

MAY 12, 2008

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, MAY 12, 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; Charles Riebel, Jr., Engineer; Michael Hayden, Police Chief; Michael McGee, PW, Director;

Absent - Michael Laginestra, Zoning Officer

GOOD AND WELFARE #1

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 the affirmative. Mayor Magazzu opened the meeting to the public for comments.

Mr. Larry Gottlieb from ResinTech, Inc., at 160 Cooper Road, West Berlin asked about the status of their construction project and approval to extend a sanitary sewer main and submit the Treatment Works Approval Permit Application.

Councilman Morris said that we are aware of the application but we had some questions about the capacity. We are scheduling a meeting with the CCMUA to get a better understanding of what our capacity should be. We understand that it will be an increase of about 7,000 gallons.

Mr. Gottlieb wanted to know if they could start constructing the building before they put any wet processing equipment in.

Township Engineer, Charles Riebel said he spoke to Mr. Kricun, who said that you were very close to meeting your allocation amount.

We do not want to set a president of doing this by only approving part of the project. The approvals could take approximately six weeks.

Mr. Gottlieb said that he has been waiting about a year now. If you could just

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approve the start of building the warehouse it would be a help. There will be no additional employees and no addition of discharge. We would really like to get this project started.

Mr. Larry Gottlieb was sworn in by Solicitor, Donafaye Zoll: "Do you swear to tell the truth and nothing but the truth"; answer by Mr. Gottlieb, "I do".

1. There should be no additional employees, and
2. No additional flow of discharge due to the construction of the warehouse.

Motion by Council President DiGangi, second by Councilman McIntosh to approve sworn statement by Mr. Gottlieb. Motion carried by call of the roll, five members present in the affirmative.

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 April 14, 2008, the Governing Body adopted Ordinance No. 2008-7, which includes the following:
 - a. Hazel Avenue – Chestnut to Second
 - b. Elm Avenue – Cushman to Chestnut
 - c. Larch Avenue – Chestnut to Cushman
 - d. Magnolia Avenue – Cushman to Chestnut
 - e. Intersection of Clarence and First Avenues
 - f. Katherine Avenue – Grove Avenue to the proposed street for the Papparone Housing Development

The Governing Body also passed Resolution No. 2008-111, which authorized our office to perform the necessary engineering and prepare the bid documents.

We anticipate the receipt of bids in June 2008.

2. **SIDEWALK ALONG N.J.S.H. ROUTE 73, NORTHBOUND (N.J.D.O.T. FY2008 FUNDING – \$150,000.00):** As discussed at the Council Meeting on April 14, 2008, I have requested that the N.J.D.O.T. Local Aid Office inform us if they would be willing to allow the Township to hold off on using the FY2008 funding, in hopes that additional funding would be granted under the FY2009 Program. The Governing Body stated that they would like to complete the entire construction, under one project, rather than two phases. Once I receive the response from the N.J.D.O.T., I will inform the Governing Body.

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3. **N.J.D.O.T. FY2009 MUNICIPAL AID APPLICATION:** I had informed the Governing Body, last month, that the N.J.D.O.T. has announced the acceptance of applications for street improvements, streetscape, pedestrian ways and bikeways. The applications must be submitted to the N.J.D.O.T., electronically, by June 20, 2008.

We had recommended that the Governing Body consider passing resolutions, authorizing the submission of applications for the following projects:

- a. Street Improvements
 - 1) McClellan Avenue – Haddon Avenue to Krumm Avenue
- b. Pedestrian Ways
 - 1) Sidewalk along Route 73 Northbound
 - 2) Sidewalk along Grove Avenue and Katherine Avenue?

Since an application has been submitted, through the Safe Routes to Schools Program, for the sidewalk along Grove and Katherine Avenues, we recommend that an application be submitted, under pedestrian ways, for just Route 73.

- c. Streetscape

It is possible for an application to be submitted for the unfunded portion of the construction along Haddon Avenue.

4. **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.

- 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, has responded to Mayor Magazzu, provided the available funding amounts and approved the reduced “scope of work” for Phase 3.

As a result, we must amend the Construction Plans and Specifications and resubmit to the Department for authorization to schedule the receipt of bids.

We anticipate submitting the amended Construction Plans and Specifications during the week of May 12, 2008.

5. **2007 STREET IMPROVEMENTS PROGRAM (KEI #458BT0506):** We expect the contractors to complete the corrective work in the immediate future.

6. **IMPROVEMENTS TO THE INTERSECTION OF HADDON AVENUE AND FRANKLIN AVENUE:** I have, recently, forwarded the County Consultant's plans to Chief Hayden for his review and comments.

The County Engineer is requesting that the Governing Body select and endorse one of the concepts for improvement of the intersection. Once the Governing Body passes a resolution, endorsing the alternative, the County will hold a Public Information Center (public) Presentation. The Public Information Center Presentation must be held before the end of the year.

7. **TRAFFIC SIGNAL AND GEOMETRIC IMPROVEMENTS AT THE INTERSECTION OF COOPER ROAD AND TAUNTON AVENUE (KEI #393BT0203):** Mayor Magazzu has informed me that the property owner's attorney is preparing the necessary documents for the conveyance of the land for the right-of-way widenings.

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.

8. **SAFE ROUTES TO SCHOOLS PROGRAM:** We submitted the application to the N.J.D.O.T., electronically, by the submission deadline date of May 2, 2008, for the following projects:
- a. Sidewalk along Katherine and Grove Avenues to the elementary school.
 - b. Permanent, flashing speed indicators along Franklin Avenue and Grove Avenue.

9. **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.

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

- a. **Improvements to the Intersection of N.J.S.H. Route 73 and D'Angelo Drive:** As discussed with the Governing Body, I will be sending a letter to the N.J.D.O.T., informing them that the Township Officials do not accept any of the alternatives, except for the traffic signal at D'Angelo Drive.
- b. **Request to N.J.D.O.T. for payment of additional inspection costs for sanitary sewer work:** We have recently forwarded the vouchers to the appropriate departments at the New Jersey Department of Transportation for review and approval.

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c. **Landscape screening along the N.J.D.O.T. Ramp between Oak and Taunton Avenues:** The N.J.D.O.T. Landscape Architect and the owner have been discussing the planting of the twelve spruce trees.

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

A new "Small Community (Population <10,000) Needs Form" has been developed, which allows for the submission of a lesser detail survey information.

We will discuss the projects with Mr. McGee and complete and submit the form by the submission deadline date of May 16, 2008.

12. **PRE-MITIGATION FLOOD CONTROL PROGRAM:** It is our understanding that the County representative has, recently, been contacting the municipal representatives, regarding this program.

13. **REQUEST FOR ADDITIONAL SANITARY SEWER ALLOCATION (KEI #467BT0407):** I, recently, have spoken to Mr. Kricun, P.E. from the C.C.M.U.A. He strongly suggests that a meeting be scheduled, between the C.C.M.U.A. and Township Officials, in the immediate future.

Mr. Kricun has informed me that the N.J.D.E.P. will not approve an increase in the allocation, at this time, as the N.J.D.E.P. is concerned that increases in the allocation for suburban municipalities may affect the allocation of sewer for the redevelopment of Camden City. He noted that, perhaps, some arrangement could be made if the Township is willing to participate in the proportionate share of the necessary upgrades to the C.C.M.U.A. system.

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 during the week of May 12, 2008.

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

No update to report at this time.

16. **PROPOSED RESIDENTIAL DEVELOPMENT BY PAPANONE HOUSING, KATHERINE AVENUE (KEI #142.01BT0305):** The developer has submitted the following street names for consideration for acceptance by the Governing Body:

- a. Augusta Court
- b. Rosewood Court

The Borough Clerk has responded that these street names do not exist in the Borough. I recommend that the Governing Body take the necessary action to accept or reject these street names.

I have also requested that the developer meet with Township Officials to discuss a coordinated effort, between them and the Township, to reconstruct the section of the street, between Grove Avenue and the proposed street for the development.

The reconstruction of this portion of this street, to the proper elevations, will provide for the proper reconstruction of the remainder of the street, in the future.

17. **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.

18. **REQUEST FOR SANITARY SEWER EXTENSIONS:**

- a. Resintech Expansion and Proposed Office/Warehouse Building. I have, recently, emailed the principal of Resintech, requesting the information, which was requested by the Governing Body.
- b. Kepple Carpets (formerly Jersey Marine), Cushman Avenue. The applicant has requested that they be scheduled for a Planning Board Meeting. I believe that they could apply for a connection permit for the existing facilities, but would not be able to obtain a sewer connection for any expansion until they have received approval from the Planning Board.

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

Mr. McGee has recently provided us with data regarding the current usage of the irrigation systems.

We will analyze this data in order to determine monthly usage from each well and compile the information necessary for the submission of an application for a "Water Use Registration".

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20. **AMENDMENT TO THE TREE PROTECTION ORDINANCE:** A Committee has been established to review and submit recommendations for amendments to the Ordinance.
21. **REDEVELOPMENT OF HADDON AVENUE:** I question if the Governing Body would like to proceed with this development project. I believe that Ms. Zoll has informed the Governing Body of the actions, which are being taken by the N.J.D.E.P., for the remediation of the C & M site.

SOLICITOR'S REPORT

1. Water Agreement with Berlin Borough - No response has as yet been received.
2. Increase in Sewer Allocation/Buildout Analysis - No update to report.
3. Vacation of a Portion of Kelley Drive - No update to report.
4. Haddon Avenue Redevelopment Plan/New Municipal Building - No update.
5. Verizon PEG Channel - In accordance with the Mayor's request, I have contacted the Area Manager of Government Affairs for Comcast, James Mallon.
6. Tree Removal in Right of Way Areas - A determination with respect to responsibility for removal of trees in the Township's right of way areas remains outstanding. I suggest that this issue be addressed in connection with the tree ordinance review, for which I understand a subcommittee has been formed. I had previously provided the Governing Body with a report outlining each of the Ordinance sections addressing trees or the removal thereof. This information should be provided to the subcommittee.
7. C&M Auto Repair - I have not received any further updates from the DEP regarding this matter.
8. Nelke v. Berlin Township and Mark Zirpoli - The matter has been referred to Scibal for handling. No further information is available at this time.
9. Richard Winans v. Berlin Twp. And Walter Shendock - Matter remains in litigation. There is no update to report at this time.
10. Salahuddin Smart v. Berlin Twp. And Police Officers - Matter remains in litigation. There is no update to report at this time.
11. Tax Foreclosures - All notices have been mailed to property owners and lien holders, and the notice has been published as well. It is anticipated that we can fill for default to be entered against all property owners who fail to respond, at the end of June, when response time expires. Once judgment is entered, the Township may proceed with a sale of the property.
12. Joint Insurance Fund Risk Control Plan - The Township was advised that the JIF had not yet received the Township's Employment Practices Compliance Checklist. I have had an opportunity to review the checklist and requirements, as well as the materials provided by JIF for consideration by the Township. I have prepared a Resolution setting forth

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suggested changes for the Township's personnel manual, most of which are changes suggested based upon changes in the law.

PUBLIC WORKS DEPARTMENT

Michael McGee, Public Works Director reported that the Township signs are in the process of being renewed.

POLICE DEPARTMENT

Michael Hayden Police Chief reported that the Click It Or Ticket Project will begin on Monday, May 19th.

SECOND READING AND PUBLIC HEARING OF ORDINANCE 2008-8 AN ORDINANCE OF THE TOWNSHIP OF BERLIN AMENDING CHAPTER 77 OF THE CODE OF THE TOWNSHIP OF BERLIN CREATING A DEVELOPMENT REVIEW COMMITTEE

WHEREAS, the Planning/Zoning Board of the Township of Berlin seeks to streamline the development review process for applications presented; and

WHEREAS, the Planning/Zoning Board has presented a proposal to the Governing Body to create a Development Review Committee to informally review applications presented to the Board, and the Governing Body has discussed the proposal, finding it to be in the best interests of the Township.

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

SECTION 1: Article IX, Chapter 77, is hereby amended to include the following sections:

§77-66.1 Development Review Committee.

A. There is hereby established a Development Review Committee, the intent of which is to streamline the development review process. The committee meeting will be a working session between the committee and the applicant, to review the application, provide insight into any deficiencies of the plan, and to offer suggestions and recommendations for the improvement of the plan. It is not a public hearing and need not be advertised. It is an informal review, and no action will be taken as a result of this review. The meeting is open to the public, but participation in discussions is limited to committee members and applicants only.

B. Membership. The Development Review may be composed of the following members who will be invited to attend and offer comments:

- (1) Mayor or the Councilperson, who is the Class III Planning Board member;
- (2) Planning Board Chairperson or designated Planning Board member;
- (3) Zoning Officer or their designated representative;
- (4) Construction Official or their designated representative;

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- (5) Public Works Director or their designated representative;
- (6) Sewer Operator or their designated representative;
- (7) Fire Chief or their designated representative;
- (8) Police Chief or their designated representative;
- (9) Planning Board Solicitor or their designated representative;
and
- (10) Planning Board Engineer or their designated representative.

The designated representative shall be selected by the respective official. Additional departments and agencies may be requested to attend, as needed.

C. Officers. The Planning Board Chairperson, Vice Chairperson or the Chairman's designated representative shall serve as Chair to the Development Review Committee.

D. Duties. The Development Review Committee shall perform the following duties:

- (1) Perform a technical review of the development of new or revised plans for development, which may consist of development proposals, site plans and subdivision plans, and submit comments to the Planning Board to determine consistency with the Master Plan, Zoning Ordinance, Land Use Ordinance and other regulations and standards.
- (2) Provide reviews of the technical aspects of the zoning and land use ordinances and submit recommendations to the Planning Board.
- (3) Perform the technical review of plans for roadway improvements along State and County roadways and submit comments to the Governing Body and Planning Board.
- (4) Perform any other related duties, which are directed by the Governing Body.

E. Schedule for Development Review Committee. Meetings of the Development Review Committee shall be scheduled on an as-needed basis.

F. Procedure. The applicant shall submit a complete application package to the Planning Board Secretary for the proposed development. The Planning Board Secretary will submit the application package to the Planning Board Engineer for his determination of the necessity for review by the Development Review Committee. If the Engineer determines that the application must be reviewed by the Development Review Committee, the Planning Board Secretary will distribute copies of the contents of this application package to the members of the Development Review Committee, within one week of the date of receipt of the application package. The Development Review Committee members may review the application package, prior to the Development Review Committee Meeting, and submit their comments, verbally at the Development Review Committee Meeting, or in writing for discussion at the Development Review Committee Meeting. The meeting shall not be conducted unless there is a member of the Planning Board present at the meeting. Minutes of the meeting, recording the general discussion of the meeting, will be prepared by an attending

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member or their designee. Thereafter, the Development Review Committee shall submit the minutes, as well as any comments, to the Planning Board within seven (7) days after the Development Review Committee meeting.

G. Attendance by applicant. The applicant must attend the Development Review Committee meeting. Failure of the applicant to attend the Development Review Committee meeting will result in the application being deemed incomplete and the matter will not proceed to the Planning Board for review.

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

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

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

Motion by Councilman Morris, second by Council President DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2008-8. There were no requests to be heard. Motion by Councilman Batten, second by Councilman Morris to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman Batten, second by Councilman Morris to adopt Ordinance 2008-8. Ordinance adopted by call of the roll, five members present voting in the affirmative.

FIRST READING OF ORDINANCE 2008-9 AN ORDINANCE OF THE TOWNSHIP OF BERLIN ADOPTING CHAPTER 4 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED EMPLOYEE RETIREMENT PLAN PARTICIPATION

Motion by Council President DiGangi, second by Councilman Morris to adopt Ordinance 2008-9 on first reading by title. Ordinance adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008: 117 AUTHORIZING EMERGENCY APPROPRIATIONS IN ACCORDANCE WITH NJS 40A:4-48

WHEREAS, an emergency has arisen with respect to tax appeals filed, which requires the use of professional appraisal services to properly defend the Township of Berlin and, no adequate provision has been made in the 2008 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation of emergency appropriations for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriations to be created by this resolution is \$ 30,000.00 and three (3) percent of the total operating appropriations in the budget for 2008 is \$ 199,973.22 and

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WHEREAS, the foregoing appropriations together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2008.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that in accordance with NJS 40A: 4-48:

1. An emergency appropriation is hereby made for Tax Assessment Administration – Other Expenses for \$ 30,000.00.
2. That said emergency appropriations which total \$ 30,000.00 shall be provided for in full in the 2009 budget and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

Motion by Councilman Morris, second by Council President DiGangi to adopt Resolution 2008-117. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008:118 CERTIFYING THE GENERAL FUND TAX LEVY FOR THE TOWNSHIP OF BERLIN BOARD OF EDUCATION FOR THE SCHOOL YEAR 2008/2009, 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 2008/2009; 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: \$ 7,563,012.00
2. The amount of reduction to the tax levy for the base budget: \$ 51,162.00
3. The amount of tax levy being certified for the base budget: \$ 7,511,850.00
4. Specific line item changes:

Appropriation Account Number	Description	Amount Reduced
11-000-291-270	Health Benefits	\$32,000.00

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11-190-100-610 General Supplies \$19,162.00

5. Supporting Reasons for changes:

Health Benefits – Reduced by \$32,000.00
Additional savings were found after discussion with insurance carrier.

General Supplies – Reduced by \$19,162.00
Business Administrator found additional savings in this line item.

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 Council President DiGangi, second by Councilman Morris to adopt Resolution 2008-118. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008-119 RESOLUTION CONFIRMING THE HIRING OF VARIOUS EMPLOYEES BY THE TOWNSHIP OF BERLIN

WHEREAS, over the past several months, various department heads required the following employees to be hired to perform certain duties to continue to provide services to the residents of the Township of Berlin; and

WHEREAS, the following employees were hired as follows:

Person	Position	Date of Hire
Betty J. Murray	Court Recorder (replaced existing person)	4/17/08
Jane Beach	Temporary Bus Driver (fill in as needed)	2/19/08
Cheryl Grugan	Temporary Court Recorder for training	5/1/08

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it hereby authorizes and approves the hiring of the above mentioned employees.

Motion by Councilman Morris, second by Councilman McIntosh to adopt Resolution 2008-119. Resolution adopted by call of the roll, five members present in the affirmative.

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RESOLUTION 2008:120 RESOLUTION CANCELLING REMAINING BALANCE IN CONTRACT PAYABLE IN GENERAL CAPITAL FUND

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

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

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

Resolution Date	Ordinance Number	Purpose	Vendor	Amount
4/24/06	2003-22	Vehicle Wash Center	KEI Assoc.	\$7,751.00

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-120. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008:121 RESOLUTION APPROVING PRELIMINARY MUNICIPAL TAX LEVY FOR THE CALENDAR YEAR 2008

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 \$3,941,586.34 for the calendar year 2008.

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 Morris, second by Council President DiGangi to adopt Resolution 2008-121. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008:122 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

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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 Councilman Morris, second by Councilman Batten to adopt Resolution 2008-122. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008-123 PAYMENT OF BILLS FOR MAY 12, 2008

WHEREAS, the Code of the Township of Berlin, Chapter 7-1et 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.

<u>TO</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
CC Animal Shelter	Dog Trust	\$ 440.00
Robert DePersia	Mun Public Defender	525.00
David F. Carlamere	Planning Board Esc #334	95.00
	Planning Board Esc #113	115.00
	Planning Board Esc #335	105.00
KEI Associates	Planning Board Esc #286	297.50
	Planning Board Esc #308	3,140.00
	Planning Board Esc #337	771.25
	Planning Board Esc #338	827.50

CONFIRMING

Treasurer, State of NJ	Dog Trust	\$ 42.00
Lucille Giannini	Dog Trust	599.00
Meghan Walsh	Dog Trust	599.00
Greenworks	01-213-77-021-3000	8,690.00
Mary Trout, Petty Cash	01-201-26-305-2151	6.50
	01-201-26-305-2151	40.00
	01-201-20-110-2041	51.84
State of New Jersey	01-201-23-220-2092	39,751.11
State of New Jersey	01-201-23-220-2092	11,456.79
Payroll, Current Fund	4/3/2008	57,757.37
Payroll, Sewer	4/3/2008	4,885.66

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Payroll, Current Fund	4/10/2008	57,404.75
Payroll, Sewer	4/10/2008	4,638.90
Payroll, Current Fund	4/17/2008	56,489.34
Payroll, Sewer	4/17/2008	4,705.38
Payroll, Current Fund	4/24/2008	77,927.66
Payroll, Sewer	4/24/2008	4,638.82

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2008-123. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008: 124 RESOLUTION ACCEPTING PROPOSAL FROM ROBERT M. SAPIO, APPRAISER

WHEREAS, two large tax appeals have been filed by commercial properties that require the services of an MAI appraiser who has extensive market data on the sale and leasing of major box retail stores and community size shopping centers; and

WHEREAS, a proposal dated April 23, 2008 has been received by our appraiser of record, Robert M. Sapio, who has the required experience to perform the appraisals for \$22,000.00 plus an additional hourly fee should trial be necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the proposal from Robert M. Sapio be hereby accepted as it is necessary for the Township to defend itself.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-124. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008:125 RESOLUTION OF THE TOWNSHIP OF BERLIN PERMITTING A SEWER CONNECTION IN VOORHEES TOWNSHIP FOR BLOCK 285, LOT 1.01 FOR MR. ERIC SCHWARTZ

WHEREAS, the Governing Body of the Township of Berlin recently adopted a Resolution restricting the issuance of sewer connection permits to property owners outside of the Township of Berlin; and

WHEREAS, it has come to the attention of the Governing Body that Eric Schwartz, owner of property located at 11 First Avenue in Voorhees, Block 285, Lots 1.01, had, prior to the adoption of the aforementioned Resolution, been approved by Voorhees for a minor subdivision for residential development, based upon correspondence previously issued by the Township of Berlin confirming the ability of Mr. Schwartz to connect to the Township of Berlin sewer system, as well as correspondence from the Township of Berlin confirming available capacity for such connections; and

WHEREAS, the Camden County Municipal Utilities Authority has also approved and prepared the necessary permits for development of this property; and

MAY 12, 2008

WHEREAS, Mr. Schwartz has invested significant sums into the development of this property and has relied upon prior representations of the Township of Berlin in doing so; and as such, if he is denied a sewer connection permit at this point, he would suffer significant and severe financial and personal hardship.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Governing Body of the Township of Berlin, that Eric Schwartz be granted one (1) residential sewer connection permits for the property currently known as 11 First Avenue, Voorhees Township, Block 285, Lots 1.01.

Motion by Councilman McIntosh, second by Councilman Batten to adopt Resolution 2008-125. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008-126 RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF BERLIN REGARDING REVIEW AND AMENDMENT OF THE PERSONNEL POLICY MANUAL

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

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

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

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

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2008-126. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008-127 Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Restoration of Clarence Avenue

WHEREAS, the Township of Berlin desires to submit an application to the New Jersey Department of Transportation for FY2009 Municipal Aid Funding for the above noted project; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the Township of Berlin formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2009-BerlinTwp-00157 to the New Jersey Department of Transportation on behalf of the Township of Berlin; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Berlin and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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Motion by Councilman Batten, second by Councilman McIntosh to adopt Resolution 2008-127. Resolution adopted by call of the roll, five members present in the affirmative.

RESOLUTION 2008-128 Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Sidewalk along N.J.S.H. Route No. 73 Northbound

WHEREAS, the Township of Berlin desires to submit an application to the New Jersey Department of Transportation for FY2009 Municipal Aid Funding for the above noted project; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the Township of Berlin formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2009-BerlinTwp-00157 to the New Jersey Department of Transportation on behalf of the Township of Berlin; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Berlin and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2008-128. Resolution adopted by call of the roll, five members present in the affirmative.

CONSENT AGENDA

Motion by Councilman Batten, second by Councilman Morris 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 28, 2008

Motion by Councilman Morris, second by Councilman McIntosh to approve the minutes of April 28, 2008. Motion carried by voice vote, five members present in the affirmative.

APPROVAL OF CORRESPONDENCE CALENDAR FOR APRIL 2008

Motion by Councilman McIntosh, second by Councilman Batten to receive and file the correspondence calendar for April 2008. Motion carried by voice vote, all present in the affirmative.

GOOD & WELFARE #2

MAY 12, 2008

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

ALL OTHER BUSINESS

Lori Campisano, CFO, received a request from Mr. Cuellar of E&V Car Wash to release his escrow. She request that we adopt resolution to release his escrow in the amount of \$2,285.55.

RESOLUTION 2008-129 RESOLUTION REQUESTING THE RELEASE OF ESCROW FOR E&V CAR WASH, VOORHEES TOWNSHIP

WHEREAS, Miguel Cuellar of E&V Car Wash and Lube Center at 1244 Haddonfield-Berlin Road, Voorhees Township, Camden County, New Jersey, has requested the release of his escrow balance in the amount of \$2,285.55, and;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for release of escrow in the amount of \$2,285.55 be granted to Mr. Miguel Cuellar of E&V Car Wash and Lube Center.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-129. Resolution adopted by call of the roll, five members present in the affirmative.

ADJOURNED

Motion by Councilman Morris, second by Councilman McIntosh to adjourn the meeting at 7:58 p.m. Motion carried by voice vote, all members present voting in the affirmative

Jamey Eggers, Township Clerk