

May 22, 2017

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL May 22, 2017 AT 5:30 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- Mayor Magazzu, Councilman McIntosh, Councilwoman Bodanza Council President Morris, Councilman Epifanio.

Also Present- Solicitor, CherylLynn Walters, CFO, Lori Campisano, Animal Control/ Property Maintenance, Josh Shellenberger, Township Engineer / Public Works Director, Chuck Riebel

Absent- Chief of Police Leonard Check.

SECOND READING AND PUBLIC HEARING ORDINANCE 2017-4 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 340-17 OF THE TOWNSHIP ZONING CODE ENTITLED "PROHIBITED USES" BY ADDING NEW ITEM G.

WHEREAS, Chapter 340-17 of the Code of the Township of Berlin, entitled "Prohibited Uses": and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

SECTION 1: Chapter 340-17, entitled "Prohibited uses," is hereby amended, revised and/or supplemented by adding a new item "G" which shall read as follows:

G) The construction or operation of medical marijuana production, treatment or distribution facilities in all zoning districts.

SECTION 2: Except as set forth in Section 1 above, the balance of Chapter 340-17 shall not be affected by this Ordinance.

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SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Motion by Council President Morris, second by Councilman Epifanio to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2017-4.

No comments were to be heard.

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 for questions or comments on Ordinance 2017-4.

Motion by Council President Morris second by Councilman Epifanio to adopt Ordinance 2017-4. Ordinance approved by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-118 RESOLUTION AUTHORIZING MONTH TO MONTH PURCHASES OF ELECTRIC GENERATION SUPPLY SERVICES BASED UPON THE AWARD OF CONTRACTS (BID A 26/2015) FOR STREET LIGHTING ACCOUNTS TO CONSTELLATION NEW ENERGY, INC. FOR OPTION 2 IN ACCORDANCE WITH THE COOPERATIVE BID AWARDED BY THE COUNTY OF CAMDEN FOR THE SOUTH JERSEY POWER COOPERATIVE.

WHEREAS, the County of Camden, on behalf of the South Jersey Power Cooperative ("SJPC"), in which Berlin Township is a member, approved by Resolution on 7/16/15 to award Bid A-26/2015 Electric Generation Supply Service for Street Lighting Accounts (and the Township of Berlin subsequently adopted on 9/14/15 Resolution 2015-156) for the South Jersey Power Cooperative and authorized a contract with Constellation New Energy, Inc. for Option 2 at a rate of \$.05698 per kWh for a term of 21 months commencing with the September 2015 meter reading; and

WHEREAS, the County of Camden is in the process of procuring electric generation supply services for the South Jersey Power Cooperative through a public bidding process and the Township of Berlin is also researching options of its own; and

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WHEREAS, the County of Camden by adopting Resolution #62 on 4/20/17 has agreed to extend the current contract on a month- to- month basis, with the same terms, rate and conditions in accordance with N.J.S.A. 40A:11-15; and

WHEREAS, funding for this purpose shall not exceed the maximum budgeted line items for the Street Lighting and Electricity/ Natural Gas line items in the permanent CY 2017 budget and the temporary and/or permanent 2018 budgets and shall be encumbered in accordance with N.J.A.C. 5:34-5.3(b)(2); and

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

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adopt Resolution 2017-118. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-119 RESOLUTION AUTHORIZING MONTH TO MONTH PURCHASES OF ELECTRIC GENERATION SUPPLY SERVICES BASED UPON THE AWARD OF CONTRACTS (BID A 20/2015) FOR FACILITY ACCOUNTS TO CONSTELLATION NEW ENERGY, INC. FOR OPTION 1 IN ACCORDANCE WITH THE COOPERATIVE BID AWARDED BY THE COUNTY OF CAMDEN FOR THE SOUTH JERSEY POWER COOPERATIVE.

WHEREAS, the County of Camden, on behalf of the South Jersey Power Cooperative (“SJPC”), in which Berlin Township is a member, approved by Resolution on 4/16/15 to award Bid A-20/2015 Electric Generation Supply Service for facilities (and the Township of Berlin subsequently adopted on 9/14/15 Resolution 2015-155) for the South Jersey Power Cooperative and authorized a contract with Constellation New Energy, Inc. for Option 1 at a rate of \$.07367 per kWh for a term of 24 months commencing with the June 2015 meter reading; and

WHEREAS, the County of Camden is in the process of procuring electric generation supply services for the South Jersey Power Cooperative through a public bidding process and the Township of Berlin is also researching options of its own; and

WHEREAS, the County of Camden by adopting Resolution #61 on 4/20/17 has agreed to extend the current contract on a month- to- month basis, with the same terms, rate and conditions in accordance with N.J.S.A. 40A:11-15; and

WHEREAS, funding for this purpose shall not exceed the maximum budgeted line items for the Street Lighting and Electricity/ Natural Gas line items in the permanent CY 2017 budget and the temporary and/or permanent 2018 budgets and shall be encumbered in accordance with N.J.A.C. 5:34-5.3(b)(2); and

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

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adopt Resolution 2017-119. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-120 PAYMENT OF BILLS FOR MAY

WHEREAS, the Code of the Township of Berlin, Chapter 7-1 et seq., provides for the payment of claims after certification by the Treasurer and consideration by Mayor and Council.

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

TO	ACCOUNT	AMOUNT
Treasurer – State Dog Report April 2017 Total License #43	Dog Trust	\$75.60

CONFIRMING:

TO	ACCOUNT	AMOUNT
Various Current Fund & Sewer Operating Fund Checks	See Bill List Attached dated: April 27, 2017	\$24,083.80
State of Jersey Health Benefits – Apr 2017 (A)	7-01-23-220-2092 7-02-23-220-2072	64,496.35 17,543.91
State of Jersey Health Benefits – Apr 2017 (R)	7-01-23-220-2092	36,909.22
Verizon Communications – Internet 04/13-05/12/17	7-01-20-120-2105	167.58
Various Current Fund Checks	See Bill List Attached dated: May 10, 2017	12,516.92
Emerald Vision Community Development (Replacement Check)	6-01-20-110-2105	390.00
Emerald Vision Community Development Camden County Treasurer	7-01-20-110-2105 7-01-55-208-0000 7-01-55-208-0000	600.00 1,131,140.09 71,137.47

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	7-01-55-211-0000	27,807.16
Susquehanna Commercial Finance	7-01-25-240-2051	25,292.96
Payroll, Current Fund	04/27/17	128,692.97
Payroll, Sewer Operating Fund	04/27/17	6,658.72
Payroll, Current Fund	05/11/17	128,863.03
Payroll, Sewer Operating Fund	05/11/17	6,462.17

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adopt Resolution 2017-120. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-121 RESOLUTION TO WAIVE THE FEE FOR BERLIN BOROUGH FIRE DEPARTMENT FOR BAND STAGE USAGE.

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the municipal hereby waives the fee for the band stage for Berlin Borough Fire Department for June 10, 2017 dedication ceremony for the boroughs new fire truck.

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adopt Resolution 2017-121. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-122 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE GUARANTEE FOR THE COMMONS AT BERLIN TOWNSHIP, 84 HADDON AVENUE BLOCK 105, LOT 8 AND BLOCK 701, LOT1 AND THE POSTING OF A MAINTENANCE BOND.

WHEREAS, Construction Concepts Unlimited has requested the release of their Performance Guarantee; and

WHEREAS, the Engineer has recommended that the Township Grant the request for the release of the performance guarantee contingent upon the following conditions:

- 1) The developer posts a maintenance guarantee for a period of two years from the date of the release of the performance guarantee, for the amount of \$147,544.35.
- 2) Traffic engineer's certification that the traffic control sign was inspected and the installation and operation of the traffic control signal conforms with the design engineer's traffic signal plan, the minimum standards established by the Manual on Uniform Traffic Control devices and Title 39 of the New Jersey Revised Statutes Annotated.
- 3) Acceptance of the roadway improvements constructed along Walker Avenue and Haddon Avenue by the County of Camden.

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4) Any other conditions recommended by the Township Solicitor and /or determined to be necessary by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release Performance guarantee for Construction Concepts Unlimited, 84 Haddon Avenue , West Berlin, New Jersey; Block 105, Lot 8 and Block 701 Lot 11, is hereby granted contingent upon the conditions stated above.

Consent Agenda for April

Motion by Councilwoman Bodanza , second by Council President Morris to receive and file the monthly reports on the consent agenda for April 2017. Motion carried by voice vote, all present voting in the affirmative.

Correspondence Calendar for April

Motion by Council President Morris, second by Councilwoman Bodanza to receive and file the Correspondence Calendar for April 2017. Motion carried by voice vote, all present voting in the affirmative.

Approval of April 24th 2017 Meeting Minutes

Motion by Councilman Epifanio, second by Councilwoman Bodanza to approve the Meeting Minutes for April 24, 2017. Motion carried by voice vote, five present voting in the affirmative.

Approval of May 8th 2017 Meeting Minutes

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve the Meeting Minutes for May 8, 2017. Motion carried by voice vote, five present voting in the affirmative.

All other Business

Memorial Day Services will begin at 7:00 am on May 29th 2017 and will be in Berlin Township around 9:00 am.

The Spring Festival for June 10, 2017 is moving along and will begin at 4:00 pm.

Public Portion

Motion by Council President Morris, second by Councilwoman Bodanza 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.

John Soubasis, 84 Haddon Avenue Associates came in to discuss the history of his property and the past issues that he has had with his neighbors. He stated that he is in good standing with the neighbors and would like to keep it that way. He remarked to the Governing Body all the good that the developer has done for the property and for the town. He asked that the State ditch be monitored and maintained so that the water could flow properly from his ditch.

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No more comments were to be heard.

Motion by Councilman Epifanio, 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 for questions or comments.

Adjourn

Motion by Councilman Epifanio, second by, Councilwoman Bodanza to adjourn the meeting at 6:48pm. Motion carried by voice vote, all members voting in the affirmative.

Meeting adjourned 6:48 pm

Catherine Underwood
Berlin Township RMC