

May 13, 2013

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL May 13, 2013 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 Courier Post, Record Breeze and posted on the bulletin board.

All in attendance joined in the Salute to the Flag.

**ROLL CALL**

**Present-** Council President Morris, Councilman Epifanio, Councilman McIntosh, Councilwoman Bodanza, Mayor Magazzu

**Also Present-** CFO, Lori Campisano, Solicitor, Stuart Platt, Chuck Riebel, Engineer Maintenance Officers, Josh Shellenberger, Acting Chief of Police, Lenny Check

**Absent-**

**Awards and Proclamation**

Mayor and Council presented an award to Terri Vandegrift for the 14 years of service that she has provided the residents of Berlin Township. Her dedication and service has always been above and beyond her duties, thinking of others before herself.

Mayor and Council Recognized the Month of May as Berlin Township Police month. Mayor and Council thanked the Police Officers of Berlin Township for all their extraordinary services and sacrifices that they provide to make our streets safe for our residents. This month we recognize their invaluable contributions to upholding justice, enforcing the rule of the law and protecting the innocent.

Mayor and Council Recognizes the Month of May as Senior Citizens Month. It is appropriate for Berlin Township to join in this yearly tradition to help recognize all seniors citizens celebrate their contribution they have made through out their lives.

Whereas Mayor and Council of Berlin Township would like to join in this yearly tradition by celebrating our Senior Citizen's and designate the month of May as a time to celebrate their contribution and rededicate ourselves to better serve elder Americans.

**Oath of Office for Newly Hired Police Officer Kenneth Barbagli**

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**RESOLUTION 2013-101 RESOLUTION APPOINTING KENNETH BARBAGLI PATROLMAN FOR THE TOWNSHIP OF BERLIN POLICE DEPARTMENT**

**WHEREAS**, a recommendation has been made to the Mayor and Township Council of the Township of Berlin to appoint Kenneth Barbagli as Patrolman in the Township Police Department; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Berlin that it hereby authorizes and approves the appointment of Kenneth Barbagli Patrolman in the Township Police Department effective May 6, 2013.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-101. Resolution adopted by call of the roll, five members present voting in the affirmative.

Mayor Magazzu administered the Oath of Office to Kenneth Barbagli.

**ENGINEER'S AND DIRECTOR'S REPORT**

**A. CHANGE ORDERS AND VOUCHERS**

1. Hill Avenue Storm Drainage Improvements (Partially C.D.B.G. Funded)  
I recommend that the Governing Body consider approving Final Change Order Number 4, which adjusts the Contract from \$289,075.50 to \$294,380.15, an increase of \$5,304.65, reflecting the as-built quantities. I recommend that the Governing Body consider approving the Final Voucher for \$42,548.93, conditional upon the approval and authorization from the Camden County Block Grant Program.

**B. RESOLUTIONS AND ORDINANCES FOR CONSIDERATION**

1. High Point II Sewer Extension-Treatment Works Application  
The Governing Body may want to consider passing a resolution approving the Treatment Works Application and authorizing the Mayor to sign the application, conditional upon the acceptance of the Intermunicipal Services and Developers Agreement, between Berlin and Voorhees Townships and Paparone.
2. Traffic Signal Maintenance and Repair

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I recommend that the Governing Body consider awarding a contract to the only bidder, Techna-Pro of Mt. Laurel, N.J.

3. Public Works Department Crew Leader – Parks/Streets/Buildings

I recommend that the Governing Body adopt the necessary amending ordinance to create the new position and eliminate the respective individual crew leader positions. I recommend that the Governing Body appoint Harry Mc Allister III to this position. William Townsend will be appointed to the laborer position.

**C. ENGINEER'S REPORT**

**1. 2013 STREET IMPROVEMENT PROGRAM**

Bids are scheduled to be opened on May 22, 2013. We have requested that a special Council Meeting be held to, hopefully award a contract as the N.J.D.O.T has denied the request for an extension of time to award a contract for the N.J.D.O.T. Municipal Aid funded projects of Mt. Vernon Avenue (FY2010) and Edgewood Avenue (FY 2011).

**2. NJDOT FY 2013 MUNICIPAL AID APPLICATIONS**

The N.J.D.O.T. has announced the selected projects. The N.J.D.O.T. did not allocate any funds.

**3. HADDON AVENUE STREETScape, PHASES 1, 2, AND 3, JEFFERSON AVENUE TO LUCAS AVENUE (FEDERAL TEA-21 FUNDS \$555,240)**

We are in the process of resolving the final quantities with the contractor and hope to be closing out the project, in the immediate future.

The Public Works Department is restoring the disturbed areas around the decorative street lights, between Veteran's Avenue and Lucas Avenue.

**4. HILL AVENUE STORM DRAINAGE IMPROVEMENTS [C.D.B.G. YEAR 32 (\$32,257), YEAR 33 (27,900), AND YEAR 34 (24,000) FUNDING]**

The Contractor has completed the corrective work to the best of their ability. We have submitted the final Change Order No. 4 and final voucher for consideration for approval by the Governing Body, conditional upon the acceptance and authorization by the Camden County C.D.B.G. Program.

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Ms. Beth Pugh, C.D.B.G. representative has reviewed various documents to determine conformance with the Program requirements. The paving sub-contractor must submit several documents to Ms. Pugh before they can accept the project.

**5. STREET IMPROVEMENTS TO HILL AVENUE (C.D.B.G. YEAR 35 FUNDING \$21,000 +/-)**

These funds will be available at the end of this year. I believe that there may be remaining Township funds, which could be utilized for the street improvements.

I recommend that the Governing Body consider authorizing the performance of the engineering design, preparation of the bid documents and advertisement for bids. Prior to taking any action I will prepare a construction cost estimate for consideration by the Governing Body.

**6. PROPOSED DOG PARK AT LUKE AVENUE RECREATION AREA, COUNTY OPEN SPACE APPLICATION**

The application and resolution of endorsement and authorization was submitted to the County. Typically, the review and selection process takes several months. The application requests \$25,759.00 (\$25,000.00 requested from the County) for the proposed construction.

**7. RECONSTRUCTION OF BASKETBALL COURT AT SPRUCE AVENUE RECREATION SITE (COUNTY OPEN SPACE GRANT - \$25,000)**

The Governing Body passed Resolution No. 2013-87, authorizing the re-bid for the reconstruction of just the basketball court. We expect to be receiving bids in the immediate future.

**8. BANDSHELL AT LUKE AVENUE RECREATION AREA (COUNTY OPEN SPACE GRANT - \$25,000)**

I am hopeful that the Public Works staff will be able to construct the concrete foundation and floor. I believe that it will be necessary for a contractor to erect the bandshell structure and install the electric due to the anticipated, limited amount of time which the Public Works staff will be able to devote to the erection of the structure.

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**9. N.J.D.O.T. SAFE ROUTES TO SCHOOL**

This federally funded program has been placed on hold. It is expected that it will be quite some time before these funds become available.

**10. BEAUTIFICATION OF THE FRONTAGE OF THE MUNICIPAL BUILDING SITE, N.J.D.O.T. TRANSPORTATION ENHANCEMENT PROGRAM**

The Federal agency is holding the funds for this program. It is expected that it will be quite some time until these funds are available for projects.

**11. PERVIOUS CONCRETE SIDEWALK ALONG NORTHBOUND ROUTE 73 -JACKSON ROAD TO EDGEWOOD AVENUE (N.J.D.O.T. FY'S 2008 AND 2009 FUNDING)**

I have been in frequent contact with the contractor to schedule the performance of test treatment of the concrete. He is trying to obtain the product information from the concrete producer for my review and, hopeful, acceptance. I have stressed to the contractor that this treatment process must be performed, in the immediate future, so the project can be closed out with the N.J.D.O.T.

**12. MUNICIPAL CERTIFICATION FOR FUTURE FEDERAL FUNDED PROJECTS**

We attended a seminar, regarding the requirements for federally funded projects on March 28, 2013. The mentioned that four municipalities have received certification, to date.

We will obtain the information from the N.J.D.O.T. and inform the Governing Body and Ms. Campisano of the certification requirements.

**13. NO PASSING ZONE ALONG COOPER ROAD**

We will be performing the study, using the road profile on the New Jersey-American Water Company construction plans.

**14. MUNICIPAL BUILDING**

- a. Roof Membranes

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The Governing Body passed Resolution 2013-89, authorizing the receipt of bids for the roof membrane and installation. I anticipate receiving bids in late Summer, 2013 for this project.

b. Improvements to the Unfinished General Assembly Rooms

We have ordered the vinyl floor tiles and expect to utilize Township employees to perform the installation. We are still preparing the bid documents for the room lighting, HVAC system and fire system reconfiguration. It is probable that this work may not be completed by the primary election day. If this is the case, we must make temporary provisions.

c. Free Standing Monument Sign

I recommend that the Governing Body consider awarding a contract to Dandrea Masonry for the installation of the brick facing and concrete capping to the masonry brick base.

d. Irrigation and Landscaping

We have completed the landscape plan. An irrigation system design must be performed, the respective plans prepared and bids received for the construction of the system.

**15. STORM DRAINAGE IMPROVEMENTS**

1) Lester Avenue Storm Drainage and Stormwater Management

We must perform the land surveying and engineering design for the initial phase of construction, which will consist of installation of storm inlets at the low point of Lester Avenue, piping and a temporary stormwater management basin on the Luke Avenue Recreation Site.

I am anticipating that this construction will be performed by the Public Works Staff. I will prepare a cost estimate for this project so that the necessary funds can be allocated by the Governing Body.

2) Storm Drainage Issues with the Southwest Portion of the Township

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I had reported to the Governing Body that I am estimating that the overall construction cost for the necessary improvements is approximately \$11.8 million.

3) Mt. Vernon Avenue Storm Drainage at the Elementary School

On occasion, the street has flooded, due to the apparent, limited capacity of the of the drainage system and receiving ditch, which is on the Board of Education property. I have discussed the matter with Mr. Pfluger, School Buildings and Grounds Superintendent. The ditch must be reconstructed to provide additional capacity and a positive outflow.

Mr. Pfluger has provided me with an incomplete version of a topographic map for the school property. I intend to attempt to decipher the contours and perform a preliminary design for said improvements. I intend to present the preliminary proposal to Mr. Fitz for his review and consideration for recommendation to the Board of Education.

Prior to any discussions with the Board of Education, I will present the matter to the Governing Body for your review and direction.

4) Kelley Drive Stormwater Basin Reconstruction

We will be preparing bid documents for the excavation, dewatering and removal of the sediment and reconstruction of the basin bottom. The cost for this work will be covered by the Wal-Mart contribution.

**16. REQUEST TO THE PINELANDS COMMISSION FOR  
ADDITIONAL REDESIGNATION OF LANDS**

This year, we will be preparing the documents supporting the request for the redesignation of Pinelands zoning for other lands to allow for greater density development and the extension of sanitary sewer to those re-designated areas.

**17. MONTEBELLO PUMPING STATION**

The developer has, formally, requested that the Township accept ownership of this facility. We have inspected the site, with the developer's representatives, and have issued a list of items, which must be addressed before I can recommend that the Governing body consider this request.

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**18. TAX MAP REVISIONS**

We are , currently, revising the Tax Maps. Once completed, we will submit a digital version to the County Board of Taxation and hard copies to the Township Tax Offices.

**19. FORMER MUNICIPAL BUILDING SITE, BATE AVENUE**

We must still complete the survey and preliminary environmental assessment for this property. It is my understanding that the property cannot be transferred to the Township until this work has been completed and issued.

I had received a telephone call from a resident, questioning the status and reasons for the delay of the sale of the property. I had informed the resident that the preliminary environmental assessment must be completed and the current economic and real estate conditions have resulted in an undesirable climate for the sale of property for residential building lots. I believe that members of the Governing Body have discussed this matter, on a continual basis, with real estate professionals.

**20. TRAFFIC CALMING PROGRAM**

I believe that the Governing Body is reviewing the ordinances from other municipalities and is considering the implementation of a program, which will define the evaluation and prioritization process.

I believe that the Governing Body is, also, considering the use of temporary speed humps and the respective signage to allow for the flexibility of testing and analyzing the effectiveness of these measures, in the identified locations.

The Governing Body has, also, discussed the use of electronic and solar powered flashing speed notice boards with flashing strobe lights. Acting Chief Check has, also, informed the Governing body that he has discussed this matter with the School Board and administration.

I am still, waiting for the quotes for the large “No Thru Traffic” signs for installation at intersections along Haddon Avenue and Franklin Avenues.

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## **21.PUBLIC WORKS DEPARTMENT**

1) **REQUEST FOR 2013 BUDGET AND CAPITAL PURCHASES FOR VEHICLES AND EQUIPMENT**

I will be revising my request for the purchases of vehicles and equipment and expect to submit this request in early 2013. The Department is in dire need of trash trucks and large dump trucks.

2) **IMPROVEMENTS TO SEWER PUMPING STATIONS**

I will also be including in my request for capital funds, improvements to the aging sewer pumping stations, which I strongly recommend that the Governing Body consider allocating the necessary funds.

3) **GREASE TRAP MAINTENANCE**

I believe that the Governing Body is considering taking the necessary action to allow for the sewer crew to assist the Plumbing Sub-code Official with the inspection and enforcement of the reporting of grease trap maintenance.

4) **SUBMISSION OF ANNUAL REPORTS**

I have submitted the annual reports for the Recycling Tonnage Report and Stormwater Report.

I must submit the Clean Communities reports for 2010 and 2011 in the immediate future.

I must also submit the Diesel Retrofitting Report to the N.J.D.E.P., in the immediate future.

5) **COMBINED PARKS/STREETS AND BUILDINGS CREW LEADER**

I had posted the position and received one resume' from Harry McAllister III. I recommend that the Governing Body create the combined position and appoint Mr. McAllister to the position. Since the Streets crew leader will be eliminated, William Townsend must be re-assigned to Class 2 Laborer. The individuals salaries must be revised, accordingly.

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The Governing Body is in the process of adopting the necessary amending ordinance and resolution.

6) **REPAIRS TO THE VANDALIZED GENERATOR AT THE ROUTE 73 PUMPING STATION**

The new engine block and the necessary repairs and the replacement of the remaining connecting parts have been installed. The generator is, now, back in operation.

7) **PERFORMANCE OF TASKS**

The staff continues to perform the Spring tasks. Spring leaf collection and the initial round of street sweeping has been completed by the staff.

We will be preparing Veteran's Park for the Memorial Day event, this month.

8) **TEXTILE RECYCLING**

I must discuss the program with the Westville Borough Public Works Director. I will, then, report to the Governing Body.

**SOLICITOR REPORT**

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Berlin Township ADS. Estate of Raj Kumar Chopra
5. Berlin Township ADS. David Carp
6. Berlin Township ADS. Jason Black
7. Berlin Twp. ADS. Abdul Mansaray
8. Berlin Twp. ADS. Jennifer Vernacchio as Guardian Hannah Maslanka
9. Berlin Twp. ADS. Tarin Dunham
10. Berlin Twp. ADS. Tyrone Powell
11. Open Public Records Act.
12. Codification
13. Fire Safety Ordinance.
14. Anti-Bulling Ordinance
15. Chief Jackson
16. Grease Trap Ordinance
17. Traffic Ordinance Overhaul
18. Speed Humps
19. DPW Contract

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20. DPW Employee issue
21. Junk Vehicle Ordinance
22. Overnight Parking amend Ordinance (Boat Campers Trailers)
23. Pawn Shop Ordinance

### **POLICE DEPARTMENT**

Acting Chief Check reported that he had met with a resident about speeding vehicles on Taunton Avenue trying to make the light. He has since placed the sign board at that location and is checking to see if the speed limit can be changed to 25mph. Chief commented that officers had responded to a burglary in September 2012 and Sgt McVeigh obtained gloves worn by the perpetrators by the crime scene and sent them out for DNA. May 2013 Sgt McVeigh received information from the DNA and was able to make an arrest.

Chief stated that he is in the process of obtaining information from a company that offers bar codes attached to residents doors. So that when officers respond to that residents they can scan the bar with their smart phone scan and the bar code will give information about the residents emergency contacts, medical issues, vacations, ect. The cost is \$6.00.

### **MAINTENANCE OFFICER / ANIMAL CONTROL**

Josh Shellenberger reported that with the recent wet weather the last few weeks they now has high grass violations with the vacant homes which he will be addressing this week.

Josh also reported that he had picked up three dogs last week and was able to locate the owners and return them home safely, saving the Township the shelter fees.

### **SECOND READING AND PUBLIC HEARING ORDINANCE 2013-5 AMENDING ORDINANCE 2012-12 and 2011-20 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, AMENDING CHAPTER 3 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED “ADMINISTRATION OF GOVERNMENT”.**

**WHEREAS**, Chapter 3 of the code of the Township of Berlin (“Township”) identifies the various departments, offices and agencies of the Township of Berlin; and

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**WHEREAS**, pursuant to N.J.S.A. 40:48-1, the Governing Body is authorized to make, amend, repeal and enforce ordinances to prescribe and define the duties and terms of employment of all officers and employees of the Township; and

**WHEREAS**, in accordance with the aforesaid authority, the Governing Body has determined that it is prudent to amend Chapter 3 so as to amend the organization chart;

**NOW THEREFORE**, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, as follows:

**SECTION 1:** Chapter 3 as set forth in Ordinance 2012-12 shall be revised as follows:

**3-1.1. Organizational Chart.**

The attached revised organizational chart for the departments listed for Berlin of Township.

**SECTION 2:** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

**A Copy of the Organizational Chart is available at the Clerks Office**

Motion by Councilman Epifanio, second by Council President Morris to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2013-5.

No comments were to be heard.

Motion by Council President Morris second by Councilman Epifanio to close the meeting to the public. Motion carried by voice vote, all present voting in favor.

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt Ordinance 2013-5 Ordinance approved by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-99 RESOLUTION TO AMEND THE HOURS OF OPERATION FOR THE BERLIN TOWNSHIP MUNICIPAL BUILDING DURING THE SUMMER MONTHS.**

**WHEREAS** the hours of operation for the Berlin Township Municipal will change for the summer months; and

**WHEREAS** the amended schedule will begin on the week of June 17<sup>th</sup> 2013 through Labor Day; and

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**WHEREAS** the Berlin Township Municipal Building hours of operation will be as follows.

**Monday 8:30 to 6:30**  
**Tuesday 8:30 to 5:30**  
**Wednesday 8:30 to 5:30**  
**Thursday 8:30 to 5:30**  
**Friday Closed**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the summer hours of operation for the Berlin Township Municipal Building is hereby amended and granted.

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adopt Resolution 2013-99. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013- 100 LIST OF UNCOLLECTIBLE TAXES DUE BACK FROM STATE.**

**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 13, 2013**  
**Diane Zoppel, CTC - Tax Collector**

<b>NAME</b>	<b>DESCRIPTION</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>REASON</b>
<b>Jeanette Deitz</b>	<b>216-8.01 C0003</b>	<b>2013</b>	<b>250.00</b>	<b>Senior</b>
<b>Sharon Simpson</b>	<b>218-7</b>	<b>2013</b>	<b>250.00</b>	<b>Senior</b>
<b>Charles &amp; Dolores Mauger</b>	<b>611-7</b>	<b>2013</b>	<b>250.00</b>	<b>Senior</b>
<b>Philip R. Mangini</b>	<b>805-6</b>	<b>2013</b>	<b>250.00</b>	<b>Veteran</b>
<b>Geraldine Schiavo</b>	<b>1304-28</b>	<b>2013</b>	<b>250.00</b>	<b>Senior</b>
<b>Michael Radyshevsky</b>	<b>1410-5</b>	<b>2013</b>	<b>250.00</b>	<b>Veteran</b>

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William Crowther	1805-1	2013	500.00	Senior/Veteran
			<b>\$ 2,000.00</b>	<b>TOTAL</b>
				<b>to Aug/Nov 2013</b>

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adopt Resolution 2013-100. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-102 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 Councilman Epifanio, second by Councilman McIntosh to adopt Resolution 2013-102. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-103 RESOLUTION CONFIRMING THE PURCHASE OF ITEMS FROM VENDOR WITH STATE CONTRACT IN EXCESS OF BID THRESHOLD DURING SFY 2012 AND PAID FOR IN CY 2013.**

**WHEREAS**, the Township of Berlin may, pursuant to N.J.S.A.40A:11-12, purchase materials, supplies and equipment under contracts entered into on behalf of the State of New Jersey by the Division of Purchases and Property in the Department of the Treasury; and

**WHEREAS**, purchases under the aforesaid State Contract were made by the Township without the necessity of advertising for bids or may be made in cases where advertisements for bids have produced either no bids or have produced rejected bids; and

**WHEREAS**, the following purchases were made during SFY2012 and paid for in CY 2013 in excess of the bid threshold:

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CONTRACT	VENDOR	ITEM	DATE OF EXPIRATION
1. 79010	Day Chevrolet Inc.	(1) 2013Chevy Tahoe	11/30/12

**WHEREAS**, the Mayor of the Township of Berlin be and is hereby authorized and instructed to sign and execute any necessary legal instruments in connection with the purchases; and

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

Motion by Councilman Epifanio, second by Councilman McIntosh to adopt Resolution 2013-103. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-104 RESOLUTION CANCELING OUTSTANDING CHECK IN THE GENERAL CAPITAL FUND.**

**WHEREAS**, there exists a prior year outstanding check on the books in the General Capital Fund; and

**WHEREAS**, the outstanding check has been investigated and it has been determined it should be canceled;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the following outstanding check listed be and is hereby canceled:

<u>Date</u>	<u>Check Number</u>	<u>Vendor</u>	<u>Amount</u>
4/24/12	3803	Parallel Edge	\$80.69

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-104. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-105 RESOLUTION REMOVING CERTAIN ITEMS FROM THE TOWNSHIP OF BERLIN FIXED ASSET INVENTORY AS OF DECEMBER 31, 2012.**

**WHEREAS**, the Chief Financial Officer of the Township of Berlin maintains a fixed asset inventory system in accordance with N.J.A.C. 5:30-5.6; and

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**WHEREAS**, the Mayor and Council of the Township of Berlin has adopted a capitalization threshold of \$500.00 for its fixed asset inventory; and

**WHEREAS**, it has been determined that certain fixed assets as listed below should be removed from the inventory as of December 31, 2012 for the reasons stated:

<u>Department/ Yr of Acquisition</u>	<u>Item/Category</u>	<u>Tag/Serial #</u>	<u>Amount/Reason</u>
1. Finance - 1994	Software for Budget and Payroll		\$7,990.00 Replaced
2. Police – 2009	Vest – Colozzi		\$580.25 Retired
3. Police – 2007	Vest – Lex		\$649.00 Replaced
5. Police – 2007	Vest – Fitzgibbon		\$569.00 Replaced
6. Police – 2007	Vest – McVeigh		\$569.00 Replaced
7. Clerk – 2005	Software for Municipal Licensing		\$4,194.00 Replaced
8. Public Wks – 1984	Snow Plow - #0065		\$2,000.00 Destroyed
9. Public Wks – 1988	Snow Plow - #00070		\$2,300.00 Destroyed
10. Public Wks – 1988	Snow Plow - #00071		\$2,600.00 Destroyed
11. Public Wks – 1985	Snow Plow - #00072		\$2,100.00 Destroyed
12. Public Wks – 2006	Van Body Storage 26' - #0776		\$2,100.00 Destroyed

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the above mentioned fixed assets be removed from the inventory listing as of December 31, 2012.

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Motion by Councilman Epifanio, second by Councilwoman Bodanza to adopt Resolution 2013-105. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-106 RESOLUTION AUTHORIZING THE PURCHASE OF ITEMS FROM VENDORS WITH STATE CONTRACT IN EXCESS OF BID THRESHOLD DURING CY 2013.**

**WHEREAS**, the Township of Berlin may, pursuant to N.J.S.A.40A:11-12, purchase materials, supplies and equipment under contracts entered into on behalf of the State of New Jersey by the Division of Purchases and Property in the Department of the Treasury; and

**WHEREAS**, purchases under the aforesaid State Contracts may be made by the Township without the necessity of advertising for bids or may be made in cases where advertisements for bids have produced either no bids or have produced rejected bids; and

**WHEREAS**, the following purchases will be made during CY 2013 in excess of the bid threshold:

<b>CONTRACT</b>	<b>VENDOR</b>	<b>ITEM</b>	<b>DATE OF EXPIRATION</b>
1. 80912	Majestic Oil Co. Inc.	Gasoline, Unleaded	2/28/15
2. 82767	Majestic Oil Co. Inc.	Diesel Fuel	10/31/13

**WHEREAS**, the Mayor of the Township of Berlin be and is hereby authorized and instructed to sign and execute any necessary legal instruments in connection with the purchases: and

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

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-106. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-107 RESOLUTION CANCELING REMAINING BALANCE IN CONTRACT PAYABLE IN THE GENERAL CAPITAL FUND – KEI ASSOCIATES.**

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

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**WHEREAS**, the contract payable has been investigated and it has been determined the following should be canceled;

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

Resolution Date	Ordinance Number	Purpose	Vendor	Amount
11/08/04	2004-10	Engineering for Haddon Ave. Phases 1 and 3	KEI Assoc.	\$28,596.00

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-107. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-108 PAYMENT OF BILLS.**

WHEREAS, the Code of the Township of Berlin, Chapter 7-1 et seq., provides for the 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 to be paid.

TO	ACCOUNT	AMOUNT
Carlamere & Rowan, Esq.	PB Esc #374	\$ 125.00
Robert E. DePersia, II, Esq.	Mun Public Defender Trust	150.00
Camden County Animal Shelter	Dog Trust	583.34
Treasurer, State of NJ	Dog Trust	53.40

**CONFIRMING**

America on Line	3-01-31-443-2077	\$ 34.99
Verizon Communications	3-01-31-443-2077	99.99
Verizon Communications	3-01-20-120-2105	143.14
State of NJ Health Benefits	3-01-23-220-2092	59,843.61
State of NJ Health Benefits	3-01-23-220-2092	26,866.18
Max Graphics	3-01-20-110-2105	560.00
Verizon Communications	3-01-31-443-2077	99.99
Treasurer, State of NJ	3-01-55-292-0000	25.00

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Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2013-108. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-109 RESOLUTION AUTHORIZING PURCHASES OF ELECTRIC GENERATION SUPPLY SERVICES BASED UPON THE AWARD OF CONTRACTS TO HESS CORPORATION IN ACCORDANCE WITH THE COOPERATIVE BID AWARDED BY THE COUNTY OF CAMDEN FOR THE SOUTH JERSEY POWER COOPERATIVE.**

**WHEREAS**, the County of Camden, on behalf of the South Jersey Power Cooperative (“SJPC”), in which Berlin Township is a member, received and opened bids at its Division of Purchasing on April 18, 2013, for Electric Generation Supply Service for the South Jersey Power Cooperative (Bid A-16/2013); and

**WHEREAS**, bids were received from five vendors consistent with the County of Camden’s requirements for terms of 12 and 24 months beginning June 2013; and

**WHEREAS**, the 24 month prices were lower than the 12 month prices and Hess Corporation was the lowest responsible bidder who complied with the specifications and submitted the following rates in the Atlantic City territory:

Option 1 which is the 24 month option for the smaller class of “FP” accounts in the Atlantic City Electric territory at a rate of \$0.0849 per kWh.

Option 2 which is the 24 month option for all “FP” accounts in the Atlantic City Electric territory at a rate of \$0.0525 per kWh.

Option 3 which is the 24 month option for all “CIEP” accounts in the Atlantic City Electric territory at a rate of \$0.08027 per kWh; and

**WHEREAS**, by resolution adopted on April 18, 2013, the Camden County Board of Chosen Freeholders awarded contracts for Camden County’s needs and participating members of the SJPC as described above commencing on the above-specified dates; and

**WHEREAS**, the term of the contracts awarded shall be for 24 months for the Option 1 “FP” accounts, and 24 months for the Option 3 “CIEP”, and 24 months for the Option 2 “FP” accounts commencing on the above-specified dates; and

**WHEREAS**, funding for this purpose shall not exceed the maximum budgeted line items for the Street Lighting and Electricity/ Natural Gas line items in the permanent CY 2013 budget and the temporary and/or permanent 2014 and 2015

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budgets and shall be encumbered in accordance with N.J.A.C. 5:34-5.3(b)(2); and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the Chief Financial Officer/Qualified Purchasing Agent is hereby authorized to purchase electric energy services for the terms listed above.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-109. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-110 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH RICOH USA FOR LEASING OF DIGITAL COPIER MACHINES FOR VARIOUS OFFICES IN ACCORDANCE WITH STATE CONTRACT.**

**WHEREAS**, The State of New Jersey, Division of Purchasing, has awarded a contract to Ricoh USA for leasing of digital copier machines; and  
**WHEREAS**, the Township of Berlin wishes to lease five digital copier machines for the Library, Police Department, Public Works Department, Municipal Court Office, and the Land Use Office in accordance with the State Contract 82709 awarded to Ricoh USA for a price of \$ 347.19 per month for 48 months as permitted by N.J.S.A. 40A:11-15; and  
**WHEREAS**, funds are available as set forth on the attached Certification from the Township Chief Financial Officer; and  
**WHEREAS**, in accordance with N.J.S.A. 40A:11-15 the lease agreement contains a clause making it subject to the availability and appropriation made annually of sufficient funds as required to meet the extended obligations as well as an annual cancellation clause; and  
**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the Mayor be and is hereby authorized to sign the lease agreement with Ricoh USA in accordance with State Contract 82709 for \$ 347.19 per month for 48 months.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-110. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-111 AUTHORIZING THE TOWNSHIP OF BERLIN TO ENTER INTO AND EXECUTE A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF BERLIN, THE BOROUGH OF PINE HILL AND THE TOWNSHIP OF WATERFORD FOR THE MUTUAL AID AND ASSISTANCE AGREEMENT BETWEEN PARTICIPATING UNITS.**

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**WHEREAS**, each municipality recognizes that there may be a disaster which may endanger the health, safety or property of the residents of participating Municipality, that is so large in scope and magnitude that it exceed the resources of a single Municipality; and

**WHEREAS**, such agreement would utilized public works personnel and equipment when ever one of the municipalities requires such mutual aid and assistance such as catastrophic events, emergencies and devastation caused by the threats of nature; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act (N.J.S.A 40A:65-1 et seq) permits local municipalities to enter into Agreements fro Shared Services for a mutual public purpose.

**NOW, THEREFORE BE IT RESOLVED**, in consideration of the mutual covenants and agreements set forth between the parties to this agreement, the parties agree as follows. (see attached)

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, County of Camden and State of New Jersey, that the Mayor is hereby authorized to sign the contract for shared services by and between the Borough of Berlin, Borough of Pine Hill and the Township of Waterford for the mutual aid and assistance agreement between participating units.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2013-111. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-112 FINAL CHANGE ORDER NO. 4 FOR HILL AVENUE STORM DRAINAGE PROJECT.**

**WHEREAS**, it is necessary to make a change order for the Hill Avenue Storm drainage project in the Township of Berlin, Camden County, New Jersey; and

**WHEREAS**, an increases of \$5,304.65 for Hill Avenue Storm Drain Project, change order number 4 reflects as-built quantities; and

**WHEREAS**, DSC Construction Co. Inc. has approved the Final Change order no.4 for Hill Avenue storm Drainage project.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Berlin Mayor and Council that a Change Order No. 4 in the amount of \$5304.65 if hereby authorized and approved.

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Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-112. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-113 RESOLUTION ENDORSING AND CONSENTING TO THE SUBMISSION OF NJDEP TREATMENT WORKS APPROVAL APPLICATION**

**WHEREAS**, Bruce Paparone Development, Inc. doing business at 702 North White Horse Pike, Stratford, New Jersey 08084 (“Developer”) has received major subdivision approval in regard to land and premises located at Block 305, Lots 1, 3-9 and 12 on the Voorhees Tax Map (“Subject Property”) in order to construct 49 single-family homes, one stormwater management lot and associated roadways and utilities, known as Highpoint II, Section II, Phases 1 and 2 (“Development”);

**WHEREAS**, the Developer proposes to provide sewer service to the Development by connecting into the Berlin Township Sewer System by gravity sewer interconnection with Voorhees Township;

**WHEREAS**, the Developer has submitted an amended NJDEP Treatment Works Approval (“TWA”) Application to both the Township of Voorhees and the Township of Berlin and has requested that each Township endorse the TWA Application subject to the acceptance and execution of an Inter-Municipal Sewer Agreement between each Township and the Developer;

**WHEREAS**, by virtue of Resolution 2012-151, the Mayor and Council of the Township of Berlin conditionally authorized the connection of the Development to the Berlin Township Sewer System and authorized the Township of Berlin to enter into an Inter-Municipal Sewer Agreement for said sewer connection with Voorhees Township and the Developer;

**WHEREAS**, the Developer has submitted a proposed Inter-Municipal Sewer Agreement to the Township of Berlin and the Township of Voorhees for their review and approval;

**WHEREAS**, by way of letter dated April 19, 2013, the Township Engineer has recommended that the Mayor and Council endorse the TWA Application conditioned upon final approval and execution of the Inter-Municipal Sewer Agreement by the Township of Berlin and the Township of Voorhees; and

**WHEREAS**, the Mayor and Council of the Township of Berlin have determined that it is in the best interest of the public health, safety and welfare of the Township of Berlin to endorse the Developer’s TWA Application, subject to final review and approval of the Inter-Municipal Sewer Agreement.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that it hereby endorses the TWA Application and approves the design documents and consents to the submission of the TWA application subject to a limitation of 14,700 gallons per day of sewer allocation and capacity and further subject to the final approval and execution of the Inter-Municipal Sewer Agreement between the Township of Berlin, the Township of Voorhees and the Developer; and

**BE IT FURTHER RESOLVED**, that the Mayor of the Township of Berlin is hereby authorized to endorse the TWA Application forms subject to the conditions set forth above.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-113. Resolution adopted by call of the roll, five members present voting in the affirmative.

**Approval of Business**

**1) Eastern Solar Glass LLC, Brian Ashcroft, 1008 industrial Drive Suite C, West Berlin NJ 08091.**

Motion by Councilwoman Bodanza, second by Council President Morris to approve Eastern Solar Glass LLC business license. Licensed approved by call of the roll, five members present voting in the affirmative.

**2) 1) Delasol Enterprise LLC, Kyle Rosenberg, 288 Pinedge Drive, West Berlin. Used Automobile Sales**

Motion by Council President Morris, second by Councilman Epifanio **to table** Delasol Enterprise LLC business license. Licensed **tabled** by call of the roll, five members present voting in the affirmative.

**Solicitors Permits**

**1) Kelly A. Mattson, East Coast Business Concept, Verizon Fios**

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve Solicitors Permit. Permit approved by call of the roll, five members present voting in the affirmative.

**2) Tanya Barie, East Coast Business Concept, Verizon Fios**

Motion by Council President, second by Councilwoman Bodanza to deny Solicitors Permits. Permit denied by call of the roll, five members present voting in the affirmative.

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**Consent agenda**

Motion by Council President Morris, second by Councilman Epifanio to receive and file the monthly reports on the consent agenda. Motion carried by voice vote, five present voting in the affirmative.

**Correspondence Calendar for April 2013**

Motion carried by Council President Morris, second by Councilman Epifanio to receive and file the correspondence calendar for April. Motion carried by voice vote, all present voting in the affirmative.

**All Other Business**

Mayor Magazzu talked about meeting with the athletic associations and discussing ways to bring sports back to Berlin Township. One of the suggestions was to lower the out of town fees. Mayor also stated that we should also keep in mind that we also have had issues come about with the fields where we needed to seek a legal opinion at a cost so we should keep that in mind when we decide on the fee change. Council agreed of lowering it to \$50.00 per sport.

Stuart reported that the agreement with South Jersey Gas has expired and that a new agreement needed to be done for the Township. Solicitor said that he will work on the consent agreement for next meeting. This would allow South Jersey Gas to furnish gas for light, heat and power in the Township

**Public Portion**

Motion by Council President Morris, second by Councilman Epifanio 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.

No comments were to be made.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public.

**RESOLUTION 2013-114 RESOLUTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS REGARDING FORMER CHIEF OF POLICE JOSEPH JACKSON AND TO DISCUSS LITIGATION MELISSA DILUZIO Vs. BERLIN TOWNSHIP, BERLIN TOWNSHIP POLICE DEPARTMENT, JOHN DOES, JANE DOES AND ABC COMPANIES**

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**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 personnel matters of the Township of Berlin.

Motion by Councilman Epifanio, second by Council President Morris to adopt Resolution 2013-114. Resolution adopted by call of the roll, five members present voting in the affirmative.

Motion Made by Council President Morris to come out of close session, second by Councilman Epifanio.

**Adjourn**

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adjourn the meeting at 8:22 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 8:22 pm

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Catherine Underwood, Township Clerk