in accordance with the State Contract 64039 awarded to Ikon Office Solutions for a price of \$79.10 per month for 48 months as permitted by N.J.S.A. 40A:11-15; and

WHEREAS, funds are available as set forth on the attached Certification from the Township Chief Financial Officer; and

WHEREAS. In accordance with N.J.S.A. 40A:11-15 the lease agreement contains a clause making it subject to the availability and appropriation made annually of sufficient funds as required to meet the extended obligations as well as an annual cancellation clause; and

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor be and is hereby authorized to sign the lease agreement with Ikon Office Solutions in accordance with State Contract 64039 for \$79.10 per month for 48 months.

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2009-102, Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-103 **Payment of Bills April 27, 2009**

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
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Camden County Div Health	Dog Trust	1,731.40
Camden County Div Health	Dog Trust	865.73
Camden County Animal Shelter	Dog Trust	440.00
Robert E DePersia	Municipal Public Defender	675.00
Robert E DePersia	Municipal Public Defender	300.00
John Iannelli	Municipal Public Defender	900.00
David F. Carlamere	Planning Board Esc #349	90.00
	Planning Board Esc #350	90.00
KEI Associates	Planning Board Esc #346	1,072.50

CONFIRMING

Treasurer, State of NJ	Dog Trust	43.20
Bank of America	04-219-55-880-00000	1,854,000.00
	04-164-05-880-00000	42,338.67
Brilliant Lewis Environmental	04-216-55-861-08041	2,400.00
S&H Electrical	04-215-55-860-07094	530.00
C,Construction Consultants	01-201-41-727-2105	1,610.00
	01-213-85-029-3000	50.00
Hights Farm Equipment	01-163-05-010-3000	2,500.00
JCLS Mechanical	01-297-55-020-3000	650.00
	01-213-85-029-3000	6,500.00
	01-213-85-029-3000	5,800.00
PostMaster,West Berlin	01-201-20-120-2022	349.76
	01-201-20-120-2022	180.00
	01-201-20-120-2022	597.41
	01-201-20-120-2022	597.41
	01-201-20-110-2120	349.76
Karen Snyder	01-201-41-705-2105	5,000.00
William Austin Builders	01-201-85-029-3000	13,141.00
	01-201-41-705-2105	1,950.00
PFRS	01-201-36-475-2167	322,636.00
PERS	01-201-36-471-2165	114,545.00
	01-168-05-010-3000	12,000.00
NJ State Health	01-201-23-220-2092	12,285.47
	01-201-23-220-2092	41,042.07
Payroll, Current Fund		3/5/2009 58,734.34
Payroll, Sewer		3/5/2009 5,121.93

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Payroll, Current Fund	3/12/2009	62,432.73
Payroll Sewer	3/12/2009	5,423.84
Payroll, Current Fund	3/19/2009	58,805.21
Payroll, Sewer	3/19/2009	4,802.32
Payroll, Current Fund	3/26/2009	84,567.18
Payroll, Sewer	3/26/2009	10,539.57

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2009-103, Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-104 AUTHORIZING THE MAYOR TO SIGN AGREEMENTS BY AND BETWEEN THE COUNTY OF CAMDEN, DEPARTMENT OF PUBLIC SAFETY AND THE TOWNSHIP OF BERLIN FOR ACCESS TO THE COUNTY'S ARMORED VEHICLE FOR CERTAIN CRITICAL INCIDENTS.

WHEREAS, it is the intent of the Count of Camden, Department of Public Safety, Office of Emergency Management to procure by public bid an armored vehicle through Homeland Security Funding for use by the County and County municipalities in responding to certain emergencies and critical incidents warranting such use; and

WHEREAS, in order to ensure appropriate and optimum use of such equipment, the County Camden and the various municipalities desire to set forth the rights, duties, and obligations between and among the parties hereto; and

WHEREAS, N.J.S.A 40a:65-1 et seq. "Uniform Shared Service Consolidation Act" permits two local units to enter into a contract for any service which any party to the agreement is empowered to render within its jurisdiction: and

WHEREAS, the County and the municipalities agree that their mutual public purposes and their best interest will be promoted by the execution and delivery of this Shared Services Agreement pursuant to the powers conferred by the Uniform Shared Services and Consolidation Act, therefore,

BE IT RESOLVED by the Board of Chosen Freeholders of the County of Camden that, pursuant to N.J.S.A. 40A:65-1 et seq. the proper County Officials be and are hereby authorized to execute Shared Service Agreement between the County of Camden and the various municipalities who will be accessing and utilizing the County's armored vehicle for certain critical incidents.

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Motion by Councilman Batten, second by Councilman McIntosh to adopt Resolution 2009-104, Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-105 AUTHORIZING THE MAYOR TO SIGN APPLICATION FOR SOIL EROSION AND SEDIMENT CONTROL PLAN CERTIFICATION FOR ROADWAY IMPROVEMENTS AND TRAFFIC SIGNALIZATION FOR COOPER ROAD AND TAUNTON AVENUE.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized and directed to sign the application for soil erosion and sediments control plan certification for roadway improvements and traffic signalization for Cooper Road and Taunton Avenue.

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2009-105, Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-106 RESOLUTION AUTHORIZING THE MAYOR TO SIGN FORM FOR NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR ROADWAY IMPROVEMENTS AND TRAFFIC SIGNALIZATION FOR COOPER ROAD AND TAUNTON AVENUE.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized and directed to sign for the New Jersey Pollutant Discharge Elimination System Form.

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2009-106, Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-107 RESOLUTION AUTHORIZING MAYOR TO SIGN AGREEMENT WITH ATLANTIC CITY ELECTRIC

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized and directed to sign an agreement with Atlantic City Electric for street lights to be placed on Montebello Drive, West Berlin N.J.

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2009-107, Resolution adopted by call of the roll, five members present voting in the affirmative.

BUSINESS LICENSES

APRIL 27, 2009

- 1) **Pernanco Inc**, Anthony Perna, 465 Taunton Avenue, Asbestos Removal Company
Motion by Councilman Batten, second by Councilman Morris to approve new business license for Pernanco Inc. License approved by call of the roll, five members present voting in the affirmative.
- 2) **Precision Specialist Machine**, Richard W. Bottoni, 1004 Industrial Drive, Machining of metal and plastic parts. Motion by Council President DiGangi, second by Councilman Batten to approve new business license for Precision Specialist Machine. License approved by call of the roll, five members present voting in the affirmative.
- 3) **Jackson Road Valero**, Parminder Singh, 898 Route 73, retail gasoline.
Motion by Councilman Batten, second by Councilman Morris to approve new business license for Jackson Road Valero. License approved by call of the roll, five members present voting in the affirmative.
- 4) **Zero Waste**, Elizabeth Ann Gilas, 424 Commerce Lane, Property management supplies wholesaler. Motion by Council President DiGangi, second by Councilman Batten to approve new business license for Zero Waste. License approved by call of the roll, five members present voting in the affirmative.

CONSENT AGENDA

Motion by Councilman Morris, second by Councilman Batten 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 Batten , second by Councilman Morris to receive and file the correspondence calendar for March 2009. Motion carried by voice vote, all present voting in the affirmative.

APPROVAL OF MINUTES FOR MARCH 23, 2009

Motion by Councilman McIntosh, second by Council President DiGangi to approve the minutes of March 23, 2009. Motion carried by voice vote, four present voting in the affirmative, one abstained.

APPROVAL OF MINUTES FOR APRIL 6, 2009

Motion by Councilman Batten, second by Councilman McIntosh to approve the minutes of April 6, 2009. Motion carried by voice vote, all present voting in the affirmative.

GOOD AND WELFARE #2

APRIL 27, 2009

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

No other comments were to be heard.

Motion by Councilman Batten, second by Council President DiGangi 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 FOR DISCUSSION

No other business to be heard.

ADJOURNED

Motion by Councilman Batten, second by Councilman Mc Intosh to adjourn the meeting at 10:00 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 10:00 pm

Jamey Eggers, Township Clerk

APRIL 27, 2009