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BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD IN THE CONFERENCE ROOM OF THE SCHOOL BOARD ADMINISTRATIVE BUILDING, 225 GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY, APRIL 28, 2008 AT 6:30 P.M.

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

All in attendance joined in the Salute to the Flag

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

Also Present- Lori Campisano, CFO; Solicitor, Donafaye Zoll; Michael Hayden, Police Chief; Michael McGee, PW Director; Mike Laginestra, Zoning Officer

Absent - Engineer, Charles Riebel, Jr.

GOOD AND WELFARE #1

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

Mr. Hertzberg at 202 Lucas Avenue asked if there would be a tax assessment on our properties this year.

Mayor Magazzu stated that there would not be a tax assessment this year.

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

DEPARTMENTAL REPORTS

ENGINEERS REPORT

1. 2008 STREET IMPROVEMENT PROGRAM:

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

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

- a. Hazel Avenue – Chestnut to Second
- b. Elm Avenue – Cushman to Chestnut
- c. Larch Avenue – Chestnut to Cushman

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

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

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

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

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

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

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

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

3. HADDON AVENUE STREETScape IMPROVEMENTS (KEI #430BT1104 & #431BT1104):

- a. **Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$200,000.00) (KEI #431BT0105):** Asphalt Paving Systems has completed the project. The Governing Body accepted the project at the Council Meeting of February 25, 2008.

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

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

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

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

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

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

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

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

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

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

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

At a meeting on March 27, 2008, the County Engineer and their consultant presented additional options for possible improvements, to Township Officials. The Township Officials recommended that additional alternatives be considered.

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

8. SAFE ROUTES TO SCHOOLS PROGRAM:

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

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

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

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

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

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

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

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

The N.J.D.O.T. has suggested alternative solutions. After internal meetings between the N.J.D.O.T. and their consultant, in July 2007, it was determined that a traffic signal will not be considered at the intersection of D'Angelo Drive and the selected alternatives would be submitted to the Township.

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

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

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

- b. Concept B – Local Road Jughandle.

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

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

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

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

- c. Concept C – Forward Jughandle.

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

A street, parallel to and east of Route 73 would be constructed, connecting D'Angelo Drive with Commerce Lane and E. Franklin Avenue. Access to and from E. Franklin Avenue would be restricted to this interconnecting street. The exit lane of Commerce Lane, at Route 73 will be eliminated, allowing only a right turn entrance.

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

d. Concept D – Relocate Signalized Intersection.

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

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

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

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

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

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

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

The N.J.D.O.T. Scope Team felt that, although the concept "would be operationally acceptable, it is not preferable and could be confusing to motorists since it is not a widely implemented lane configuration through New Jersey.

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Therefore, they eliminated this concept" due to safety concerns associated with driver expectancy. In addition, the concept may require right-of-way acquisition and contain utility conflicts.

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

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

- b. **Request to N.J.D.O.T. for Payment of Additional Inspection Costs for Sanitary Sewer Work:** We have forwarded the voucher to the New Jersey Department of Transportation for review. However, they have returned the voucher to our office, stating that we must break the voucher into two separate vouchers and submit them to two different departmental offices. We have prepared these vouchers and forwarded them to Ms. Campisano for endorsement.

- c. **Landscape Screening Along the N.J.D.O.T. Ramp Between Oak and Taunton Avenues:** The N.J.D.O.T. and property owner have agreed to the planting of twelve, six feet high Spruce trees on the strip store property. The property owner has requested an on-site meeting with the N.J.D.O.T. representative to discuss the marking of the exact location of the trees for his formal approval. I am attempting to schedule this on-site meeting.

- d. **FY2009 Municipal Aid Applications:** The N.J.D.O.T. has announced the acceptance of applications for street improvements, traffic signals, pedestrian and bikeways and streetscapes. The deadline for submission of applications is June 20, 2008. The applications must be filed, electronically with the N.J.D.O.T. We recommend that the Governing Body consider selecting the project(s) and passing the respective resolution(s). Possible projects could be:
 - a. Phase 2 – Sidewalk along Route 73 Northbound
 - b. McClellan Avenue Street Improvements
 - c. Sidewalk along Grove Avenue

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

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

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

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

No update to report.

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

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

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

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

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

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

We will be submitting the application within the next week.

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

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

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

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

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

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

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

18. MEETING WITH BERLIN BOROUGH PLANNING BOARD:

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

19. PINELANDS MAINTENANCE AGREEMENT WITH CURRENT DEVELOPERS:

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

20. REQUEST FOR SANITARY SEWER EXTENSIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SOLICITOR'S REPORT

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

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12. Tax Foreclosures - All updated searches have been received, and the amended Complaint to include the Keys property has been filed and distributed. The final notices to all property owners will be mailed this week. The property owners will have 45 days to respond. Failure to respond will result in a judgment of foreclosure being entered against them. Once judgment is entered, the Township may proceed with a sale of the property.

PUBLIC WORKS DEPARTMENT

Michael McGee, Director of Public Works reported that the tax trailer and Land Use trailer both have problems with formaldehyde and mold problems. The County HAZMAT also tested the Police trailer and Court trailer and both had levels above the DEP regulations for formaldehyde. The provider of the trailers, William Scottsman, will replace the trailer and cover the cost including the wiring for phone and computer systems

POLICE DEPARTMENT

Michael Hayden, Police Chief reported that Officer Gramley did a great job putting together a "Summer Boot Camp" program for the 7th and 8th grade school students

ZONING DEPARTMENT

Michael Laginestra reported that the permits are picking up now that its spring. Notices have gone out for high grass and property maintenance issues.

SECOND READING AND PUBLIC HEARING OF BOND ORDINANCE 2008-7 BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS PIECES OF EQUIPMENT IN AND FOR THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$620,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$590,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

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Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Berlin, County of Camden, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$620,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$590,000;
- (c) a down payment in the amount of \$30,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11; and

Section 3. The sum of \$590,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$30,000, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$590,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$590,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$98,400.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for

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each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligation</u> \$	<u>Period of Usefulness</u> \$
A. Construction, Reconstruction and/or Resurfacing of Various Township Roadways, including, but not limited to, East Berlin Section Phase I, consisting of, but not limited to, Hazel Avenue, Elm Avenue, Larch Avenue, Magnolia Avenue and Chestnut Avenue, Katherine Avenue and the Intersection of Clarence Avenue and First and Second Avenues, all as more particularly described in the information on file and available for inspection in the Township Clerk's office, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$364,325	\$17,825	\$346,500	10 years
B. Acquisition of Various Pieces of Equipment for the Public Works Department, including, but not limited to, Power Equipment for the Sewer Department, Power Equipment for the Streets Department, Acquisition of a Spreader and Acquisition of a 25 Cubic Yard Rear Loader Trash Truck, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	224,175	10,675	213,500	15 years
C. Acquisition of Information Technology Equipment for the Finance Department and Assessor's Office, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	31,500	1,500	30,000	7 years
TOTALS	\$620,000	\$30,000	\$590,000	

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

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the

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passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$590,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget of the Township is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

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Section 14. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

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

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

Motion by Council President DiGangi, second by Councilman Morris to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Bond Ordinance 2008-7. There were no requests to be heard. Motion by Councilman Morris, second by Councilman Batten to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman Morris, second by Council President DiGangi to adopt Bond Ordinance 2008-7. Ordinance adopted by call of the roll, five members present voting in the affirmative.

ORDINANCE 2008-8 FIRST READING OF ORDINANCE OF THE TOWNSHIP OF BERLIN AMENDING CHAPTER 77 OF THE CODE OF THE TOWNSHIP OF BERLIN CREATING A DEVELOPMENT REVIEW COMMITTEE

Motion by Councilman Batten, second by Council President DiGangi to adopt Ordinance 2008-8 on first reading by title. Ordinance adopted by call of the roll, five members present in the affirmative.

Resolution 2008:112 Payment of Bills April 28, 2008

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

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

TO	ACCOUNT	AMOUNT
CC Div of Health	Dog Trust	865.73
David F. Carla mere	Planning Board Esc #285	95.00
Cooper & Taunton LLC	Planning Board Esc #199	10,981.24

CONFIRMING

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America on Line	01-201-20-120-2105	32.90
Commerce Bank	01-201-45-920-2105	150,000.00
	01-201-45-930-2105	28,952.50
Commerce Bank	04-219-55-880-00000	800,000.00
	04-164-05-880-00000	29,594.67
Tullia's	01-201-26-305-2149	849.99
Township Payroll Account	01-201-23-225-2168	835.63

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-112. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008-113 RESOLUTION SETTING COSTS OF PAYMENT DUE BEFORE TAX SALE N.J.S.A. 54:5-29

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, so;

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

Submitted for the April 28th, 2008 meeting.

By: Diane Macri-Zoppel, CTC

Motion by Council President DiGangi, second by Councilman Batten to adopt Resolution 2008-113. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008-114 AUTHORIZATION TO HOLD ACCELERATED TAX SALE 2007/2008 FISCAL YEAR TAX 2007/2008 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

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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 24th day of June, 2008 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 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 24, 2008, with official notices of sale being advertised and notice to the owners of record according to the requirements of N.J.S.A. 54:5-19 et seq.

Submitted for the April 28, 2008 meeting.

By : Diane Macri-Zoppel, CTC

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2008-114. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION: 2008-115 A RESOLUTION APPROVING THE ADMINISTRATIVE PLAN AND PROCEDURES MANUAL FOR THE NEIGHBORHOOD HOUSING REHABILITATION PROGRAM (NHRP)

WHEREAS, the Township of Berlin by resolution authorized the Mayor to enter into an agreement with the State of New Jersey to obtain Neighborhood Housing Rehabilitation funds from the Department of Community Affairs; and

WHEREAS, as a condition of that grant, the Department of Community Affairs requires the Township of Berlin to develop an Administrative Plan and Procedures Manual that will delineate the activities of the program and will describe the manner in which the grant funds are to be expended; and

WHEREAS, the Neighborhood Housing Rehabilitation Program Coordinator of the Township of Berlin has developed such a work plan; and

WHEREAS, the Department of Community Affairs of the State of New Jersey is in receipt of said plan; and

WHEREAS, approval of the Governing Body is required for the final approval of the Administrative Plan and Procedures Manual by the Department of Community Affairs; and

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WHEREAS, final approval of said Administrative Plan and Procedures Manual will permit the Township of Berlin to proceed with the required activities to fulfill the stipulations of the Neighborhood Housing Rehabilitation Grant.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that they have reviewed the particulars of the Administrative Plan and Procedures Manual of said grant; and

BE IT FURTHER RESOVLED that the said plan is approved to be enacted, by the Mayor and Council of the Township of Berlin.

Motion by Council President DiGangi, second by Councilman Batten to adopt Resolution 2008-115. Resolution adopted by call of the roll, five members present in the affirmative.

APPROVAL OF BUSINESS LICENSES

- a. Virgin Oil Trading Co. Ltd. (Lukoil Gas Station), 250 Route 73 North
Motion by Council President DiGangi, second by Councilman Batten to approve business license for Virgin Oil. Business license approved by call of the roll, five members present voting in the affirmative.
- b. Ascalon Studios, Inc., David Ascalon, 430 Cooper Road, Provide design services for worship spaces and commercial facilities and institutions throughout North America. Fabricate stained glass windows, mosaics.
Motion by Councilman Batten, second by Council President DiGangi to approve business license for Ascalon Studios, Inc. Business license approved by call of the roll, five members present voting in the affirmative.
- c. Think Up Inc., 134 Haddon Avenue, Jerry Cummings, Small Design Firm
Motion by Council President DiGangi, second by Councilman Batten to approve business license for Think Up Inc. Business license approved by call of the roll, five members present voting in the affirmative.
- d. Peking Chef, 439 North Route 73., Shou Bin Pan, Chinese Restaurant
Motion by Councilman Batten, second by Council President DiGangi to approve business license for Peking Chef. Business license approved by call of the roll, five members present voting in the affirmative.

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APPROVAL OF SOLICITOR PERMITS

- A. KSW Marketing Group - Two Employees
 - 1. Daniel Lusinski
Motion by Council President DiGangi, second by Councilman Batten to approve solicitor permit for Mr. Lusinski. Solicitor permit approved by call of the roll, five members present voting in the affirmative.
 - 2. Robert D. Brown, Jr.
Motion by Councilman Batten, second by Councilman Morris to approve solicitor permit for Mr. Brown. Solicitor permit approved by call of the roll, five members present voting in the affirmative.

APPROVAL OF SPECIAL ANIMAL PERMITS

- 1. Delores Ross - Pigeons 60
- 2. Linda Townsend - 10-16 chickens
- 3. Joe Romeo - Two horses
- 4. Cosette Worthington - Goat and Roosters
- 5. Joseph Fabrico - Two horses

Motion by Council President DiGangi, second by Councilman McIntosh to approve animal permits No. 1 through 5. Animal Permits approved by call of the roll, five members present voting in the affirmative.

CONSENT AGENDA

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

APPROVAL OF MINUTES OF APRIL 14, 2008

Motion by Council President DiGangi, second by Councilman McIntosh to approve the minutes of April 14, 2008 with a note that adoption of Ordinance 2008-7 will be continued at the meeting on April 28, 2008. Motion carried by voice vote, five members present in the affirmative.

GOOD & WELFARE #2

Motion by Councilman Batten, second by Councilman McIntosh to open the meeting to the public. Motion carried by voice vote, all present voting in the affirmative. Mayor Magazzu opened the meeting to the public for comments. No request to be heard. Motion by Councilman Batten, second by Councilman McIntosh to close the meeting to the public. Motion carried by voice vote, all present voting in the affirmative.

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ALL OTHER BUSINESS FOR DISCUSSION

Lori Campisano, CFO, reported that on March 13, 2008, we accepted proposals for a \$1,854,000 Bond Anticipation Note. There were five quotes received, with the lowest quote awarded to Bank of America for 2.29% for one year issued on March 20, 2008.

The Mayor and Council discussed the street names for the subdivision by Paparone Housing Co. and agreed to accept the names of Augusta Court and Rosewood Court.

RESOLUTION 2008-116 CLOSED SESSION FOR CONTRACT NEGOTIATIONS WITH BERLIN BOROUGH

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 negotiations with the Borough of Berlin with regards to sharing a municipal building.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-116. Resolution adopted by call of the roll, five members voting in the affirmative.

REOPENED PUBLIC MEETING

Motion by Council President DiGangi, second by Councilman Morris to reopen to public meeting. Motion carried by voice vote, five members present in the affirmative.

Motion by Council President DiGangi, second by Councilman Morris to allow the Fourth of July Committee to use the Township's bulk mail permit to mail out the flyers for the fourth of July. Motion carried by voice vote, all members present voting in the affirmative.

ADJOURNED

Motion by Councilman Batten, second by Council President DiGangi to adjourn the meeting. Meeting adjourned at 8:15 p.m. Motion carried by voice vote, all members present voting in the affirmative.

Jamey Eggers, Township Clerk