

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL MAY 14, 2012 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, Councilwoman Bodanza, Councilman Epifanio, Councilman McIntosh, Mayor Magazzu

Also Present- Stuart Platt, Solicitor, Chuck Riebel, Engineer/ Director Public Works, Lori Campisano, CFO, Chief of Police Joseph Jackson

Absent-

Chief Jackson stated that this week is "National Police Week and in honor of this, he would like to recognized a few Police Officers and Civilians for their outstanding crime efforts.

Barbra DeBouno from Susquehanna Bank for her continued support and tireless work, to assist the Camden County Zone 4 Swat Team. The countless hour of dedication towards the team has led to the team receiving much needed equipment and support. The team members from all of the towns involved, express their sincere thank you.

Patrolman Wayne Bonfiglio, Berlin Township Police Department. For Outstanding and Professional work during the course of a medical emergency call.

Justin Gantz, Civilian Accommodation for the outstanding and Professional work during the course of the investigation of the Bank Robbery at Fulton Bank.

Detective Christopher Francis, Chesilhurst Police Department. For Outstanding and Professional work during the investigation of the Bank Robbery at Fulton Bank.

Detective Sergeant Tony McVeigh, Berlin Township Police Department. For Outstanding and Professional work during the investigation of the Bank Robbery at Fulton Bank. Detective was also recognized for his work in the arrest of the arson that had been setting fires through 2006-2011.

Brian Law, Civilian Accommodation for the assistance with the arrest of a shoplifter at the Berlin Township Walmart.

Patrolman William Humphrey, Berlin Township Police Department. For Outstanding and Professional work during the investigation for the arson fires that had occurred from 2006 to 2011, which led to his arrest.

Sergeant Ron Silvestro, Berlin Township Police Department. For Outstanding and Professional work during a motor vehicle stop he noticed that the drivers was extremely upset and after talking to him the Sergeant realized he was attempting to take his life. Sergeant Silvestro had the driver transported to a crisis center.

Mayor Magazzu stated that the Month of May is “Senior Citizens Month” and this year the group that we would like to recognize is our Taunton Run Village Seniors.

ENGINEER REPORT

A. CHANGE ORDERS AND VOUCHERS

None at this time.

B. RESOLUTION FOR CONSIDERATION

None requested, at this time.

C. ENGINEER’S REPORT

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

At the last Council Meeting, the Governing Body passed Resolution No. 2012-98, awarding the contract to Command Co., Inc. of Hammonton, N.J.

We will be submitting the documentation to the N.J.D.O.T. for, hopeful, concurrence of the award of the contract.

We have discussed with the N.J.D.O.T. representative, the redesignation of a portion of the allocated funds for construction to cover the shortfall in the cost for the decorative street lighting. The total allocation of funds would remain the same. The N.J.D.O.T. representative has stated that he doesn't have any issue with the redesignation of funds but we must make a formal request, which we will submit in the immediate future

Once the N.J.D.O.T. approves the award of the contract, we will schedule the preconstruction meeting.

2. 2012 CAMDEN COUNTY MULTI-USE TRAIL CONSTRUCTION GRANT APPLICATION

It is expected that the County Open Space Committee will be reviewing the application, in the near future.

We have requested that Public Service Electric and Gas Consider granting an easement for the construction of the trail on a portion of their properties, which is outside of the lands, which are occupied by the electric transmission lines. The PSEG representative has requested digital version of the plans for distribution to other PSEG departments. We have sent the digital version for their use.

We have received a listing of security and safety concerns, regarding the placement of the trail on the elementary school property, from Mr. Betze. We will be responding to Mr. Betze and we will be attending the Board of Education Meeting on May 24, 2012 to address the proposal with the Board of Education.

3. N.J.D.O.T. SAFE ROUTES TO SCHOOL

The kick-off meeting was held on March 29, 2012. The next Task Force Meeting will be held on May 31, 2012. We have not received the resolution of support from the Board of Education, which is crucial in demonstrating support for the program and the submission of the application for funding, in the future. I believe that we will be able to discuss this matter at the Board of Education Meeting on May 24, 2012.

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

We are still performing the design and are hopeful to receive bids in the immediate future.

5. 2012 STREET IMPROVEMENT PROGRAM

We are, currently, performing the design and preparing the bid documents for the following projects.

a. Base Bid

- 1) Mt. Vernon Avenue: Minck Avenue to Franklin Avenue *Partial N.J.D.O.T Funding*
- 2) Edgewood Avenue: Cooper Road to limit of N.J.D.O.T. Project Near Rt. 73
Partial N.J.D.O.T. Funding
- 3) Reconstruction of the Intersection of Grove Avenue and Cleveland Avenue
Funded in Bond Ordinance No. 2011-26
- 4) Trench pavement improvements along Krumm Avenue from McClellan Avenue to Franklin Avenue
Funded in Bond Ordinance No. 2011-26

b. Alternate Bid No. 1

- 1) Construction of Built up Bituminous Driveway Aprons at 136 and 138 Veterans Avenue
Funded in Bond Ordinance No. 2011-26

c. Alternate Bid No. 2

Street Improvements at Storm Inlet, Along Mt. Vernon Avenue, at the School Property
Funded in Bond Ordinance No. 2011-26

d. Alternate Bid No. 3

Grade and Construct Stone Surface-
McClellan Avenue Dead End
Funded in Bond Ordinance No. 2011-26

We expect to receive bids by late May, 2012.

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

The Contractor has informed us that they have performed the sealing and binding treatment. We will inspect the sealed concrete and report to the Governing Body. I have denied the processing of final payment to the contractor until we have approved the sealing treatment.

The Contractor will be posting a multi-year maintenance guarantee for the porous concrete.

**7. CAMDEN COUNTY OPEN SPACE- RECREATION
ENHANCEMENT PROGRAM**

We will be performing the design and preparing the construction documents for the following projects:

- a. Surface improvements to the basketball and tennis courts at the Spruce Avenue Recreation Complex
(Round 12 funding) \$25,000
- b. Band shell at Luke Avenue Recreation Complex
(Round 10 and 12 funding) \$50,000.00

I anticipate the receipt of the bids, during the Spring of 2012. I am hopeful that the Public Works Department staff will be able to erect the band shell structure in mid to late 2012.

8. MUNICIPAL BUILDING
a. HVAC System

Mayor Magazzu and Mr. Shellenberger have met with representatives of Tozour-Trane to discuss current operational issues and possible preventative maintenance services. Mayor Magazzu has given me the proposal for maintenance services. Once I have received the document, I will submit my recommendations to the Governing Body for your consideration.

b. Free Standing Monument Sign

The electrician has connected the electric to the LED sign board and lights. The LED sign must be activated for use.

I have requested and received a price for the installation of the brick facing, on the planter walls from the Somerdale Borough Work Force. As requested by Mayor Magazzu, I will receive a quote from a contractor, too. Once I receive the quote, I will submit the prices to Mayor and Council for a possible consideration for award of contract.

c. Separation of the Security and Surveillance Systems

I have requested the contractor to submit the schedule for the performance of the work.

d. Roof Membranes

I recommend that the Governing Body consider the installation of a new roof membrane and insulation system, in the near future.

e. School Bell

Mayor Magazzu has requested that a local contractor look at the bell and submit recommendations for the construction of an attractive and functional base for setting in the lobby of the Municipal Building.

f. Irrigation and Landscaping

We are currently preparing a landscape plan for consideration for plantings in the future. We may perform the design for the irrigation systems or have this work performed by a designer.

Once the designs have been completed and accepted, we will be contacting irrigation, landscape suppliers and contractors to see if they would be willing to donate materials and services for this work.

9. STORM DRAINAGE IMPROVEMENTS

a. Storm Drainage Issues with the Southwest Portion of the Township

The supervisor for the N.J.D.O.T. West Berlin Maintenance Yard has informed me that their contractor has removed the beaver dams and huts. The N.J.D.O.T. supervisor is trying to find someone to remove the beavers.

b. Lester Avenue Storm Drainage and Stormwater Management

We must, still perform the surveying fieldwork, design and preparation of the construction plans. Once completed, we must submit the plans to Public Service Electric and Gas Company for their consideration for the granting of a storm drainage easement, across their property.

We had discussed, as an interim measure, the construction of the storm drainage system on Lester Avenue and stormwater basin at the Luke Avenue Recreation Area to try to alleviate some of the stormwater runoff issues. At this time, I do not foresee the Public Works Department being able to devote the necessary time to perform the construction of these interim improvements.

c. 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. Betze 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.

d. Maintenance of the Spillway/Outlet Structure at Berlin Circle Plaza

We continue to perform periodic inspections of the conditions at the spillway and contacting the representative of American Continental Properties for the performance of the removal of blockage at spillway orifice.

10. REDESIGNATION OF PINELANDS ZONING AND EXTENSION OF SANITARY SEWER TO EDGEWOOD AVENUE AND ALLIED PARKWAY

The public hearing on the ordinance is scheduled for May 14, 2012 in order to provide proper notice to all affected property owners, owners within 200 feet of those properties, Camden County Planning Board, Evesham Township, and The Pinelands Commission.

The Pinelands Commission is requiring that, as a condition of the zoning redesignation, sanitary sewer be provided to those properties along Edgewood Avenue and Allied Parkway. From my preliminary analysis, it appears that a low pressure sanitary sewer system will need to be constructed rather than the typical gravity collection system.

11. REQUEST FOR ADDITIONAL SEWER ALLOCATION

I have received an e-mail from Mr. Andrew Kricun, P.E., C.C.M.U.A. Executive Director/Chief Engineer, informing us that they have awarded the contract and issued the notice to proceed for the Atlantic Basin Interceptor project. He expects the completion of the project in the Fall of 2013. Mr. Kircun has noted that once the project is completed, "the CCMUA will have the physical capacity to provide Berlin Township with the 250,000 gallons per day in additional capacity that it has sought"

It is my understanding that the N.J.D.E.P. must authorize the increase in allocation.

12. REQUEST FOR REDESIGNATION OF PINELANDS ZONING FOR OTHER AREAS

We are scheduling a meeting with The Pinelands Commission staff to discuss the possible rezoning of Mr. Dandrea's property on Cooper Road and other properties to Regional Growth and allow for the connection to sanitary sewer collection system.

13. NO PASSING ZONE ALONG COOPER ROAD

I must complete the engineering study and submit my recommendations to the Governing Body.

14. NEW GAS MAIN ALONG FAIRVIEW AVENUE

South Jersey Gas Company has informed me that they will commence with the construction of the new gas main, along the north side of the physical street, on May 9, 2012. It's expected that it will take approximately one month to complete the installation of the main, connection to the gas services and pavement restoration (including the pavement milling and overlay).

15. POSSIBLE MULTI-WAY STOP CONDITION AT THE INTERSECIION OF MINCK AND MT. VERNON AVENUES

At the last Council Meeting, there was some discussion, regarding the creation of a three way stop condition at this intersection. It was mentioned that it would be necessary to perform an engineering study to see if the traffic conditions warrant a multi-way stop condition.

The following are the warrants for a multi-way stop sign installation:

- A. Where a traffic signal is warranted, a multi-way stop can serve as an interim measure.
- B. There are five or more crashes, within a 12 month period that are susceptible to correction by a multi-way stop installation. Such crashes include right and left turn collisions as well as right angle collisions.
- C. Minimum Volumes:

1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and
2. The combined vehicular, pedestrian and bicycle volumes entering the intersection from the minor street approaches averages at least 200 units per hour for the same 8 hours, with an average delay to minor street vehicular traffic at least 30 seconds per vehicle during the highest hour, but
3. If the 85th percentile approach speed of the major street exceeds 40 mph, the minimum vehicular volume warrants are 70% of the above mentioned values.

D. Where no single criterion is satisfied, but where Criteria B, C,1 and C,2 are all satisfied to 80% of the minimum values. Criterion C.3 is excluded from the condition.

I question if the traffic volumes are heavy enough to meet the warrants. In order to determine the volumes it will be necessary to perform a traffic count on each approach. It will, also be necessary for the Police Department to research the accident data to determine if the accident warrant is met.

16. LEGISLATIVE ISSUES

a. Possible Extension of the "Permit Extension Act of 2008"

Assembly Bill A-337 was introduced on January 10, 2012 to extend the validity of development and other permits from December 31, 2012 to December 31, 2015. The bill has been referred to the Assembly Housing and Local Government Committee.

D. PUBLIC WORKS DEPARTMENT

1. GREASE TRAP MAINTENANCE

I recommend that the Township inspect and enforce the regulations, as we are experiencing problems with the grease accumulation in the Township sanitary sewer system. I recommend that the Governing Body consider amending the ordinance to allow for the sewer staff to inspect and enforce the regulations, in addition to the Plumbing Sub-Code Official.

2. RESPONSIBILITY OF SEWER LATERALS

3. Recently, we have been contacted by several residents, questioning or stating their opinion the Township's responsibility for the maintenance of the sewer lateral.

I recommend that the regulations be reviewed and any clarifications be made to clearly note the responsibilities for the ownership, maintenance and repair of the sewer laterals.

4. IMPROVEMENTS TO PUMPING STATIONS

Due to the age of the pumping stations, it has become necessary to perform increased maintenance, repairs and replacements to the pumps and other components of the pumping stations. I strongly recommend that funds be allocated, in the immediate future, for this work.

5. UPGRADE AND REPLACEMENT OF RADIOS

I have submitted a letter to the Governing Body, listing the cost to upgrade the existing radio system and the other option to use a Sprint wireless system.

The FCC is requiring that we discontinue the use of the current radio band by the end of this year. Therefore, the upgrade or conversion to another system must be made by the end of the year.

6. SPRING SEASON TASKS

The Department has been experiencing difficulty in completing the necessary tasks. I have requested that the Governing Body consider allowing for the hiring of temporary staff to perform the tasks for the Spring and Summer seasons.

7. CAPITAL PURCHASES

We are purchasing the various pieces of equipment, which were authorized under ordinance No 2011-26

8. COUNTY-WIDE SOLID WASTE DISPOSAL

The County is receiving bids for the disposal of solid waste for all participating municipalities. They expect to receive bids in June, 2012.

The current disposal contract, with the Township, expires at the end of this year. The new County contract will begin the beginning of next year.

9. AUCTION OF VEHICLES

I recommend that the impounded, retired Police and Public Works vehicles be auctioned, along with any other unused items, in the immediate future. We have been directed by the insurance inspector to remove these vehicles from the Public Works yard.

E. SHARED ENGINEERING SERVICES

1. ENGINEERING SERVICES WITH SOMERDALE BOROUGH

I must, still, prepare the Contract document and submit it to Mr. Platt's office for their review and comments.

We will continue to perform various land surveying, planning and engineering services for the Borough.

SOLICITORS REPORT

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Oddmund Angel, Block 200, Lot 1
5. Clarification of Lateral Utility Lines

6. Police Operating Procedures
7. Wal-Mart Expansion Project
8. Pine lands Comprehensive Management Plan
9. Berlin Township ADS. Estate of Raj Kumar Chopra
10. Berlin Township ADS. David Carp
11. Berlin Twp.ADS. Linda Fabrico
12. Mustafa Muhammad ADS. Berlin TWP Police Department
13. Berlin Twp. ADS. Abdul Mansary
14. Berlin Twp. ADS.Jennifer Vernacchio as Guardian Hannah Maslanka
15. Pineland Zone Changes
16. DPW Labor Negotiations
17. Open Public Records Act.
18. Alberto Silva v. Berlin Township
19. Towing Ordinance

POLICE DEPARTMENT

Chief Jackson reported that they had held their first Crime prevention meeting tonight and Officer Lex did a great job talking to the public on what they can do as residents to help prevent crime in our Township. Chief Jackson stated that the Department is going to hold on Tuesday August 7th a "National Night Out " where the community can come out and meet the Officers and see what we are all about . Officer Lex will be getting things together for this event, which will be held in the parking lot.

MAINTENANCE DEPARTMENT

Josh Shellenberger, Maintenance Officer had stated that has been dealing with the high grass issues and that he has sent out notices to several properties. He also noted that he has received complaints of pool that were not covered and that are attracting insects.

ORDINANCE 2012-1 REPEALING ORDINANCE 2011-12 AND REPEALING ORDINANCE 2010-6 AND AMENDING CHAPTER 129 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ZONING" AND AMENDING THE BERLIN TOWNSHIP ZONING MAP TO REDESIGNATE A PORTION OF THE PINELANDS RURAL DEVELOPMENT AREA TO THE PINELANDS REGIONAL GROWTH AREA

WHEREAS, the Township of Berlin has reviewed certain provisions of the Code of the Township of Berlin regarding the uses of various parcels of land currently located within the Pinelands Rural Development Area of the Township; and

WHEREAS, the Joint Land Use Board and Governing Body of the Township of Berlin have determined that it would be beneficial to the Township to redesignate

certain parcels of land, utilized for commercial purposes, so that such parcels may connect to the Township's sanitary sewer collection system; and

WHEREAS, on August 2, 2010, in furtherance of the aforementioned determination, the Mayor and Council of the Township of Berlin adopted Ordinance 2010-6 entitled "Ordinance 2010-6 Amending Chapter 129 of the Code of the Township of Berlin Entitled "Zoning" to Redesignate a Portion of the Pinelands Rural Development Area to the Pinelands Regional Growth Area" ; and

WHEREAS, upon review of Ordinance 2010-6, The Pinelands Commission expressed certain concerns regarding conflicts within Ordinance 2010-6 and the Pinelands Comprehensive Management Plan; and

WHEREAS, on June 27, 2011, the Mayor and Council of the Township of Berlin adopted Ordinance 2011-12 entitled "Ordinance 2011-12 Amending Ordinance 2010-6 of the Township of Berlin Amending Chapter 129 of the Code of the Township of Berlin Entitled "Zoning" to Redesignate a Portion of the Pinelands Rural Development Area to the Pinelands Regional Growth Area", which addressed certain concerns expressed by the Pinelands Commission with respect to Ordinance 2010-6; and

WHEREAS, The Pinelands Commission, after review of Ordinance No. 2011-12, again expressed several concerns over discrepancies between the depiction of existing and proposed zoning districts as detailed in Ordinance 2011-12 in relation to how the subject properties were depicted both on the Township Zoning Map and by The Pinelands Commission; and

WHEREAS, the Governing Body desires to adopt the within Ordinance which repeals Ordinance 2011-12 and Ordinance 2010-6 and amends the Code of the Township of Berlin and the Berlin Township Zoning Map to establish a clear record regarding the zoning district changes previously proposed and address The Pinelands Commission's concerns and requested changes regarding same;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Township of Berlin, as follows:

SECTION 1: Ordinance 2010-6 is hereby repealed in its entirety.

SECTION 2: Ordinance 2011-12 is hereby repealed in its entirety.

SECTION 3: Chapter 129 of the Code of the Township of Berlin, and the Berlin Township Zoning Map, are hereby amended, modified, and/or revised as shown on the chart below with respect to each of the properties identified therein by Block and Lot, it being the intent of this Ordinance to redesignate and/or rezone

the referenced section(s) of the Pinelands Rural Development Area, or “RD” or “RDA”, to the Pinelands Regional Growth Area, or “RGA”:

BLOCK	LOT (S)	EXISTING ZONING	PROPOSED ZONING
1605	1.03 (rear portion) (front portion)	I-1 (RDA) C-2RD	I-1 (RDA) C-3 (RGA)
1606	8,9,10 and 11	C-2RD	R-1 (RDA)
1701	4, 4.01 and 4.02	I-1 (RDA)	C-3 (RGA) with INS overlay zone
1702	1, 6.01, 6.02, 6.03, 6.0 6.05, 6.06, 6.07, 6.08 6.09 and 6.10	C-2RD	C-3 (RGA)
2001	1 (front portion) (rear portion)	C-2RD I-1 (RDA)	C-3(RGA) I-1 (RDA)

SECTION 4: The Institutional Overlay Zone shall remain as designated for Block 1701, Lots 4, 4.01 and 4.02, within the proposed C-3 (RGA) zoning district;

SECTION 5: If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Court to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 6: All Ordinances or parts of Ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency only, except with respect to Ordinances 2011-12 and 2010-6 which are repealed in their entirety as set forth in Sections 1 and 2 of this Ordinance.

SECTION 7: This Ordinance shall take effect immediately upon final passage and publication in accordance with law, and approval from the New Jersey Pinelands Commission.

Motion by Councilman McIntosh, 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 2012-1.

Chuck Riebel, Township Engineer gave a summary of the changes to the Ordinance. The Engineer stated that this ordinance will clear up the discrepancy that the Pineland map has and the Township map, so that they will be the same.

Barry Darnell, Collings Avenue asked that with this possible change to the ordinance, will this allow the vacant house that is going to be torn down, the

ability to build a porn shop or a repair garage for tractor trailers or a commercial building. Do you see where we are coming at.

Chuck replied that the Township already has that zoned commercial.

Mayor Magazzu stated that they already can do that with the way it is zoned.

Council President Morris stated the only difference would be the sewer hook-up.

Barry Darnell asked that the way that that is zoned right now that they could put a warehouse there.

Mayor Magazzu replied yes.

Stuart Platt stated that these changes are occurring because Pineland wants the maps to be consistent with each others. And anything that is going to be built would have to go in front of the Planning and Zoning Board for approval.

Joann Darnell, Collings Avenue asked what the difference between C2 to C3 .

Chuck replied that C2 does not allow sewer. C3 does allow sewer but this property already has the sewer hook up.

Stuart replied that property already has hook up because of the mis-designation from the Pinelands. We are just aligning our maps so that they match with Pinelands and the Township. We can't take the sewer out of that property if it already has it.

Emma Santore asked who own the properties and if their taxes were paid.

Mayor Magazzu said that the tax office would have that information.

No more comments were to be heard.

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

Motion by Councilwoman Bodanza second by Councilman McIntosh to adopt Ordinance 2012-1 Ordinance approved by call of the roll, five members present voting in the affirmative.

ORDINANCE 2012-4 AUTHORIZING THE TOWNSHIP OF BERLIN IN THE COUNTY OF CAMDEN TO REVERT TO A CALENDAR FISCAL YEAR FROM A STATE FISCAL YEAR

BE IT ORDAINED BY THE Mayor and Council of the Township of Berlin that pursuant to N.J.S.A 40A:4-3.1, that the Township of Berlin shall commence operating on a Calendar Fiscal Year beginning with Calendar Year 2013;

BE IT FURTHER ORDAINED that this ordinance shall take affect upon approval of the Local Finance board of the application as required by law.

Motion by Councilman McIntosh, 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 2012-4.

No comments were to be heard.

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

Motion by Council President Morris second by Councilman McIntosh to adopt Ordinance 2012-4 Ordinance approved by call of the roll, five members present voting in the affirmative.

ORDINANCE 2012- 5 AMENDING ORDINANCE 2011-25 FIXING AND DETERMINING SALARY RANGES 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 Ordinance 2011-25 on December 12, 2011 fixing and determining salary ranges for the officers and employees for the calendar year 2012; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary range for the calendar year 2012 effective May 1, 2012 as follows:

POSITIONSALARY RANGE.....	
	FROM	TO
Animal Control Officer month	\$ 500.00	\$ 1000.00 per

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

Motion by Councilman McIntosh, 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 2012-5.

No comments were to be heard.

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

Motion by Councilwoman Bodanza second by Council President Morris to adopt Ordinance 2012-5 Ordinance approved by call of the roll, four members present voting in the affirmative, one abstained.

ORDINANCE 2012-6 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 110 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "TOWING AND STORAGE SERVICES"

Motion by Councilman McIntosh, second by Council President Morris to adopt Ordinance 2012-6 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-110 RESOLUTION TO REFUND SOUTH JERSEY BANDITS SOFTBALL TEAM OUT OF TOWN RESIDENT FEES.

WHEREAS, Gene Jensen, coach of South Jersey Bandits Softball Team had applied for a Field Permit in the Township of Berlin, Camden County, New Jersey; and

WHEREAS, South Jersey Bandits had paid for four out of town residents: and

WHEREAS, South Jersey Bandit had withdrawn their field permit application; and

WHEREAS, Coach Jensen is requesting a refund of \$400.00 for fees paid for the out of town players.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey that a refund of \$ 400.00 to be granted to South Jersey Bandits Softball Team.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-110. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-111 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) – CLICK IT OR TICKET GRANT**

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 2012 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 2012 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 McIntosh to adopt Resolution 2012-111. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-112 RESOLUTION AUTHORIZING THE TAX
COLLECTOR TO ISSUE ESTIMATED TAX BILLS FOR AUGUST 1, 2012 AS
PERMITTED BY NEW JERSEY PUBLIC LAW 1994, C.72**

WHEREAS, the Township of Berlin is seeking permission to revert to a calendar year for municipal budgeting and financial reporting purposes effective January 1, 2013 pursuant to P.L. 2008, c.92 which amended N.J.S.A. 40A:4-3.1; and

WHEREAS, the reversion will be accomplished through the use of a six month Transition Year (TY) effective July 1, 2012; and

WHEREAS, according to State guidelines, a 3rd quarter estimated tax bill may be issued due August 1, 2012, and once approval for the reversion is received from the Division of Local Government Services and the TY 2012 budget is adopted, a reconciling 4th quarter and preliminary tax bill for 1st and 2nd quarters of 2013 will be issued in a single tax mailing; and

WHEREAS, it will be necessary to send out estimated tax bills for the 3rd quarter 2012, as permitted by New Jersey Public Law 1994, c.72, in order to meet our statutory obligations; and

WHEREAS, the Chief Financial Officer has certified the estimated tax levy calculation and it is within the permissive range according to law; and

WHEREAS, the estimated tax bills will be sent out and due August 1, 2012 by the Tax Collector some time after adoption of this resolution and as per statute interest will not be charged until the twenty-fifth calendar day after the date that the tax bills are mailed; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that due our pending approval for reversion to a calendar year that the Tax Collector be authorized to issue estimated tax bills for the 3rd quarter 2012 as permitted by law based on calculations prepared by the Chief Financial Officer.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2012-112. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-113 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) – CLEAN COMMUNITIES GRANT

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 FY 2012 Clean Communities Grant from the Department of Environmental Protection for \$9,951.24;

BE IT FURTHER RESOLVED that a like sum of \$9,951.24 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Clean Communities Grant	\$ 9,951.24

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 Epifanio to adopt Resolution 2012-113. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-114 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 McIntosh to adopt Resolution 2012-114. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012- 115 RESOLUTION TO WAIVE PERMIT FEE FOR REPLACEMENT HEATER FOR KAREN SCHOCH , BLOCK 606 LOT 12 OF THE TOWNSHIP OF BERLIN

WHEREAS, a resident of the Township of Berlin Block 606, Lot 12 has asked that the permit fee be waived for the replacement heater due to medical hardship.

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that based upon good cause shown a waiver is granted for permit fee for Karen Schoch, Block 606, Lot 12 of the Township of Berlin.

Motion by Councilman McIntosh, second by Councilwoman to adopt Resolution 2012-115. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-116 SUPPORTING THE CLICK IT OR TICKET
MOBILIZATION OF MAY 21 – JUNE 3, 2012**

Whereas, there were 633 motor vehicle fatalities in New Jersey in 2011; and

Whereas, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

Whereas, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

Whereas, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

Whereas, the State of New Jersey will participate in the nationwide Click It or Ticket seat belt mobilization from May 21 – June 3, 2012 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

Whereas, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 94.51% to 100%; and

Whereas, a further increase in seat belt usage in New Jersey will save lives on our roadways;

Therefore, be is resolved that Mayor and Council of the Township of Berlin declares it's support for the Click It or Ticket seat belt mobilization both locally and nationally from May 21 – June 3, 2012 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-116. Resolution adopted by call of the roll, five members present voting in the affirmative.

Approval of Business Licenses

1) Steven Zeuli, T/A R.D.Zeuli, 288 Pinedge Drive. Offices for Construction Company.

2) Andrew Sharpless, DSA Cat LLC, 154 Cooper Road, suite 1301. Fire, Water, Smoke and Mold remediation and restoration.

3) Dan Fitzpatrick T/A Spartan Air Purification Inc. 150 Cooper Avenue Building E-14. Air Duct Sales.

4) David Rettinger T/A Rettinger Fireplace Systems Inc. 609 Cooper Road. Warehouse of materials / installation operations.

5) Michael Mullin T/A BD Dry Cleaning LLC. 424 Kelly Drive Suite- C. Stores Dirty and Clean Clothes.

6) George Munger T/A DMC Services LLC. 154 Cooper Road. Facility Services for Commercial Restaurant, Signs and Construction.

7) Mark E. Goehring T/A Triflow Corp. 150 Cooper Road A-1. Manufacturers representative for industrial valves and controls.

8) James Allen T/A Termiguard Inc. 420 Kelly Drive. Pest Control and Mold Restoration.

9) Timonthy M. Diekmann T/A Liquid Iron Industries LLC. 154 Cooper Road Suite 402. Performance Automotive product sales, design and Manufacturing.

10) Kenneth M. Sacavitch T/A Top Notch Auto Repair LLC. 398 Route 73 North. General Auto Repair.

11) James Letchford T/A Crossfit Strength and Justice. 419 Commerce Lane Units 6 & 7. Individual fitness training conducted during scheduled training sessions.

Motion by Councilman McIntosh, second by Councilman Epifanio to approve business license. License approved by call of the roll, five members present voting in the affirmative.

Approval of Minutes for April 23, 2012

Motion by Councilman McIntosh, second by Council President Morris to approve the minutes for April 23, 2012. Motion carried by voice vote, four present voting in the affirmative, one abstained.

Consent Agenda

Motion by Councilman Epifanio, second by Council President Morris 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 2012

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

All Other Business

Council President Morris stated that he attended a training session in Pine Hill on Emergency Shelter Operation, given by the Red Cross. Council President stated that there is a lot going on behind the scene and with pre-planning. It was very informative.

Chuck Riebel asked the Governing body if they could revisit the lateral utility ordinance that was tabled a few months ago. He also stated that he would like to put some type of grease trap maintenance in effect by he wanted to talk to the Building Inspector first.

Public Portion

Motion by Councilman McIntosh, 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.

Mary Soards, Pine Avenue talked about a company that was going door to door selling home improvements. This company called "Home Site" stated that they could get the repairs done free by going through the home owner insurance. After looking into the company, Mrs. Soards stated that none of his references were to be true.

Mayor Magazzu stated that the company did come in and apply for a solicitors permits and that he has not been granted a permit as of yet so that they should not be going door to door.

Stuart Platt, Solicitor stated that until their solicitor permit is approved all sign need to be taken down and they need to stop going door to door until approved.

Mary Soards also thanked Mayor and Council for all their help during the historical Society Event. She also commented that they would like to be a part of the Memorial Day event.

Mayor stated just let us know ahead of time so that we can plan and advertise accordingly. We would like to do something in town.

Motion by Council President Morris, second by Councilwoman Bodanza 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 2012-117 RESOLUTION TO GO INTO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS, ALBERTO SILVA V. BERLIN TOWNSHIP AND POTENTIAL LITIGATION, BERLIN TOWNSHIP v. ALBERTO SILVA

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 legal matters of the Township regarding Alberto Silva.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-116. Resolution adopted by call of the roll, five members present voting in the affirmative.

Adjourn

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adjourn the meeting at 8:07 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 8:07 pm

Catherine Underwood, Township Clerk