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BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL MAY 10, 2010 AT 6:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

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

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

Absent-

Mayor Magazzu stated to the public if you would like to make a statement you must come up to the microphone. If you have any questions or comments and you want it to be on the record you would need to state your name and address. Only comments made during the Good and Welfare will be documented.

Due to it being our first meeting in the new building, Bob Garrison from the Architecture Firm, Garrison Architects, made a presentation introducing the process and completion of the new facilities.

Mayor Magazzu asked Chuck Riebel to give his report on Thurman Ave.

Chuck Riebel, Township Engineer reports on the status of Thurman and Grove Avenue. Chuck reported that we have walked the entire downstream drainage system to the pond at Berlin Park. The pipe needs cleaning from Haddon Avenue to the manhole at the intersection of White Horse Pike and Park Drive. We also found a large log lodged in the manhole of White Horse Pike and Park Drive. We notified the County Public Works Department and they have removed the log.

Chuck Riebel replied, in regards to the dam there seems to be a beaver whose blocking the outlet of the dam, he has been trapped. There are also Children in area also

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blocking the outlet, but did not affect the water level of the ponds. In the possibility of lowering the ponds at the shopping center the N.J.D.E.P. and owner of the shopping center permitted the lowering of the lake for one occasion. We had pumped the ponds for several days, until the ponds were lowered by approximately 24 inches. The level of the ponds has remained at the lower level, after the termination of the pumping process.

Mayor Magazzu asks ,if they had video the drain system?

Chuck Riebel responds, Mr. Moran, the director of the county public works, has confirmed that the DOT did video the system and it was clear at the time.

Mayor Magazzu asks, do you have a meeting scheduled?

Chuck Riebel Responds, I received a response back today and they will be scheduling to discuss the design for the entire sewage system.

Chuck noted that we did lower the ponds by two feet, we really can't lower much more than what it is. There is some fish in the ponds. We did take it down two feet and there is still some area for the fish to live.

The blockage in the drainage system along the gutter line from 354 to potter avenue the public works crew went out there before and the pipe was clogged from the drain pipes all the way to other end of potter. We were able to clear the pipe between potter and the first ring which is the first house. The second section is blocked to the point where we cannot clean it. That will mean probably replacement of that pipe section. If the governing body does decide that we are going to proceed with the replacement I suggest that the pipe size be increased from a from a 4 inch diameter to at least an 8 in diameter so we don't have this frequent blockages that are occurring.

We've also asked the owner of the shopping center of ACP to provide us with all the maintenance records in past of not only the pond but also all of the entire grounds. We've also asked them to provide all the maintenance records for the future. We want to see what there are doing with not only the outlet of the dam but the ponds themselves, we did notice that when we pump the ponds down there's quite a bit of debris that was emerge that is now visible. There is a major need for improvements. We will be putting in writing asking them to submit that on a monthly basis or at least a frequent basis that way we can document the maintenance that's being performed. And obviously the blockage of the dam and the outlet structure is occurring on a frequent basis.

I also went down and looked at the intersection of Thurman and Grove because there was some mention that there is ponding along the intersections. I did see running water obviously from the discharges. For the most part the water looks like it is running down pretty well. I did not see any ponding in the intersection of Grove and Thurman. There are inlets on each corner which collect and convey the water from the intersection. I believe that's all the issues that were mentioned at the meeting.

Council President Morris commented on the issue with the Electric Company and power outages Council President Morris spoke with Tom Riley who was with Atlantic Electric

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and he indicated that they would be doing the work on the poles in about three weeks, I will continue to follow up.

Mayor Magazzu spoke about the property in regards to Anthony Caporelli and letter of interpretation with the D.E.P

Council President Morris responds, Yes we were able to locate a copy of a letter of interpretation from 2004. Our planning board secretary found it. It does state in the letter that wetland and waters are not present on the property.

Mayor Magazzu asked Chief of Police Joe Jackson to update on the status of FEMA.

Chief Joseph Jackson stated that the paper work for the first storm is completely done now (December and February) the township should see about 75 % of what was spent for the snow storms. In reference to the March rains the county of Camden did not meet the criteria when it came to the dollar amount for the damage done to Camden County. Individual assistance is on a temporary hold. We are waiting for a decision from FEMA whether Camden county residence will be eligible for individual assistance. Camden County has been made known, that while I am looking I have several residents that are inquiring in reference to it, you probably got rejected because of now but I was told it wouldn't be until the end of may that I would get an answer. Don't hold out that it's a done. I was just with them not even three days ago...One way or another they will tell me yes or no and I will make sure you guys will know about it. We won't get it like I said for the police fire ambulance public works, were not going to get anything back. But the individual assistance is still in limbo for a lack of better words. We are waiting for an answer.

GOOD AND WELFARE #1

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

Sharon Metzger 387 Thurman Avenue, when you're mentioning, Chuck, about the water laying in Thurman and Grove, it's not laying in Thurman and Grove. It's laying in front of my house and not making it to the intersection. And the lady three doors down from me has the same problem on Thurman, on my side of the street the water does not make it down to the intersection it lays in front of my driveway. I'm right on the corner but my driveway floods and the water does not go in front of my house it just sits there. And the second question I had, I understand you were on my property about the corner sinking in. what did we find, Besides that fact that it is sinking in.

Chuck responds, There is a very large area that is settled. I don't think it's because of any utilities that are within; actually it sits pretty far off the right of way. It almost looks

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like, and I think Mike McGee had mentioned before, that it looks like a tree was taken out and it's a result of an area where the tree was removed.

Sharon Metzger comments, There was never a tree on my property.

Chuck Riebel responds, and 'm not saying there was a tree there, that's what it resembles. It looks like a voided area left by a removed tree.

Sharon Metzger said in the past two years, the water has been coming into my basement and the corner is sinking and is soft. What is the Township going to do to help me?

Chuck Riebel Responds, Well again it's on private property I don't see anything that's in the Township right of way that is causing that condition.

Sharon Metzger questions, and how do you know there is no pipes that are cracked causing the water seepage on my property. I mean all of a sudden out of nowhere this is caving in and it is soft.

Donafaye Zoll Esq., Township Solicitor notes, From the point of the right of way it is the property owner's home, isn't that the responsibility of the property owner?

Chuck Riebel responds, Yes.

Sharon Metzger states, I mean something has to be causing my front yard to be caving in since water started in my basement.

Chuck Riebel Responds, It almost looks like, I don't know this for a fact, and I didn't do any excavation, and that's probably the only way you'll ever be able to determine what it is the cause would be excavating the area. I've seen cases where in the past, and I'm not saying this is in your area, but where the contractor when they built the houses many years ago buried stumps and as the years went by the stumps would decay and you have settlement similar to that. I'm not saying that's what it is but that's what it resembles. A sink hole that cause by a drainage system or an open pipe usually is confined to one area and you can really pinpoint it. In this case it's a large settlement area

Sharon Metzger asks, so the excavation is up to me?

Mayor Magazzu replied, See if it was on the township property it would be different but it's not.

Sharon Metzger comments, It just seems very funny that at the time frame that the water started to come into my basement I'm losing my front yard and it's soft. Why is it soft? It's not just caving in.

Mayor Magazzu asks, Chuck wouldn't by the documentation we have for the different underground utilities, we would know that there is something there, right?

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Charles Riebel responds, yes

Mayor Magazzu notes, and there is nothing? I can't see why anything in the right away where our underground utilities are.

Sharon explains where the drain runs and where it is sinking in on her property.

Mayor Magazzu adds, I know I mean this may even be silly but there's underground streams would it ever get to the point that it would be making the ground mushy?

Sharon Metzger responds, Well I have been there for fourteen years and now all of a sudden.

Council President Morris questions, If I may have you noticed any decrease in the amount of pumping in your basement. Just out of curiosity. You have a sump pump?

Sharon Metzger answers, Yes, since the last rain. It is still pumping out water. It has been better.

Mayor Magazzu asks, and since we have been pumping it out it has helped?

Sharon Metzger responds, I can't say since there has not been any rain.

Phil Cubit from 362 Thurman, Asked Chuck about the drain system in front of his property, there's a clogged hole in front of my house. Right in front of 362 Thurman. If it can't be fixed what do I do to request that it be replaced.

Chuck Riebel responded that's the section that I would recommend to the governing body that the pipe be replaced. This is a project the public works could perform. It is a shallow pipe system so we could do the project if the governing body agreed.

Phil Cubit states, I am hereby requesting that job be performed.

Mayor Magazzu comments, yes. Can you get us some costs for that Chuck.

Jerry Brindley 387 Cleveland, I would just like to add three points to the conversation. Ponding does occur but not at Thurman. Actually occurs at Cleveland and Grove. There's two basically two parts there that have puddle for years actually. Secondly, I have never had water for the 18 years that I have been there but, and I never had a sump until I discovered tearing up the sub floor after damage from this recent flooding there is actually an old sump in the basement that had no pump piping. So, because I have been vacuuming water off the floor. To answer the question about what has the draining of the pond done. My house is built slightly up maybe about two foot higher so I have an advantage that way. I don't have it as bad as these people have it. That level has gone down at least a foot during the drainage.

Mayor Magazzu commented, Ok good. That's good at least we know its helping.

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Jerry Brindley said Third point. About the underground and the sink hole. It would seem to me that if that level has been high for the last several years, that would increase the flow of the underground streams which we know are running right through that area. Wouldn't that increase the erosion to the underground streams? Basically in all directions up down and out?

Chuck Riebel notes, Yes that could be.

Jerry Brindley replied And lastly obviously there has been no regular inspection of that whole system, because some of this has been going on for years as we know. So will there be in the future be regular not only maintenance but monitoring of whether everything is operating correctly.

Chuck Riebel answers, Absolutely, I can assure you of that.

Terry Hertzberg 202 Lucas Avenue, The only thing I want ask Chuck is the dam in the park used to be controllable with the height Now they've cemented that dam. We don't have that capability anymore that dam is now solid at the high. So what that does is that the water has to be going over the top so that backs up x amount of millions and millions of gallons of water that we used to be able to control when that storm drain system was originally built in 1936. Now that dam in the park has no control over storm drainage. It's one fixed height now. And that's going to contribute to the amount of water it's held back because we used to be able to release more water you know when we had really heavy rains. The system was designed that way originally.

Chuck Riebel Responds, We've already talked to the county about that we've also already talked to the owner of the shopping center about changing the type of outlet structure they have. And providing some type of gate that we could actually open. We have done it in other areas of Camden County if we know there's actually a large storm coming we lower the water lever.

Terry Hertzberg asked, but what happens here is how could we change this now?

Mayor Magazzu asks, Mr. Hertzberg when did they change that over in Berlin?

Terry Hertzberg responds, 10 years ago when they decided to do it, they just did it, they didn't recognize us as a town the county had to do it.

Mayor Magazzu asks, do you know when that happened how long ago that was?

Terry Hertzberg replies, Well I know it was at least 8-9 years ago at least that long maybe longer. But the idea of the system was relieving pressure when you did have excess rain that's the way it was designed originally. And they took all that capability away now we're on the back end of the problem trying to fix it which, were doing a lot of the right things don't get me wrong were doing what we should, but we still have a problem up at the beginning where the dam is. First of all the dam probably should be a permanent fixture like it is because it's a storm drain. We should be able to control it. Well that's the way it was originally designed. It makes our job harder.

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Mayor Magazzu questions, Is that something we can meet with the county to see if we can get it back to where it was? Do you want to set that up Chuck?

Charles Riebel , Sure

Larry Steller at 367 Thurman, In regard to the pumping we really haven't seen a change yet. I have a concern with water pooling like she said at 387 but you've also got it at 362.. My assumption, we have that soft ground sink hole thing starting on the side of our house, that's why we bought the blue tubing. It was getting soft and starting to; our sump pump was pumping out in that direction that's why we bought the tubing to change it down into the street. I don't know if that's a similar situation over there but, that's where we laid it anyway because we were trying to spread the water like a drain off a gutter, we did the same thing with the sump pump and that ground got way too soft and way too mushy so we went the other way.

Obviously there are many ways to permanently fix the problem or reroute the problem or compensate the problem and I guess at some point in time we need to talk about what we do or what we all do to either compensate those that are going to have to continue to deal with this if we're not going to reroute it or what we are going to do to make it a more permanent solution. Our most exciting thing we heard today was that ACP is going to start maintaining that dam like they were supposed to originally from what we understood from the original contract. As far as the county dam, I guess that's no longer a dam it's really just an obstruction to the water since they took out the dam part, is there any kind of permanent solution to what's going on.

Mayor Magazzu asks, Chuck correct me if I am wrong, the situation is that the water table is up, right?

Chuck Riebel responds, Correct.

Mayor Magazzu asks, There is nothing the Township can do to correct anything like that is there?

Chuck Riebel replies, You'd have to lower the entire water table which I honestly don't know how you could do that.

Mayor Magazzu remarks, and I don't think it's just that area. Like I said we have water in my basement and it's not even a basement it's a bi-level that we never had before. My mom actually had to reinforce her walls because she's always had problems but now it's actually coming up. And she lives off of Franklin. So I think and in talking to other towns there having it all over. We're just hoping that it dries up enough that we'll feel relief but I don't know if there's anything that we can do other than everything we have been doing so far and if we can come up with anything else we could do on the township side, but as far as lower the water table.

Councilman DiGangi states, Let me just say this, there are three things we have settled and that's we are going to talk to the county about the dam, we have go the ACP whose going to continue the running of the pumping, hopefully. Chuck is going to check all the drainage pipes and all those thing to make sure to make sure they are not clogged.

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There's three proactive things the town is going to do and then we are going to continue to monitor it and see what else we can do.

Larry Stellar continues, I understand what your saying and if we need to go futher with it. Where the fault lies, Somehow we either have to do something that changes the dynamic that's been creating , or were just going to sit like this. Were gonna be replacing sump pumps pretty regularly in a couple of those houses. I think you know what I am saying. I am trying to see if maybe somewhere down the road we can start talking about these kinda things.

Mayor Magazzu asks, Chuck, on an engineer's point of view is it possible that, and not that we can stop those two houses from being built cause again we don't have jurisdiction, were talking about on grove. Is it possible that could've change the water table, two houses?

Chuck Riebel replies, Not for that whole area, I can't see how the construction of two houses could affect the whole area.

Mrs. Stellar commented we had the circle done after that. The houses were built after that. Nobody came back to see what that circle did that to the land and the houses being built. 2004 we didn't have a problem. Ok. When they did the circle with the drainage they put in when you built the houses that the DEP didn't come back to look to see what our problem was going to be now that the circle drain off was no more. The circle flooded all the time, we all knew it. If it was rain we didn't use the circle. So now the circle is dry.

Mrs. Stellar said now were also going to take away "lot lock" 708 lot 4. Were now going to have D.E.P. come out again and look at it. So now they're going to come out now that it's dry, and what are we going to do now, block off another. Plus the pond not being maintained. You put it all together we now have a stream that has lost its way. You have to find a way for my stream not to go through my house and unblock my stream. Take it to the sewer. Put something in that takes it to the sewer is fine with me. You can't tear down the houses , but we can at least address taking a company that didn't maintain a basin, we could also address the electric company that let a pole on Potter Avenue, we could address a pool that was put in to cut off a street. We could address all these things that happened along the years and now we're dealing with the consequences. We were not conscience of it when we bought the house I did not know there were underground streams but I was told one thing. "You have wetlands at the corner and nothing can be built there." And it was our guy that came and told us that. Because when I house inspection they said that.

Mayor Magazzu asks, what do you mean "our guy"

Mrs. Stellar said our realtor, I did not only take his word for it I went and looked it up, just like I found that you said we didn't have it. It said E11 "wetlands". So why would I question it.

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Mayor Magazzu asked Chuck isn't there a difference between environmentally sensitive and wetlands?

Chuck Riebel responds your referring to the zoning map, which had the environmentally sensitive E1, environmentally sensitive overlay zoning. Whether it could have been wetlands, it was targeted on the zoning map, that a flag would come up if somebody was doing anything it would have to investigate those areas more thoroughly. We asked for a letter of interpretation from the DEP. They determined the absence of wetlands in the transition buffer.

Donafaye Zoll Esq. notes, environmentally sensitive means that there could be wetlands there but it's not then determined and if you're going to do anything you have to get a wetlands survey, and have a map drawn for development purposes. It just means there is a possibility; it doesn't mean it is wetlands.

Chuck Riebel added, that's not verification that there is an existence of wetlands but there is a potential.

Mayor Magazzu stated again like we said before that's not our jurisdiction. If they own that ground, and they get permission from the DEP we can't stop them.

Diana Horan 170 Bethel Avenue said we saw their sump pump draining. It's coming out of their sump pump and then it's sitting there. But I think, this might be something we can actually do, I think if we raise it, there's like a little divot or gully and we could level off that piece of the street there, the water might again flow down because it won't have that little gully there to lay in. I realized that there are pot holes and divots there, that maybe if we made it smooth it would allow the water to then run again. That's something we might be able to do to help.

Jackie Bonfiglio 354 Thurman Avenue, I just have a question regarding what you just said. If Chuck said that the lake went down two feet and that's the max we could probably go because of fish, and your saying that the water is high and isn't going anywhere in the drains where is it going to go. With all the work that you're planning on doing to fix all of this is past. Those house they built. It's beyond that, our problem is before that, it hits before it hits the basin. That's where our problem is. Somebody needs to figure out if that road is what's doing it.

Mayor Magazzu asks, are you talking about near the circle?

Jackie Bonfiglio responds, No, I am talking about where the basin is at ShopRite. That's where our water hits into. It can't go any lower than where it is at right now. We have water that is hitting that direction. Where is it going? There has to be something that is blocking it. It's not going past there. It's not getting into the basin. There is no more room for it to go there. You can dump out as much as you want beyond it. But the problem is there is nowhere for it to go. Cause right now if it was going in that direction the water would still be two feet high.

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Mayor Magazzu asks, But isn't that where the water table comes in Chuck? Because of the water table being so high?

Chuck Riebel replies, Yes the water table is underneath it.

Jackie Bonfiglio states, We were told, there's a neighbor that said that when they put that basin in at Shoprite years ago they said that they expected no water to actually be in there, they expected it to stay basically dry. That's what they said.

Mayor Magazzu states, I have never seen it dry.

Councilman McIntosh adds, No. that was definitely not the case from day one in the planning stages of that we expected the bulk ACP and the township expected water in there.

Jackie Bonfiglio questions, How much though and how high? Did they not get concerned with how deep they were making it because they were afraid some kids might drown in it?

Councilman McIntosh responds, Right.

Jackie Bonfiglio said, Ok, so they dug so low, they hit the water. The trucks were getting stuck in there trying to dig it back out, cause my brother watched them.

Councilman McIntosh states, they changed the slope so it wasn't a problem. In other words if a child were in it they could walk out. So they changed the slope of the pond because we wanted a fence around it and they didn't want a fence around it so it changed the slope of the area. But there was always going to water in it. That's what the dam was about and the hole underneath the dam.

Jackie Bonfiglio replied so if the water can't go any lower than two feet. Then where it's at right now, so where is our water supposed to go. There is no place for it to go. Where still pumping water out, I mean we're not pumping out maybe not as much but its reaching their driveway almost. There hasn't been rain I mean where is it coming from.

Council President Morris notes, And now that it's there it never runs or I never hear it. I never get any water.

Jackie Bonfiglio states, Obviously my concern is that your are doing everything behind it right now we're at a level in the pond that it can't go any lower and there's no place for our water to go. And we're pumping constantly. And it just doesn't make any sense why we have to have electricity going and we have to worry if the electricity goes out, we have to worry if the sump pump dies, I mean and just constantly have water. I mean just to hear it. The neighbor even across the street is now selling his house and he goes " I sit there with my window open at night I hear it gurgle, gurgle all night long" . I think that somebody really needs to check out that Grove street how it was built how it was put in. it's got to be doing something. The houses the way they're sloping maybe it's running the water back. I don't know but obviously the builder knew there was

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something down there and not to put a full basement in. and I just think that that area has something to do with it.

Mayor Magazzu notes, That would not be the township's responsibility.

Jackie Bonfiglio continues, Well, what I am saying is that you guys let them build there. And I understand you are saying they own the property. However, I think that somebody needs to look at what's going on underneath the ground. If people are complaining that there's water somebody needs to say "hey we need to see can there be more houses built there. Can there be more trees taken down." I mean maybe were at the point where we can't do that. We can't allow anymore building in that area. Because it is going to affect us even more. Who knows what's going to happen if they take down another lot full of trees.

Mayor Magazzu questions, How does that work, Donafaye, I mean can we, if someone owns property like say that new house going up, can we tell them they can't build there?

DonafayeZoll Esq. replies, No.

Mayor Magazzu notes, I mean it's a buildable lot, we can't, they own the property.

Jackie Bonfiglio questions, What about the permit? What if they don't get approved for the freshwater wetlands permit?

Mayor Magazzu responded you mean through the wetlands, through DEP. If they don't have the permission through the DEP then they can't build. If the DEP says no, than its no.

Phil Cubit when they bought the land they knew there was a problem because now they are applying for a wetlands use permit, for that land. They are attempting to build on block 708 lot 4 on Grove Avenue. They are now applying for. So obviously they are aware of the fact that there is a problem with that lot or the potential problem with that lot or they wouldn't be applying to the DEP. So I have no sympathy for them buying a lot that they know there is a potential problem with. A lot that is across the street from two houses that once they were developed magically our problems begin.

Donafaye Zoll Esq. states, Well, Perhaps you should contact the DEP and indicate with connection with this application what is or is not.

Phil Cubit interrupts, I'm not allowed to because I am outside the 150 ft barrier.

Donafaye Zoll Esq. remarks, You're certainly allowed to. The 150 ft barrier probably has more to do with notice of the particular application not your right to be heard. What I am saying is they are making application to the DEP for it looks like development and certain other activities with respect to the property. If you believe it is going to cause problems then go speak in connection with this application to the DEP. Tell them what's happening in your area. That you are concerned that further approvals from the DEP will

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affect your property. You have the right to go speak and put your two cents worth. That just has to do with notice provisions and personal notice. Not your right to be heard.

Mayor Magazzu adds, even when they come out to a planning board meeting we listen to people if even though they are no within the 200 ft. we still listen to whoever comes out to speak its just that we have to notice people by law within 200 ft.

Council President Morris asks, Can't we do that in terms of the fact that there were so many residents out that we go on record with our planning board, we're not claiming anything but the fact that these residents are having these issues we want it noted for the record.

Councilman DiGangi notes, I think you have a responsibility to the land owner, whoever owns the land, to let them know if we were to do something like that. Because we are interceding with their ability to develop the land.

Jackie Bonfiglio questions, Would somebody in the town, who tells them what they need what permits, and paperwork, everything that they need to get.

Councilman DiGangi replies, Construction code official, if the Zoning is approved. The construction code official is the gentleman who issues the building permit.

Jackie Bonfiglio asks, now that's a township official.

Councilman DiGangi said it is a township person.

Jackie Bonfiglio asked so they would have told them they needed this permit. Correct?

Councilman DiGangi responds, I don't know. I don't think so. There is also a wetlands study, there is also things that need to be done, you do a water table study. That's standard isn't it Chuck?

Chuck Riebel notes, One is the depth of the water table, another one is the soils.

Councilman DiGangi adds, For example, if our construction code official says it's a buildable lot in our township, I mean it's always been a buildable lot right? I don't know maybe we don't know if it is or isn't. But I think that it's a piece of ground it's got a block and lot; it's an address, so the construction code official is the one that issues the permit. And he bases that on what?

Chunk Riebel notes, The construction code official will not issue a building permit unless he has some kind of clearance letter from the DEP. Or a consultant.

Jackie Bonfiglio asks, But why wetlands? There are so many divisions of DEP why would it be wetlands? Fresh water wetlands. There are so many other divisions. Why would they choose that specific permit?

Chuck Riebel replies, Because that's the permit they need for the building permit.

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Jackie Bonfiglio asked For anywhere in our town you would have to get a freshwater wetlands permit.

Donafaye Zoll Esq. remarks, in certain towns, not every town.

Jackie Bonfiglio asks, the that letter of interpretation how long is it good for.

Chuck Riebel answered, I think it's a couple of years.

Jackie Bonfiglio asked, what happens at the time when that expires?

Chuck Riebel replies, I think you need to reapply the approval.

Jackie Bonfiglio remarks, do you realize the letter of interpretation has expired for the rest of the properties? If its dates 2004, it expires after 5 years. So right now there selling properties, they have properties up for sale and there not, who knows if they're still authorized to even build on them?

Chuck Riebel states even if they were approved in the past, he does require a clearance letter of some sort.

Donafaye Zoll Esq. said they have to get a new one.

Jackie Bonfiglio well did they.

Donafaye Zoll Esq. replies, If someone asks for a letter of interpretation I don't think you're entitled to notice.

Jackie Bonfiglio notes, Well Mr. Lynch got it for with in 150 ft of his house, wouldn't the people behind those lots got some kind of notification.

Donafaye Zoll Esq. remarks, If you're asking I think for just a letter of interpretation there's no notice you're just asking about the property. Isn't that correct?

Charles Riebel responds, Yes.

Jackie Bonfiglio questions, But the letter of interpretation is for absence or presence of wetlands. So what does it make it any different than finding out if its wetlands, getting a wetlands permit. Why would it be anything different.

Donafaye Zoll Esq. responds, Because once they get the letter of interpretation if they do say its wetlands then they have to go the next step and get a permit to do whatever they want to do with the property because it is wetlands. Its two different things, a letter of interpretation only says whether or not I have a problem. And if I have a problem, and I want to do something and then I have to go to the next step and get a permit.

Jackie Bonfiglio remarks, Ok so obviously, they didn't apply for the letter of interpretation.

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Jackie Bonfiglio said in that letter it specifically states that the rights of this letter of interpretation expires after 5 years. 5 years would be 2009. So they shouldn't be able to build there right now.

Donafaye Zoll Esq. answered, No. it just means they just have to get a new review of the property and get a new letter of interpretation. Because things change. The environment can change in five years. So they are only going to make the letters of interpretation good for so long.

Jackie Bonfiglio So will we be notified when they reapply so we can put in our word?

Donafaye Zoll Esq. answered not necessarily for a letter of interpretation. The letter of interpretation only saying whether or not there are wetlands. It doesn't mean they can do anything with it they are just trying to find out. It's like an investigation. If there's a letter of interpretation and it says they have a problem, then they have to go to step two and get a permit. And then you would get notice.

Mayor Magazzu remarked I would think now that the letter has expired, now would be a good time if they feel that there is a problem to go to the DEP before they reissue.

Jackie Bonfiglio states, Ok. It says in here in accordance with NJAC7, whatever all these; any person who is agreed by this decision may request a hearing within 30 days of the decision date by writing to. Where would such this information be sent? Why was nobody notified at the time this was done? Nobody can give a grievance if we never got a copy of it. Its right here in the DEP letter. NJ. State of NJ. DEP. It's the one that's dated January 28, 2004. Nobody was notified 2004.

Councilman DiGangi, I just don't know the answer. I know that it if it comes to the zoning board you get notice, if they want to change a side yard, a front yard, a back yard, whatever they want to change. Then it becomes a function of the zoning board. And then everybody with in 200 gets notice.

Donafaye Zoll Esq. notes, I don't know who has standing, without looking at the administrative code. Which is what this relates back to. It's any person who is aggrieved by this decision. I don't know that that mean the next door neighbor, I don't know if it means just the property owner who does not agree with the interpretation. So without going back, and I don't have the administrative code here, I can't tell you what the definition of an aggrieved person is. But normally with a letter of interpretation you wouldn't get notice because that's just an investigation into the condition of the property.

Jackie Bonfiglio questions, So how can we find out what aggrieved, are you going to check in to that? And let us know. Because we would like to know when it goes up again. We would like to be able to be the aggrieved party.

Councilman DiGangi answers, We will figure it out. We will let you know.

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Donafaye Zoll Esq. All you have to do is follow the instruction on this letter it tells you exactly where to send your comments.

Chuck Riebel adds, Dave Francis is still the supervisor.

Donafaye Zoll Esq. responded that you can send a letter to the DEP regarding any property you want.

Jackie Bonfiglio We don't have enough time, according to that you only have 15 days.

Donafaye Zoll Esq. responds, If you read the letter, it says written comments will continue to be accepted until the DEP makes a decision on the application. So although you are very close to the 15 days now, you can still send a letter in. Everyone send a letter in and in fact you should collect them all and send them all in as one big package.

Jackie Bonfiglio acknowledges, That's good for that property, I'm talking about as well the other property.

Donafaye Zoll Esq. states, I can't tell you what an aggrieved person is. If you have concerns you can send DEP a letter about any property you want.

Mayor Magazzu comments, See I'm just afraid if we do it , that it might stop the whole situation cause then they're going to say that we're tainting the whole process, and it might be better for us to respond cause they'll come to us. It might be better to do it that way.

Jackie Bonfiglio states, but I would like it for the record that I don't want anything to go through until we get an answer from the DEP.

Donafaye Zoll Esq. replied we don't make the decisions for the DEP. There's nothing the township can do with respect to DEP. We don't control them.

Jackie Bonfiglio responds, I'm talking about building, I'm talking about moving forward with anything on the lots until it's determined that it is ok. That's all I am asking for.

Donafaye Zoll Esq. states, if they get their permits, there is nothing you can do to stop the development of those properties.

Chuck Riebel adds, But I believe at this point, the construction official would not take any action on an application for a building permit, unless he has some type of clarification, documentation.

Donafaye Zoll Esq. remarks, but if somebody gets their permits from the DEP, that says they can build on the lot. And if everything else is in accordance with what the state law and the ordinances are there's nothing the township can do to stop them from developing that lot. That would be considered condemnation, and the township isn't going to buy that lot. Because that's what would have to happen. So if you came before and said "I bought this lot ten years ago. I want to build my house here. This is where I

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always planned on living, and we tell you sorry, but your neighbors aren't going to be happy with that, you can't do it.

Jackie Bonfiglio states, I understand exactly what you are saying, except I don't know if you're hearing what we are saying is that it expired. The letter, the approval, the letter of interpretation expired.

Donafaye Zoll Esq. replied if you listened to the engineer, he said nothing can come through unless they have all their ducks in a row. But if they have their ducks in a row, there's nothing we can do to stop it. So you have to stop it at that level before it ever gets to the township.

William Lynch 386 Thurman Avenue, The lot in question now 708 4, paperwork was supposed to be sent to Mrs. Underwood, and I don't know if she ever got it. She didn't have when I came Tuesday to look for it.

Catherine Underwood, Township Clerk responds, I did get an envelope today, but I haven't opened anything yet.

William Lynch states, Evidently the information as being sent to Mrs. Underwood relates directly to the application 708 4. Now if these people who are applying for this permit right now, are the same people who did several years ago. I think all their permits, even those issued by the township, have expired. They cleared that lot a couple years ago and they haven't done a thing with it. So I am assuming everything that even you issued have been expired. Now we didn't know what happened to this. But it was Taylor, Wiseman Taylor who sent the letter to me and I contacted them directly and I spoke to the gentleman there he told me that all the information I would need would be sent to Mrs. Underwood. So evidently everything explaining what you have to do is going to be contained in that packet.

Donafaye Zoll Esq. commented that it explains in that letter what you have to do to comment on it. And the letter says that a package of the application will be filed with the clerk.

William Lynch stated going back to the previous lot with the Caporelli. My paperwork stops with that letter in 2000 . After that and I don't throw much out, I can't find a single thing in any record I have where that application went in for the building lots, Mr. Caporelli, and that he subsequently sold to Mr. Simone. In fact I don't have another piece of paper until that letter dated 2004 and I got that last week in this office. That's the first I have ever seen the letter. It's the first time I have ever seen maps showing me that now lot 711 3 is no longer E1. 711 3 is a lot I own directly behind my home. Until this week I never saw any of that paperwork. No one ever sent me a map to tell me that my lot was no longer E1.

Mayor Magazzu stated but I thought you had it up for sale.

William Lynch responds, That was another lot. To my knowledge I have never received a letter being able to comment . Because at one time that was only supposed to be one

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home. After Mr. Simone acquired it he applied for a subdivision so he could build two houses. I can't find any record of any time I was ever notified about it or anything else. And when I came in here and found out why my taxes went from 10,000 the evaluation to 28,000.

Donafaye Zoll Esq. replied that notice is only required if there was an application which did not conform to the ordinances for a single family home, or subdivision.

William Lynch responded my understanding is this that when those three lots put together and when you went and subdivided them you fell behind the minimum square footage to allow homes to be built. My problem is why I was never notified that this lot that I know own is no longer E1. And until I looked at those maps the other day now all of a sudden it magically disappeared. It's no longer E1.

Mayor Magazzu asks, Chuck, when you say E1 that's the overlay, so is that actually a zone? Or is it just an overlay. So it wouldn't be something he would be notified of.

William Lynch stated you want to see water? It's supposed to rain. Come on down to my house tomorrow and look at the lot behind me and there's where all your water is going to be, right behind my house. It's there after it rains every time. Because now there's no place for the water to go I've got the catch basin. And I came to the meeting then and said that was what was going to happen, and it happened. When you put that street through it's just like a dam. Grove Avenue is not the dam for everything flowing towards 73. And it all comes right on the lot right behind my place because there is no fill dirt on my lot.

Mayor Magazzu comments that the road is on a pitch to go the opposite way.

William Lynch stated that all lots that have been filled in, the only lot that has not been filled in is mine. And I'm supposed to have a buildable lot. Now if I fill mine in, I don't think that's gonna help the situation. That water just sits there and fills up. And that is what happened with my septic system it never worked. Because it would fill up and when they would pump my 1000 gallon septic tank they used to get 3000 gallons out of it. Cause as fast as they would pump it all the ground water came right back in. and that's what happening now. It's collecting behind my place. So I don't know how you're going to relieve the situation. Unless you do what they did when they put the sewer in. and they ran dewatering pumps 24-7 so they could just dig that hole. They almost lost two piece of equipment right at the corner of my house. A 250,000 claw just started sinking. That guy was able to back it out and they had to bring in these big things and they hammer them down as they go along and dig so the walls don't collapse. They had them for 40 feet when they put that sewer in, they couldn't even dig the holes. It's all water there, and the water table is high enough that when it was a dead end street and they put a basketball court with the two post hole, water splashed up. I get water at 18 inches and that's the condition.

Barbara Cubit 362 Thurman Avenue, my husband already addressed this issue about the drain in front of our house. It was brought up at the last meeting. Who contacted the people to come out to fix it? Who told them what address.

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Mayor Magazzu replied Public Works, Chuck.

Barbara Cubit states, Chuck when they came out they went to my neighbor's house who never even came to the meeting. So surprisingly they came to his house. I don't know how they got his address. Cause I want them to come to 362. I am going to keep repeating this so you know the correct house.

Chuck Riebel replied this is where I had mentioned, the drain system that runs along the gutter line.

Mayor Magazzu asks, isn't this where you are talking about replacing.

Chuck Riebel responds, Yes.

Barbara Cubit remarks, But there's one in front of my house! Nobody's coming to my house, even though I have asked.

Chuck Riebel responds, Just because we haven't stood in front of your house doesn't mean we didn't try to clear the pipe that's in front of your house.

Chuck Riebel comments, I was personally out there I observed the conditions and that's why I am recommending the pipe being replaced. The whole pipe. I did see the conditions that exist out there, and my recommendation is because it's only a 4 inch diameter pipe that's easily clogged by any type of debris, and it's clogged now. But the pipe be replaced with a larger diameter pipe.

Barbara Cubit asked in what amount of time that we can expect it be done.

Donafaye Zoll Esq. responded first Chuck has to have a cost estimate, and then it has to be reviewed by the governing body, and to be approved for the work to be done, and it has to be allocated in the budget.

Mayor Magazzu responded that we have to come up with the money to do it too.

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

DEPARTMENTAL REPORTS

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

No change orders or vouchers to report at this time.

B. ENGINEER'S REPORT

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

KEI Associates has sent the plans, specifications and storm water management calculations to The Pinelands Commission for their review and approval. They have also sent the Public Notice for the application to the Courier Post.

KEI Associates has also forwarded the resolution to the N.J.D.O.T. requesting that they extend the deadline date for the utilization of their funds to allow for the Township to obtain approval from the Pinelands Commission.

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

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

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

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

The estimated construction cost, contractor and in-house, is \$19,424.

I recommend that the Governing Body adopt the necessary bond ordinance and authorize the preparation of the bid documents and opening of bids.

4. LESTER AVENUE STORM DRAINAGE AND MANAGEMENT

I had mentioned, last month, that the most cost effective option may be the construction of a storm water management basin with an outflow pipe connected to the existing storm drainage system, which is along the other side of the Public Service and Gas property. Therefore, it would be

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necessary for the Township to obtain a storm drainage easement from the gas company.

It may be possible for the Township Public Works Department to reform the construction of the basin and piping, rather than contacting the project.

5. 300 BLOCK OF THURMAN AVENUE

a. Downstream watershed

We have walked the entire downstream drainage system to the pond at Berlin Park. The pipe needs cleaning from Haddon Avenue to the manhole at the intersection of White Horse Pike and Park Drive. We also found a large log lodged in the manhole of White Horse Pike and Park Drive. We notified the County Public Works Department and they have removed the log.

b. Groundwater from Intrusion of Basement

In an effort to try to reduce the pumping from the basements, the possibility of lowering the ponds at the shopping center was discussed. The N.J.D.E.P. and owner of the shopping center permitted the lowering of the lake for one occasion. We had pumped the ponds for several days, until the ponds were lowered by approximately 24 inches. The level of the ponds has remained at the lower level, after the termination of the pumping process.

c. Blockage of Drain System Along Gutterway Street – No. 354 to Potter Avenue

We attempted to clean the small drain pipe with the jetter, for the second time. We were able to clean the pipe at the lower level of the pipe but not the upper section.

It is probable that a portion or all of the pipe will need to be repaired and/or replaced.

d. Scheduling of Meeting with the N.J.D.O.T.

I have contacted the N.J.D.O.T. Assistant Commissioner and requested a meeting to discuss their design of the storm water management facility on Zulker Avenue. She has forwarded my request to the recently appointed Community Relations staff member. I expect to receive a response from the N.J.D.O.T., shortly, and will inform the Governing Body of the scheduled meeting date, once established.

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- e. Maintenance Schedule for the Cleaning of the Ponds and Grounds for the Shopping Center

We have requested that the owner of the shopping center provide the Township with all previous maintenance records to date; we have not received any records. I will be sending a letter to the owner of the shopping center, again requesting this documentation.

- f. Ponding at the Intersection of Thurman and Grove Avenue

It was my understanding that the residents, along Thurman Avenue, had stated that water was ponding at the intersection. I visited the intersection and did not observe any ponding of water. I would note that there are inlets on both corners of the intersection.

6. MUNICIPAL BUILDING

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

The N.J.D.O.T. has submitted the permit to the Township for signature and return with the \$500 permit fee. I have signed the permit and recommend that it be sent back to the N.J.D.O.T.

- b. Site Work

The corrective work, listed in the Punch list, has been completed. Sealcoat and line striping has been applied to the front parking area.

- c. Landscaping and Irrigation

I believe that the Township is contacting local landscape contractors to see if they are willing to donate and install landscape plantings.

- d. Maintenance Content for HVACR System

As requested, Trane has submitted a proposal for services, over and above, the warranty obligations. The cost for this service is \$ 3910 for the first year.

I would note that there have been some operational issues with the system, especially in the Police Department, where the heating system has been operating (95 °F) rather than the air conditioning. The Trane representative has, hopefully, corrected the issues. The Township may want to consider addressing the additional heat costs with Trane.

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- e. Contractor's Request for Payment of Utility Costs During Construction

Ms. Zoll is handling the matter.

7. FORMER MUNICIPAL BUILDING SITE

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

I am scheduling the meeting with the N.J.D.E.P. Program to discuss the removal of the recreation/open space encumbrance.

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

The construction is underway.

9. HADDON AVENUE STREETScape

- a. PHASE 2- FRANKLIN AVENUE & BATE AVNUE

Atlantic Electric Company has informed us that they have removed the original street lights have been removed.

- b. PHASES 1 AND 3

We have forwarded the resolution to the N.J.D.O.T. stating that the Township is interested in utilizing the \$677,000 of Federal and state funding

The following is estimated:

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

I believe that the intent may be to have the Public Works Department perform the construction.

10. N.J.D.O.T. MATTERS

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

The matter will be discussed at the meeting, to be scheduled, with the N.J.D.O.T.

11. **REZONING OF PINELANDS ZONING AND SANITARY SEWER EXTENTION ALONG ALLIED PARKWAY AND EDGEWOOD AVENUE**

I have received a letter from the Pinelands Commission stating that they "see no reason why staff could not recommend that the Commission certify the Township's proposed rezoning.

The Township will be required to adopt the necessary ordinance and amend the Zoning Map and send certified copies of each to the Pinelands Commission.

The Commission suggests that the Township Consider filing the application for the sewer extension, "to avoid unnecessary delays", while going through the rezoning process.

Once the Township submits the adopted ordinance and Zoning Map, it is anticipated that the Pinelands process could take up to 120 days.

I recommend that the Governing Body authorize the engineering design for the proposed sanitary sewer extension. The engineer for Exceptional Medical Services will de designing the extension for the facility.

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

The Pinelands Commission has provided me with a letter, which was addressed to me on December 2, 2009, noting that they do not have any substantial issue with changing the zoning to commercial, rural development. They are not permitting the lot to be connected to Sanitary Sewer, where the former dwelling was previously connected to.

14. **POTENTIAL SOLAR FARM AT THE PROPOSED PROMENADE**

The applicant presented their proposal to the Governing Body and Planning Board. At the Planning Board meeting, The applicant was instructed on obtaining Pinelands approval before the Planning Board would issue any approvals.

15. **ALTERNATIVE ENERGY SOURCES AND ENERGY EFFICIANCY PROGAMS**

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

16. LEGISLATIVE MATTERS

- a. EXEMPTING SOLAR PANELS FROM IMPERVIOUS COVER DESIGNATION (S921/A2289)

The Governor signed the legislation into law on April 22, 2010

- b. TIME OF APPLICATION (A437/582)

The Governor has signed the bill into law on May 5, 2010. The law does not become effective until May 5, 2011.

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

No action taken. It is still in committee for review.

18. AUCTION FOR VARIOUS VEHICLES, EQUIPMENT, AND FURNITURE

We are very close to completing the inventory of all the items, currently being stored at the Public Works Complex and the yellow house. I recommend that the Governing Body consider authorizing the Township Clerk to Schedule the auction, at the appropriate time.

SOLICITOR'S REPORT

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

POLICE DEPARTMENT

Joseph Jackson, Chief of Police stated that we are enforcing the traffic tickets on Franklin and Grove Street.

MAINTENANCE / ZONING DEPARTMENT

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Michael Laginestra, Maintenance Officer stated that he has been out to C & M auto in regards to cleaning up the lot and also at the Repair Shop. Mike also said that we are getting to that time of year where residents need to start cutting the grass.

**FIRST READING ORDINANCE 2010-4 AMENDING ORDINANCE 2009-17
FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND
EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW
JERSEY**

Motion by Councilman DiGangi, second by Council President Morris to adopt Ordinance 2010-4 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2010-5 AMENDING CHAPTER 117 OF THE
CODE OF THE TOWNSHIP OF BERLIN CAPTIONED "VEHICLES AND
TRAFFIC"**

Motion by Council President Morris, second by Councilman DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2010-5.

Mr. Lynch questioned the placement of stop signs on Grove Avenue. Mr. Lynch stated that he had email the Mayor the next day following the meeting as to where the placement of stops signs.

Mayor Magazzu stated that we did the ordinance under the recommendation of the Chief of Police.

Motion by Councilman Batten, second by Council President Morris to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2010-107 RESOLUTION APPROVING PRELIMINARY
MUNICIPAL TAX LEVY FOR THE CALENDAR YEAR 2010**

WHEREAS, THE New Jersey Division of Local Government Services has revised the method of calculating the Local Municipal Tax Rate for municipalities operating on a fiscal year basis ending June 30th and

WHEREAS, this revised procedure for the calculation of a Preliminary Municipal Tax Levy on the Basis of a calendar year requirement as per form attached hereto;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Berlin that the attached Certification of Preliminary Fiscal Year Tax Levies is hereby approved reflecting a Preliminary Tax Levy of \$ 4,725,287.30 for the calendar year 2010.

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BE IT FURTHER RESOLVED that certified copies of this resolution be filed with the New Jersey Division of Local Government Services and with the Camden County Board of Taxation.

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2010-107. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2010-108 RESOLUTION RECONFIRMING THE DEDICATED TAX RATE FOR THE MUNICIPAL OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND FOR TAX BILLING PURPOSES

WHEREAS, on November 2, 1999 a referendum question was passed by the residents of the Township of Berlin, dedicating \$.04 per hundred dollars of assessed valuations for such purposes with the results certified by the County; and

WHEREAS, there has been no further referendum passed since November 2, 1999 to change such rate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey that the dedicated tax rate of \$.04 per hundred dollars of assessed valuations for the Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund be confirmed for tax billing purposes.

Motion by Council President Morris second by Councilman DiGangi to adopt Resolution 2010-108. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2010-109 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE 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 Year 32 Community Development Block Grant from the County of Camden for \$30,257.00;

BE IT FURTHER RESOLVED that a like sum of \$30,257.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Community Development Block Grant	\$30,257.00

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

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2010-109. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2010-110 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 Click it or Ticket 2010 Grant from the NJ Division of Highway Traffic Safety for \$4,000.00;

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

Operation "Excluded From CAP"	
Click it or Ticket 2010 Grant	\$4,000.00

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

Motion by Council President Morris second by Councilman, DiGangi to adopt Resolution 2010-110. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2010-111 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

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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 \$10,518.58;

BE IT FURTHER RESOLVED that a like sum of \$10,518.58 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Clean Communities Grant	\$10,518.58

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

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2010-111. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2010-112 CERTIFYING THE GENERAL FUND TAX LEVY FOR THE TOWNSHIP OF BERLIN BOARD OF EDUCATION FOR THE SCHOOL YEAR 2010/2011, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY

WHEREAS, the voters of the Township of Berlin in a duly held election, did fail to approve the General Fund Tax Levy Budget of the Board of Education of the Township of Berlin for the school year 2010/2011; and

WHEREAS, the Education, Budgets and Appropriations law, N.J.S.A. 28a-22-37, requires the Governing Body of the Township of Berlin, after consultation with the Township Board of Education, to determine the amount which would be necessary to be appropriated in such budget and to certify to the County Board of Taxation the total amount so determined; and

WHEREAS, the Mayor and Council of the Township of Berlin has consulted with representatives of the Township of Berlin Board of Education, and has thereafter determined the amount necessary to be appropriated;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that the following determination is hereby made;

1. The original tax levy on the ballot for the base budget: \$
7,558,500.00

2. The amount of reduction to the tax levy for the base budget: \$
142,344.00

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3. The amount of tax levy being certified for the base budget: \$ 7,416,156.00

4. Specific line item changes:

Appropriation Account Number	Description	Amount Reduced
11-120-100-101	Grades 1-5 Salaries of Teachers	\$71,172.00
11-130-100-101	Grades 6-8 Salaries of Teachers	\$71,172.00

5. Supporting Reasons for changes:
Salaries of Teachers- Reduced by \$142,344.00

The teacher salary line items above have been reduced in support of the Board of Education's decision to hold salaries at the same level as last year. Mayor and Council have done the same with employees under jurisdiction and feel this is necessary, especially in light of the economic and unemployment conditions faced by many of our residents

6. The revised budget is sufficient to provide a through and efficient education.

7. There was no additional general fund tax levy considered by the voters

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Township of Berlin Board of Education, Superintendent of the Camden County Department of Education and the Administrator of the Camden County Board of Taxation.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2010-112. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2010-113 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

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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 Body Armor Replacement Grant 2009 from the NJ Division of Criminal Justice for \$988.36;

BE IT FURTHER RESOLVED that a like sum of \$988.36 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Body Armor Replacement Grant 2009	\$988.36

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

Motion by Council President Morris second by Councilman DiGangi to adopt Resolution 2010-113. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2010-114 RESOLUTION AMENDING SALARY RESOLUTION 2009: 197 ESTABLISHING SALARY AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY

WHEREAS, the Mayor and Council of the Township of Berlin adopted Resolution 2009: 197 on December 14, 2009, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2010; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salaries effective May 3, 2010:

POSITION	AMOUNT PER YEAR
Building Custodian	\$14.00 per hour

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

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2010-114. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2010-115 RESOLUTION AUTHORIZING THE HIRING OF A BUILDING CUSTODIAN

WHEREAS, applications have been accepted and interviews have been conducted and a recommendation has been made to Mayor and Council to hire Joshua Shellenberger as a Building Custodian for the Township of Berlin; and

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WHEREAS, the Mayor and Council have reviewed the recommendation and found same to be acceptable,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it hereby authorizes and approves the hiring of Joshua Shellenberger as a Building Custodian effective May 8th, 2010.

Motion by Councilman McIntosh, second by Councilman DiGangi to adopt Resolution 2010-115. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2010-116
LIST OF UNCOLLECTIBLE TAXES

To the Mayor and Council to the Township of Berlin:

I hereby submit to you a list of taxes, which in my opinion are uncollectible. I give the reasons why I deem them uncollectible, and I request that same be remitted and that I be relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4.

Dated May 6, 2010
Diane Zoppel, CTC - Tax Collector

NAME	YEAR	DESCRIPTION	AMOUNT	REASON
James & Kathryn Pierce	2010	204-3	250.00	Aug/Nov Senior Citizen
Leroy Alvarez	2010	820-1	1322.42	100% Disabled Veteran Per NJSA 54:4-3.30et seq
Dolores Falconi	2010	1307-3	250.00	Aug/Nov Senior Citizen
			\$ 1822.44	TOTAL

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2010-116. Resolution adopted by call of the roll, five members present voting in the affirmative.

APPROVAL OF APRIL 26, 2010 MEETING MINUTES

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Motion by Councilman McIntosh, second by Councilman DiGangi to approve the minutes for April 26, 2010. Motion carried by voice vote, five present voting in the affirmative.

APPROVAL OF APRIL 26, 2010 CLOSED SESSION MEETING MINUTES

Motion by Councilman DiGangi, second by Councilman McIntosh to approve the closed session minutes for April 26, 2010. Motion carried by voice vote, five present voting in the affirmative.

RESOLUTION 2010- 117 RESOLUTION APPROVING THE CONTRACT BETWEEN THE TOWNSHIP OF BERLIN AND THE BERLIN TOWNSHIP POLICE ASSOCIATION

WHEREAS, there exists a need for a contractual understanding of employment services to be rendered to the Township of Berlin by the Berlin Township Police Association; and

WHEREAS, negotiations for such a contractual understanding were undertaken and completed between representatives from the Township of Berlin and the Berlin Township Police Association; and

WHEREAS, the terms and conditions of said contractual understanding are incorporated into a written document identified as the Contract between the Township of Berlin and the Berlin Township Police Association as hereinabove described, be approved subject to review by the Solicitor.

BE IT FURTHER RESOLVED, that the appropriate Township Officials be authorized to sign and execute said contract.

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2010-117. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2010- 118 RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE CONTRACT BETWEEN THE TOWNSHIP OF BERLIN AND THE TOWNSHIP OF BERLIN CHIEF OF POLICE

WHEREAS, there exists a need for a contractual understanding of employment services to be rendered to the Township of Berlin by the Chief of Police; and

WHEREAS, negotiations for such a contractual understanding were undertaken and completed between representatives from the Township of Berlin and the Township of Berlin Chief of Police; and

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WHEREAS, the terms and conditions of said contractual understanding are incorporated into a written document identified as the Contract between the Township of Berlin and the Township of Berlin Chief of Police as hereinabove described, be approved subject to review by the Solicitor.

BE IT FURTHER RESOLVED, that the appropriate Township Officials be authorized to sign and execute said contract.

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2010-118. Resolution adopted by call of the roll, five members present voting in the affirmative.

GOOD & WELFARE #2

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

Diana Horan asked about the new custodian hired. Who had done it prior.

Mayor Magazzu said a part timer.

Diana Horan asked why the need for a full time hire.

Mayor Magazzu said that the building is a lot larger so more cleaning and maintenance to do.

Diana asked why not a public works worker.

Mayor Magazzu said that we had asked them but they did not want a pay decrease. Mayor stated that the job was posted and advertised.

Council President stated that if we have any layoff that the new hire would be the first to be laid off.

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

ALL OTHER BUSINESS

Councilman DiGangi said that due to the economy and budget cuts the ICCA will not be doing any fireworks for this July 4th. We will still do the parade as planned.

RESOLUTION 2010-119 CLOSED SESSION

MAY 10, 2010

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

Motion by Council President Morris second by Councilman DiGangi to adopt Resolution 2010-119. Resolution adopted by call of the roll, five members present voting in the affirmative.

ADJOURN

Motion by Councilman, second by Councilman McIntosh to adjourn the meeting at 9:45 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 9:45 pm

Catherine Underwood, Township Clerk