

MAY 18, 2009

**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 18, 2009 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-** Donafaye Zoll, Solicitor Charles Reibel Jr. Engineer Michael Laginestra, Zoning Officer, Michael McGee, Director Public Works, Lori Campisano, CFO, Joseph Jackson, Sergeant, Bob Garrison, Architect

Municipal Deputy Clerk certified that April 30<sup>th</sup> the Township received a document entitled, Petition of Withdrawal, signed by each of the five members of the committee of petitioners, requesting that the original petition be withdrawn. Based upon the foregoing, Bond Ordinance 2009-2 is hereby reinstated in its entirety retroactively to April 30<sup>th</sup> 2009

**GOOD AND WELFARE #1**

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

Socrates Nicolaidis from South Jersey United Football Club (soccer) spoke about the soccer fields on Edgewood Avenue. Socrates would like to use the fields for fall and spring soccer season on Saturdays and Sundays. Our club is looking for somewhere to play our home games. Mayor Magazzu asked if he received our application and fee amounts.

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Socrates said he did.

Mayor Magazzu replied that if he could get together with Mike McGee to discuss the possibility for the usage of the fields and to do a proposal stating the leagues needs then Mayor and Council would come up with something.

No other comments were to be heard.

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

**DEPARTMENTAL REPORTS**

**ENGINEERS REPORT**

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

None at this time.

**B. ENGINEER'S REPORT**

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

The County Engineer has informed us that the Freeholders have allocated the funds for the project.

The Construction Plans and Specifications were submitted to the County Engineer. We completed the revisions, which were required by the N.J.D.O.T. Local Aid Office, and resubmitted the Plans and Specifications to the County. It is our understanding that the County has reviewed the resubmission, performed minor revisions to the General Specifications and resubmitted the Plans and Specifications to the N.J.D.O.T.

"Consent to Enter" agreements for work to be performed on private properties have been submitted to the property owners. We have received two consents and are working with the remaining owner to obtain their consent.

We also have obtained the required checks for the Camden County Soil Conservation District permit approval. We will be submitting the permit package to the Camden County Soil Conservation District, this week.

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We still anticipate that the Freeholders will be bidding the project this Summer.

**2. N.J.D.O.T. FY2010 MUNICIPAL AID APPLICATION:**

The N.J.D.O.T. is accepting applications, electronically, for street improvements, pedestrian safety, bikeways and Safe Streets to Transit, transportation enhancement projects. The Governing Body must pass a resolution and the application must be submitted by June 12, 2009.

a. Street Improvements (maximum of two projects)

The Governing Body may want to consider the following projects:

- 1) Resurfacing of Mt. Vernon Avenue – Franklin Avenue to Minck Avenue
- 2) Hazel Avenue – Chestnut Avenue to Cushman Avenue
- 3) Magnolia Avenue – Chestnut Avenue to Cushman Avenue
- 4) Katherine Avenue, Phase 1 – N.J.S.H. Route 73 to Grove Avenue or to the proposed street for the Paparone housing development (including sidewalk)

b. Pedestrian Safety

- 1) Sidewalk along Grove Avenue – Minck Avenue to Thurman Avenue
- 2) Grove Avenue – Katherine Avenue to Elementary School
- 3) Chestnut Avenue – Route 73 to Cooper Road

c. Bikeway

- 1) Off-road bike path, or on-road bike lane along Cooper Road

A higher ranking is given to off-road.

d. Safe Streets to Transit

- 1) Pedestrian tunnel under rails at Atco Train Station at the end of Hopewell Road

We recommend that, if the Governing Body would like to submit any applications, the projects be selected and the resolutions be passed at the Council Meeting on May 18, 2009, since the Council Meeting in June is after the submission deadline date.

e. Transportation Enhancement Program

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A total of \$19.5 million has been allotted for the program, through the Federal American Recovery and Reinvestment Act (A.R.R.A.).

Eligible categories are:

- Provision of facilities for pedestrians and bicyclists
- Provision of safety and educational activities for pedestrians and bicyclists
- Acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs (including the provision of tourist and welcome center facilities).
- Landscaping and other scenic beautification
- Historic preservation, rehabilitation and operation of historic transportation buildings
- Structures and facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian and bicycle trails)
- Control and removal of outdoor advertising
- Archeological planning and research environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity establishment of transportation related museums.

The applications must be submitted, electronically, by May 13, 2009. Since the Governing Body has decided not to proceed with the Haddon Avenue Streetscape project, I would assume that there would be no interest in submitting an application, through this program.

**3. SIDEWALK ALONG N.J.S.H. ROUTE 73, EVERGREEN AVENUE TO JACKSON ROAD, [N.J.D.O.T. FY 2008 AND FY2009 FUNDING - \$320,000.00]:**

We will be completing the Construction Plans and Specifications during the week of May 11, 2009. We will submit these documents to the N.J.D.O.T. and The Pinelands Commission for their review and approval.

**4. LEASE/PURCHASE OF SENIOR CITIZENS BUS, (C.D.B.G. YEARS 30 AND 31 FUNDING- \$60,500.00+/-):**

We have been unsuccessful in obtaining the manufacturer's specifications and have proceeded with the preparation of the specifications without the specific manufacturing information. We are hopeful that this will not become an issue during the review of the determination of equivalency from any other manufacturer, which submits a bid proposal.

**5. PROPOSED MUNICIPAL BUILDING, N.J.S.H. ROUTE 73 AND DAY AVENUE (KEI# 422BT0804):**

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We have resumed all of the application processes that were suspended while waiting for the Bond issue to be resolved.

An application for Site Plan approval has been submitted to the Camden County Planning Board and will be heard on May 26, 2009 at 6:00 p.m.

The Township Site Plan Application is being submitted on May 13, 2009 and the Planning Board Hearing is scheduled for June 9, 2009.

According to Calvin Hou, A.I.A. from Garrison Architects, bids for the building renovation work will be received on June 9, 2009.

A Pre-Bid Meeting, at the site, has been scheduled for May 19, 2009 at 3:00 p.m. and we will be in attendance to respond to questions regarding the site improvements.

We will to resume the preparation of bid documents for the irrigation system and anticipate the receipt of bids on or before June 9, 2009 for review with the other bid proposals and consideration for award at the Council Meeting in June.

**6. 2008 STREET IMPROVEMENT PROGRAM (KEI# 491BT0308)**

Due to the inclement weather, this past month, the contractor was unable to perform the corrective work. We are currently in the process of scheduling an on-site meeting with the Contractor and anticipate the corrective work to be completed shortly thereafter.

**7. ECONOMIC STIMULUS PROGRAMS**

a. FY2010 Appropriations Request Form:

On behalf of the Township, we submitted the request forms for the following projects, to Congressman Andrews' Office:

Priority 1- New Municipal Building  
Amount Requested: \$ 4,993,107.00

Priority 2- Street Improvements Program  
Amount Requested: \$ 2,100,000.00

b. N.J.D.E.P. 2009 Economic Recovery Program (KEI# 179BT3641):

The Governing Body elected not to submit an application for the current round. The N.J.D.E.P. has issued the listing of projects, which were submitted, and the terms of the program. Most applicants, which are

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similar to Berlin Township, fall into the Traditional Financing Program, which is a 75% no interest/25% market interest rate loan (one-quarter of the prevailing market interest rate).

c. N.J.D.O.T. Local Aid Infrastructure (Discretionary) Fund Request:

The N.J.D.O.T. has informed the Township that no discretionary funds were allotted for the requested projects.

**8. 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):

As discussed, a request was submitted to Assistant Commissioner Sharon Shinkle-Gardner, Government/Community Relations and Communications for her assistance in obtaining the \$3,180.00 reimbursement.

We have contacted Ms. Shinkle-Gardner's Office to determine the status. They have advised our office that the Department has responded to the request. We are still attempting to obtain a copy of the correspondence, since the correspondence provided on two occasions does not address the request.

b. Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (FY2004 Transportation Enhancement Program and FY2005 SAFETEA-LU) (KEI #29-430BT1104):

As reported, in the past, the N.J.D.O.T. had asked if the Township would be interested in accepting \$850,000.00 in additional Federal funding to complete the remainder of the project, since the Township possessed the Federal and State approvals. The Governing Body had decided not to accept these funds and requested that the consideration for funding be bypassed to the future.

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

I believe that this project is not progressing since objections were posted, with the County, by a few property owners, regarding the acquisition of property for the widening of the right-of-way.

**10. MULTI-YEAR CAPITAL IMPROVEMENTS PROGRAM:**

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We have not issued the Engineer’s Recommendation Report. I believe that the Governing Body has decided not to proceed with an improvements program in 2009, due to the financial constraints being experienced by the Township during this period of economic turmoil.

**11. N.J.D.O.T. MATTERS**

- a. Traffic Signal at the Intersection of N.J.S.H. Route 73 and D’Angelo Drive:

The request for the traffic signal has been denied by the New Jersey Department of Transportation.

- b. Planting of Trees Along the Rear of the Retail Center, Along the N.J.D.O.T. Ramp, Connecting Oak Avenue to Taunton Avenue (KEI484BT0108):

I have directed the property owner, via mail, to contact the N.J.D.O.T. directly, to coordinate the planting of trees.

I have also informed the property owner that they must repair and maintain the trash enclosures.

- c. Request for No U-Turn at Median Opening Along Route 73 at the Proposed Driveway for the Golden Corral Restaurant:

No update to report at this time.

**12. DELAWARE VALLEY REGIONAL PLANNING COMMISSION (DVRPC) ROUTE 73 CORRIDOR STUDY:**

No update to report at this time.

**13. CAMDEN COUNTY OPEN SPACE, ROUND 10 APPLICATION (KEI #487BT0208):**

Last year, the Township submitted a Round 9 Application for the following projects:

- a. Re-coating of the hockey court at Robert T. Clyde Memorial Park = \$ 26,070.00
- b. Terraced amphitheater at Luke Avenue Recreation Complex = \$385,000.00
- c. Lawn irrigation system for the multi-purpose field at the Robert T. Clyde Memorial Park = \$ 41,000.00

Typically, funding is limited to \$25,000.00.

The open space committee is currently reviewing applications for Round 10 funding, which should be announced in the Summer of this year. If the Governing Body wishes to push for the funding, I recommend that members of the Governing

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Body contact the Freeholders to express their interest in receiving these County funds.

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

The N.J.D.E.P. has required all counties to amend their Wastewater Management Plans. It is my understanding that the latest amendment, which was prepared by the C.C.M.U.A., does not include the build-out sewer flow, requested by the Township. The C.C.M.U.A. has granted a temporary allocation increase of 200,000 GPD.

The N.J.D.E.P. has amended the rule to remove all environmentally sensitive areas from sewer service areas. The N.J.D.E.P. has submitted a draft map, depicting these areas to the counties for their review and comments. Once the delineation of the environmentally sensitive areas has been completed, the N.J.D.E.P. will issue the map for use by the public.

I had emailed Mr. Kricun and questioned if these amended rules will affect the current request for additional allocation by the Township and the extension of sanitary sewer to non-sewered, non-Pinelands areas and Pinelands areas. Mr. Kricun is trying to obtain a copy of the map, for his review, and will inform us of the impacts of the delineation.

**15. BERLIN BOROUGH WATER ALLOCATION AND CONNECTIONS FOR NEW**

**DEVELOPMENTS:**

As a result of Ms. Zoll's letter to the Borough, I received a telephone message from the Borough Engineer, questioning if the Township was questioning the issues regarding the firm source capacity for the water supply. I have emailed the Borough Engineer requesting the status of the matter for the water supply.

**16. PERFECTION OF THE SUBDIVISION FOR THE LUKE AVENUE RECREATION COMPLEX**

**AND P.S.E.G. PROPERTIES:**

At the last Planning Board Meeting, the Planning Board passed the resolution to extend the approval.

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17. **MUNICIPAL STORMWATER PERMIT (KEI #442BT0205):**

Mr. McGee has submitted the Annual Report and Certification.

We have revised the Stormwater Pollution Prevention Plan (S.P.P.P.) and recommend that the Governing Body hold a public hearing and pass a resolution, accepting the amended S.P.P.P.

The Governing Body introduced Ordinance No. 2009-7 for the amendments and additions to the Stormwater Management Chapter.

18. **SUBSTAINABLE ALTERNATIVE ENERGY SOURCES:**

Mr. McGee has informed me that he has researched the possibility of utilizing alternative energy sources for the municipal buildings.

I would note that there are various grant and energy rebate programs, which would benefit the Township, when implementing these energy sources. We would be glad to assist the Township in whatever capacity, which is determined to be necessary by the Governing Body.

19. **AMENDMENTS TO TREE PROTECTION ORDINANCE:**

I believe that Council President DiGangi has recommended possible amendments to this Ordinance.

20. **RELEASE OF PERFORMANCE GUARANTIES FOR DEVELOPMENTS:**

- a. Berlin General Storage – Self Storage Facility at the Intersection of Cooper Road and Taunton Avenue

We recommend that the Governing Body consider releasing the performance guaranty contingent upon the posting of a two-year maintenance bond, in the amount of \$97,136.82 and payment of all invoices for inspection.

- b. Castle Development, Marion Avenue (KEI #467BT)

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The Contractor anticipates the completion of the corrective work, the week of May 11, 2009. If all work is completed before the Council Meeting of May 18, 2009, we recommend that the Governing Body consider releasing the performance guaranty contingent upon posting the two-year maintenance guaranty for \$2,860.74 and pay all inspection invoices.

Should you have any questions or comments in regard to the contents of this report, please contact me at this office.

### **SOLICITORS REPORT**

1. Water Agreement with Berlin Borough
2. Increase Sewer Allocation Buildout
3. Vacation Portion Kelley Drive
4. New Municipal Building
5. Verizon Peg Channel
6. C & M Auto Repair
7. Richard Winans V. Berlin Township Walt Shendock
8. Salahuddin Smart V. Police Officer
9. Nancy Anderson V. Berlin Township
10. Shehata Ibrahim V. Berlin Township
11. Carol Winn
12. Tax Foreclosures
13. 2009 Real Estate Tax Appeal
14. Clothing Donation Bins

### **DIRECTOR OF PUBLIC WORKS**

Mike McGee commented that OSHA was out for inspections on the yellow house and trailers and found quite a bit, we are in the process of taking care of all that right now. The court trailer that caught on fire are going to be replaced at the end of the week and The Board of Health came out to test the files stored at Public Works trailers, found that the records contained mold on the papers which was caused by the atmosphere. No one should be looking at the files without any protection. We will have a written report in a couple of days. They recommend the best way to take care of these files is to freeze dry them.

### **ZONING OFFICER**

Mike Laginestra stated that he is in the process of getting residents to cut the high grass growing all over town.

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**SECOND READING AND PUBLIC HEARING ORDINANCE 2009-7 AMENDING CHAPTER 101 OF THE CODE OF THE TOWNSHIP OF BERLIN CAPTIONED "STORMWATER MANAGEMENT"**

**WHEREAS**, the Township of Berlin has reviewed its ordinances regarding disposal of waste and stormwater system connections, as well as its ordinances with respect to the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, in accordance with directives issued by the New Jersey Department of Environmental Protection; and

**WHEREAS**, the Township has determined that it is necessary to adopt certain additional Ordinances to address these issues, so as to protect the health, safety and welfare of the citizens of the Township of Berlin.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Council of the Township of Berlin, County of Camden and State of New Jersey as follows:

**SECTION 1:** Chapter 101, entitled "Stormwater Management", is hereby amended to include the following Articles:

**Article III  
Refuse Containers/Dumpsters**

**101-10. Definitions.**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** B A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Berlin or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

**PERSON** B any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**REFUSE CONTAINER** B any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

**STORMWATER** B means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**WATERS OF THE STATE** B means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**101-11. Prohibited Conduct.**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not

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leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Berlin.

**¶ 101-12. Exceptions to Prohibition.**

The following are exceptions to ¶ 101-11:

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers.
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

**¶ 101-13 Enforcement.**

This ordinance shall be enforced by the Berlin Township Police Department and/or the Property Maintenance Officer of the Township of Berlin.

**¶ 101-14. Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$25 for the first offense. For a second or subsequent offense the fine shall not exceed \$100.

**Article IV**

**Retrofitting of Storm Inlets on Private Property**

**¶ 101-15. Definitions.**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Berlin or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

**PERSON** means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**STORM DRAIN INLET**- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

**WATERS OF THE STATE** means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**¶ 101-16. Prohibited Conduct.**

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or

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B. Is retrofitted or replaced to meet the standard in Section 101-17 below prior to the completion of the project.

**101-17. Design Standard.**

Storm drain inlets identified pursuant to this Article shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, **solid and floatable materials** means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 101-17(C) below.

A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

C. This standard does not apply:

(1) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

b. A bar screen having a bar spacing of 0.5 inches.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

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(4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-

7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

• **101-18. Enforcement.**

This ordinance shall be enforced by the Berlin Township Police Department and/or the Stormwater Management Officer of the Township of Berlin.

• **101-19. Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$2,000 for each storm drain inlet that is not retrofitted to meet the design standard.

**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 Council President DiGangi, second by Councilman Batten 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 2009-7. There were no requests to be heard. Motion by Councilman Morris, second by Councilman Batten to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman Batten, second by Councilman Morris to adopt Ordinance 2009-7. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-108 OF THE GOVERNING BODY OF THE TOWNSHIP OF BERLIN**

**WHEREAS**, the Governing Body adopted a Resolution on February 9, 2009, authorizing the Mayor to enter into a Contract of Sale for the purchase of property located at 135-145 Rt. 73 South, Berlin, referred to as the "Gordon's Furniture building", which Contract of Sale was duly executed between the parties; and

**WHEREAS**, closing on the sale has been scheduled and will proceed pursuant to the terms of the Contract entered into between the parties, which closing will require additional documentation to be executed on behalf of the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Township of Berlin, County of Camden and State of New Jersey, that the Mayor is hereby authorized to execute, on behalf of the Township of Berlin, any and all additional documents as may be required in connection with the completion of the purchase of

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property located at 135-145 Rt. 73 South, Berlin, in accordance with the Contract of Sale.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-108. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-109 RESOLUTION FOR PLACE TO PLACE TRANSFER, EXTENSION OF PREMISES ON LIQUOR LICENSE FOR FILOMENA RESTAURANT.**

**WHEREAS**, an application has been filed for a place- to place transfer of Plenary Retail Consumption License 0406 33 005 011, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized: and

**WHEREAS**, the submitted application form is completed in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of Berlin does hereby approve, effective , the expansion of the aforesaid Plenary Retail Consumption Licensed premises located at 13 Cross Keys Road, West Berlin to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

Motion by Councilman Morris, second by Council President DiGangi to adopt Resolution 2009-109. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009- 110 AUTHORIZING TRANSFER OF CREDITS FROM 1<sup>st</sup> ½ 2009 CURRENT TAX TO 2<sup>nd</sup> ½ 2009 PREPAID TAX VARIOUS LOTS**

**WHEREAS**, payment for real estate taxes were made on parcels in excess of the amount due because of the estimated, then final billing, and;

**WHEREAS**, the owners of said properties have requested their overpayment be credited to the next year taxes, so;

**WHEREAS**, block 216 lot 9.01, owned by Elizabeth Simpson and Elwood Slimm need a transfer of credit in the amount of \$107.06, and;

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**WHEREAS**, block 1304 lot 1.19, owned by Jeffrey and Tami Souza need a transfer of credit in the amount of \$9.06, and;

**WHEREAS**, block 706 lot 2, owned by William and Eileen Ross need a transfer of credit in the amount of \$539.41, so;

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the credits totaling \$655.53 be transferred from the overpaid May 2009 current tax to the August 2009 prepaid tax.

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2009-110. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2009-111 LIST OF UNCOLLECTIBLE TAXES

**To the Mayor and Council to the Township of Berlin:**

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

**Dated May 6, 2009**

**Diane Zoppel, CTC - Tax Collector**

<b>NAME</b>	<b>YEAR</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>	<b>REASON</b>
John G. Weldon	2009	817-2	250.00	Veteran
Timothy & Marie Meyeres	2009	823-3	250.00	Senior
			<b>\$ 500.00</b>	<b>TOTAL</b>

**By resolution of the Mayor and Council of the Township of Berlin, the taxes listed above have been ordered remitted and the Collector relieved thereof.**

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Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2009-111. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-112 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 Batten, second by Councilman Morris to adopt Resolution 2009-112. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-113 RESOLUTION CONFIRMING THE MAYOR'S SIGNING OF AN AGREEMENT WITH IKON OFFICE SOLUTIONS FOR LEASING A DIGITAL COPIER MACHINE FOR THE MUNICIPAL COURT OFFICE TO REPLACE THE DIGITAL COPIER MACHINE DESTROYED BY FIRE ON MAY 4, 2009 IN ACCORDANCE WITH STATE CONTRACT**

**WHEREAS**, The State of New Jersey, Division of Purchasing, has awarded a contract to Ikon Office Solutions for leasing of a digital copier machine; and

**WHEREAS**, the previous digital copier as authorized by Resolution 2009-76 adopted on February 9, 2009 was destroyed by fire on May 4, 2009 and the Township of Berlin wishes to lease a replacement digital copier machine for the Municipal Court Office in accordance with the State Contract 64039 awarded to Ikon Office Solutions for a price of \$79.10 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

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**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 agreement signed by the Mayor is hereby confirmed to expedite delivery of a replacement copier with Ikon Office Solutions in accordance with State Contract 64039 for \$79.10 per month for 48 months.

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2009-113. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-114 RESOLUTION APPROVING PRELIMINARY MUNICIPAL TAX LEVY FOR THE CALENDAR YEAR 2009**

**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 30<sup>th</sup> and

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

**NOW, THEREFORE, BE IT RESOLVED,** by the Township Council of the Township of Berlin that the attached Certification of Preliminary Fiscal Year Tax Levies is hereby approved reflecting a Preliminary Tax Levy of \$ 4,296,058.68 for the calendar year 2009.

**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 Councilman Batten to adopt Resolution 2009-114. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-115 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948)**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Finance may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made

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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 Clean Communities Grant from the Department of Environmental Protection for \$2,181.45;

BE IT FURTHER RESOLVED that a like sum of \$2,181.45 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Clean Communities Grant	\$2,181.45

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

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2009-115. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-116 AMENDING THE STORMWATER POLLUTION PREVENTION PLAN**

**WHEREAS**, as part of the issuance of the initial Stormwater General Permit N.J. 014182, the Mayor and Council for the Township of Berlin, prepared and adopted the Stormwater Pollution Prevention Plan; and

**WHEREAS**, the New Jersey Department of Environmental Protection has required the Mayor and Council to amend the Stormwater Pollution Prevention Plan, as part of the renewal of the Tier A Stormwater General Permit N.J.01411852, effective March 1, 2009; and

**WHEREAS**, the Stormwater Pollution Prevention Plan has been amended to address all issues, which were outlined in the N.J.D.E.P. Part IV, Specific Requirements: Narrative, Section E; and

**WHEREAS**, the amended Stormwater Pollution Prevention Plan was presented to the public at the Council Meeting on May 18, 2009, and the matter was opened to the public for their comments and questions; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council for the Township of Berlin that the Municipal Stormwater Pollution Prevention Plan

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(SPPP), revised to April 13, 2009, is hereby accepted by the Mayor and Council; and

**BE IT FURTHER RESOLVED**, that copies of the amended Stormwater Pollution Prevention Plan be submitted to all required County and State agencies.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-116. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-117 RESOLUTION AUTHORIZING THE MAYOR TO SIGN CONSENT TO ENTER AGREEMENTS WITH CONTINENTAL CAST STONE, BLOCK 1907, LOT 10 AND DYNASIL CORPORATION BLOCK 1908 LOT 1 FOR GEOMETRIC IMPROVEMENTS AND TRAFFIC SIGNAL INSTALLATION.**

**WHEREAS**, the Township of Berlin and the County of Camden are planning to undertake geometric improvements and traffic installation at intersection of Cooper Road and Taunton Avenue: and

**WHEREAS**, on occasion, it will be necessary for representatives of the Township and/or County to enter onto private property, for the purpose of performing the construction to take place; and

**WHEREAS**, the Township and County desire to secure consent from all affected property owners, prior to entry upon the affected property.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, that the Mayor is hereby authorized to sign the Consent to Enter Agreements with Continental Cast Stone for the property designated as Block 1907, Lot 10 and with Dynasil Corporation for the property designated as Block 1908, Lot 1, so as to allow the Township of Berlin and County of Camden representatives to enter onto the properties to perform the improvements and traffic signal installation.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-117. Resolution adopted by call of the roll, five members present voting in the affirmative.

**Resolution 2009-118**

Payment of Bills MAY 18, 2009

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

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payment of claims after certification by the Treasurer and consideration by Mayor and Council.

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

TO	ACCOUNT	AMOUNT	
Camden County Div Health	Dog Trust	865.73	
Camden County Animal Shelter	Dog Trust	440.00	
<b>CONFIRMING</b>			
Treasurer, State of NJ	Dog Trust	26.40	
America on Line	01-201-20-120-2105	32.90	
Camden County Soil Convers	04-216-55-861-08041	200.00	
Camden County Treasurer	01-208-55-020-3000	844,775.50	
	01-208-55-020-3000	60,519.00	
	01-211-55-020-3000	29,377.95	
South Jersey Gas	07-201-55-502-2071	1,102.77	
NJ State Health	01-201-23-220-2092	12,285.47	
	01-201-23-220-2092	41,042.07	
Payroll, Current Fund		4/2/2009	57,936.23
Payroll, Sewer		4/2/2009	4,116.31
Payroll, Current Fund		4/9/2009	62,038.19
Payroll Sewer		4/9/2009	3,901.04
Payroll, Current Fund		4/16/2009	65,115.38
Payroll, Sewer		4/16/2009	3,935.81
Payroll, Current Fund		4/23/2009	58,303.55
Payroll, Sewer		4/23/2009	3,901.00
Payroll, Current Fund		4/30/2009	81,231.94
Payroll, Sewer		4/30/2009	3,901.06

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-118. Resolution adopted by call of the roll, five members present voting in the affirmative.

### **BUSINESS LICENSES**

- 1) Artistic Glass Door**, Michael J. Baron, 154 Cooper Road , suite 201, Sale of decorated glass and doors. Motion by Council President DiGangi, second by Councilman McIntosh to approve business license for Artistic Glass Door. License approved by call of the roll, five members present voting in the affirmative.

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- 2) Sean-Tor Construction**, John Shendock, 770 B Route 73, Supply and install roofing, siding and home remodeling. Motion by Councilman Morris, second by Councilman Batten to approve business license for Sean-Tor Construction. License approved by call of the roll, four members present voting in the affirmative, one abstain.
  
- 3) Doctor Nails & Spa**, Kelly Tran, 175 South route 73 unit 2, Nail Salon Motion by Council President DiGangi, second by Councilman McIntosh to approved business license for Doctor Nail & Spa . License approved by call of the roll, five members present voting in the affirmative.
  
- 4) Jersey Joe's Hoagies & Deli**, Joseph Vernacchio, 146 Haddon Avenue, Deli, Hoagie, sandwich shop. Motion by Councilman Batten, second by Councilman McIntosh to approved business license for Jersey Joe's Hoagies & Deli. License approved by call of the roll, five members present voting in the affirmative.

**CONSENT AGENDA**

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

**APPROVAL OF CORRESPONDENCE CALENDAR FOR APRIL**

Motion carried by Councilman Batten, second by Councilman Morris to receive and file the correspondence calendar for April 2009. Motion carried by voice vote, all present voting in the affirmative.

**APPROVAL OF MINUTES FOR APRIL 27, 2009**

Motion by Councilman Batten, second by Councilman McIntosh to approve the minutes of April 27, 2009. Motion carried by voice vote, all present voting in the affirmative.

**GOOD AND WELFARE #2**

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

Angelo Gaudelli stated that he is a member of the Associated Builders and Contractors and is here to discuss to you tonight the possibility of considering dropping the Project Labor Agreements on the upcoming municipal building project to open it up to all competition and all contractors' not just union contractors.

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Councilman DiGangi commented that it was his understanding that you could still bid if your non-union.

Angelo responded that you can bid on a job.

Councilman DiGangi said then it's still open.

Angelo replied my company would be fine to bid on a job, but my guys would not be able to work. Having a small family company with guys who have worked for me for years, I just couldn't throw them aside. I couldn't do that to them.

Councilman Batten remarked that what you are saying is that it doesn't prevent you from bidding but prevents your people from working on the job.

Angelo said correct.

Mayor Magazzu said you would need to get union people to work.

Dave Cosner from the Electricians Union stated that everyone is allowed to bid and that since being an agent in this South Jersey area, I have seen about 300 PLA jobs completed on time and under budget. Dave remarked that on a PLA job seems to run more smoothly.

Councilman Batten asked what the disadvantage was not to go to PLA and have everyone bid.

Dave responded that with PLA it seems to run under budget, on time, efficiently and it is coordinated to run smoothly. It just that everything is ironed out a head so that it runs smoothly.

Councilman Morris replied about the work schedules and how they are coordinated with them all, everyone has a set schedule. Councilman Morris stated that he has worked with PLA's and his experience has been positive, the project was on time, 8 days and a couple 100 thousand dollar under budget.

Ronald Picciotti stated that the reason union jobs are on budget and on time is because they are very well trained.

Bob Garrison of Garrison Architects explained that the Project Labor Agreement ensures that this job will be done without protest in a quick fashion so this job can be done by next April. That's why my firm recommended the Project Labor Agreement to this governing body, which is consisted to the work that I have done in my office. Again my office recommended the PLA and this governing body acted on this recommendation.

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Andrew Simone asked if there was going to be a general contractor on the job.

Bob Garrison responded one General Contractor that will choose and name on bid day in a form proposal, so we know who the sub contractors are mechanical, electrical, plumbing and Structural Steel.

Andrew asked who was going to be the project manager.

Bob Garrison responded that we will administer the construction process, which means my office will approve all the paper request from the general contractor. Mike McGee the township representative will work along with us during this process.

Andrew Simone asked who is going to make sure we don't go over budget

Bob Garrison replied that we have a figure and if the bid exceed more then what we have then we reject the bids or cut cost back.

No other comments were to be heard.

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

### **ALL OTHER BUSINESS FOR DISCUSSION**

Lori Campisano, CFO reported on the Bond Anticipation Note. She stated on May 14, 2009 we accepted proposals for the first Bond Anticipation Note for the New Municipal Building totaling \$3,000,000.00. Three proposals were received of which Bank Of America was the lowest at an interest rate of 1.60 percent. The note will be issued on May 19, 2009 and will be due on March 17, 2010 to coincide with our other note outstanding for 2,405,000.00.

### **RESOLUTION 2009-119 CLOSED SESSION TO DISCUSS PERSONNEL MATTER.**

**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 confidential negotiations of the Township.

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Motion by Council President DiGangi, second by Councilman Batten to adopt Resolution 2009-119. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-120 RESOLUTION AMENDING SALARY RESOLUTION 2008: 207 ESTABLISHING SALARY AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY**

WHEREAS, the Mayor and Council of the Township of Berlin adopted Resolution 2008: 207 on December 15, 2008, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2009; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salaries effective May 18, 2009

POSITION	AMOUNT PER YEAR
Police Department – Clerk Typist	\$23,000.00

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

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-120. Resolution adopted by call of the roll, five members present voting in the affirmative.

**ORDINANCE 2009-8 AMENDING ORDINANCE 2008-17 FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY**

Motion by Council President DiGangi, second by Councilman Batten to adopt Ordinance 2009-8 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-121 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF MT. VERNON AVENUE, FROM FRANKLIN AVENUE TO MINCK AVENUE**

WHEREAS, the Township of Berlin desires to submit an application to the New Jersey Department of Transportation for FY2010 Municipal Aid Funding for the resurfacing of Mt. Vernon Avenue from Franklin Avenue to Minck Avenue; and

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**WHEREAS**, Mt. Vernon Avenue serves as a main travel route for the surrounding residential neighborhood in the Township of Berlin; and

**WHEREAS**, the street pavement has deteriorated, over the years and is in need of improvement to provide safe travel of the pavement surface and prevent further degradation; 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 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.

Certified as a true copy of the Resolution adopted by the Council  
on 18<sup>th</sup> day of May, 2009

Motion by Council President DiGangi, second by Councilman Mc Intosh to adopt Resolution 2009-121. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-122 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE  
A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FOR THE IMPROVEMENTS TO HAZEL AVENUE, FROM CHESTNUT AVENUE TO  
CUSHMAN AVENUE**

**WHEREAS**, the Township of Berlin desires to submit an application to the New Jersey Department of Transportation for FY2010 Municipal Aid Funding for the improvements to Hazel Avenue from Chestnut Avenue to Cushman Avenue; and

**WHEREAS**, Hazel Avenue serves as a main travel route for the surrounding residential neighborhood in the Township of Berlin; and

**WHEREAS**, the street pavement has deteriorated, over the years and is in need of improvement to provide safe travel of the pavement surface and prevent further degradation; 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

**MAY 18, 2009**

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to submit an electronic grant application 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.

Certified as a true copy of the Resolution adopted by the Council on 18<sup>th</sup> day of May, 2009.

Motion by Council President DiGangi, second by Councilman Mc Intosh to adopt Resolution 2009-122. Resolution adopted by call of the roll, five members present voting in the affirmative.

**ADJOURNED**

Motion by Councilman Batten, second by Council President DiGangi to adjourn the meeting at 10:00 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 9:05 pm

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Jamey Eggers, Township Clerk