

JUNE 10, 2013

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL JUNE 10, 2013 AT 6:30 P.M.

Mayor Magazzu opened the meeting and stated that pursuant to the requirements of the Open Public Meetings Law, notice of this meeting was advertised in the Courier Post, Record Breeze and posted on the bulletin board.

All in attendance joined in the Salute to the Flag.

ROLL CALL

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

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

Absent-

Mayor Magazzu welcomed Cindy Johnson from the National Multiple Sclerosis Society

Cindy Johnson presented Mayor and Council with an award for the Township help in making the MS bike ride to the shore a huge success throughout the years. She stated that this years MS bike ride to the shore will be held the weekend of September 28th to the 29th.

Proclamation- "Berlin Township National Public Works Week"

Mayor and Council presented the Public Works Department with a proclamation thanking all the public works employees for all their hard work and dedication to the residents of Berlin Township. Mayor and Council proclaimed the Week of June 10th to 14th as "Berlin Township Public Works Week".

Departmental Reports

ENGINEER'S AND DIRECTOR'S REPORT

CHANGE ORDERS AND VOUCHERS

1. Haddon Avenue Streetscape

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I expect to be submitting the final voucher and change order for consideration for action by the Governing Body at the Council Meeting of June 10, 2013.

A. RESOLUTIONS AND ORDINANCES FOR CONSIDERATION

1. Traffic Signal Maintenance and Repair

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

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

I recommend that Harry McAllister, III be appointed to the combined position of Parks/Streets/Buildings Crew Leader and William Townsend be re-assigned to the position of Laborer since the position, which he holds has been consolidated with other crew leader positions. It is my understanding that these appointments would be effective July 1, 2013.

B. ENGINEER'S REPORT

1. 2013 STREET IMPROVEMENT PROGRAM

At the Special Council Meeting, on May 28, 2013, the Governing Body awarded Contracts for the following projects:

a. Proposal No. 1 – Improvements to Mt. Vernon Avenue from Minck Avenue to Franklin Avenue

Lexa Concrete, L.L.C, of Hammonton, N.J. – 373,373.20

This project is partially funded by N.J.D.O.T. FY 2010 Municipal Aid funding (\$180,000.00). We have submitted the necessary documents to the N.J.D.O.T. Before they will approve the award of the Contract, we must respond to their review letter.

b. Proposal No. 2 – Improvements to Edgewood Avenue from Cooper Road to the Limit of the N.J.D.O.T. Project

Lexa Concrete, L.L.C., of Hammonton, N.J.- \$305,605.37

This Project is, also, partially funded with \$200,000.00 of N.J.D.O.T. FY2011 Municipal Aid funding. The N.J.D.O.T. will not approve the award of the Contract until we address their comments in their review letter.

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c. Proposal No. 3 – Various Streets

Charles Marandino, L.L.C., Milmay, N.J. - \$52,674.00

This proposal includes the following projects:

- 1) Mill and overlay of the settled sewer trench, within the middle of the street, along McClellan Avenue – Haddon Avenue to Krumm Avenue and Krumm Avenue- from McClellan Avenue to a point near Franklin Avenue
- 2) Reconstruction of the intersection of Grove and Cleveland Avenues
- 3) Milling and overlay of a short distance along the gutterline of Mt. Vernon Avenue
- 4) Construction of built-up bituminous driveway aprons at 136 and 138 Veteran’s Avenue to reduce the overflow of gutterline runoff from Veteran’s Avenue onto the properties.

We are scheduling the Pre-construction Meetings for June 14, 2013. Lexa Concrete, L.L.C. has informed me that they would like to commence with construction in late June, after the current school year ends. I have directed them to start with the reconstruction of Mt. Vernon Avenue and, then, perform the work on Edgewood Avenue. It is probable, that there will be times when they are working on both projects, at the same time.

2. HIGH POINT II SEWER EXTENSION

On May 13, 2013, the Governing Body passed Resolution No. 2013-113, authorizing the endorsement of the Treatment Works Approval application.

The attorney for Papparone Builders has revised and submitted the Inter-Municipal Sewer Agreement for approval. The attorney has, also, stated that the developer was to obtain a credit against connection fees and reservation of sewer allocation, based upon the terms of the previous agreement. It was my understanding that the agreement was considered to be terminated, as a result of the developer not making the required final payment. It was my understanding that the previous agreement only provided for temporary connection until the Dutchtown Road pumping station was constructed in Voorhees Township. I believe that the proposal for this pumping station has been re-evaluated and will not be

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constructed, as originally proposed by Voorhees Township. I believe that Mr. Platt will be discussing this matter, in further detail, with the Governing Body.

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

I must, still, resolve the final quantities with the contractor. I expect to submit the final change order and voucher to the Governing Body for consideration for approval at the Council Meeting on June 10, 2013.

The Public Works Department has installed sod at the disturbed areas around the decorative street lights.

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

The Governing Body approved the final change order and voucher, conditional upon the approval from the Camden County C.D.B.G. Program Office.

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

I must perform the preliminary design and construction cost estimate to determine if the current Township and C.D.B.G. funds are sufficient to cover the construction cost.

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

I had mentioned to the Governing Body that I did not believe that the construction cost will exceed the County grant amount. I would like to receive bids, for this project, in the same bid package as the Hill Avenue street improvements project, in hopes of receiving more competitive process for the larger scale projects.

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

The application package was submitted to the County.

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

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

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

Now that the weather has become suitable, the contractor will be applying the hardener/sealer to a few test areas. I am hopeful that the results of the test applications will be successful and the contractor can follow with the application to the entire sidewalk.

Once the work has been completed, we will submit the invoice to the N.J.D.O.T. for final reimbursement.

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

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

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

11. NO PASSING ZONE ALONG COOPER ROAD

We are, currently, preparing the CAD profile plan, using the New Jersey – American Water Company Plan. We will follow with the analysis to determine the portions of the road that meet the standard for no passing.

12. REQUEST FOR CAPITAL IMPROVEMENTS

As you know there are many streets, which are in need of pavement and/or storm drainage improvements. There are, also, various

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improvements which are necessary for the recreation facilities and sewer pumping stations. I expect to be submitting my recommendations to the Governing Body, in the immediate future.

13. MUNICIPAL BUILDING

a. Roof Membranes

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

b. Improvements to the Unfinished General Assembly Rooms

The additional ceiling lighting has been installed in Room 300 for the voting booths for the Primary Election Day on June 4, 2013. The vinyl floor tiles have been delivered to the Municipal Building.

We are preparing the bid documents for the ceiling lighting, HVAC system and reconfiguration of the fire suppression system.

c. Free Standing Monument Sign

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

d. Irrigation and Landscaping

The irrigation system design, still, remains to be completed.

14. STORM DRAINAGE IMPROVEMENTS

a) Lester Avenue Storm Drainage and Stormwater Management

It has been discussed that this project will be performed in two phases. The initial phase will consist of constructing storm drainage that the low point on Lester Avenue and an interim stormwater management basin, along Lester Avenue on the Luke Avenue Recreation Site. At this time, it is anticipated that the Public Works Department will perform this construction. It will be necessary for funds to be allotted for the purchase of the materials.

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The second phase consists of extending the storm drainage pipe, across the parklands and P.S.E.G. lands, to the existing stormwater management system within the park. It will be necessary to obtain an easement from P.S.E.G. for the construction of the proposed pipe, across their property.

We must perform the land surveying and engineering design for both phases of construction. I will be preparing cost estimates for both phases of construction for consideration for funding by the Governing Body.

b) Kelley Drive Stormwater Basin Reconstruction

In 1994, the developer filed a deed, conveying the stormwater basin to the Township. At that time, the Governing Body refused to accept ownership due to the failing operation of the basin. The operation of the basin is still failing.

I believe that the Governing Body has agreed to reconstruct the stormwater basin, using funds which have been donated to the Township by Wal*Mart. We will be preparing the bid documents for the reconstruction, as the work must be completed before the end of 2013.

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. Fitz for his review and consideration for recommendation to the Board of Education.

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

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

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

15. REQUEST TO THE PINELANDS COMMISSION FOR ADDITIONAL REDESIGNATION OF LANDS

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

16. MONTEBELLO PUMPING STATION

I continue to recommend that the Governing Body NOT accept ownership of this pumping station, as there are various matters which must be addressed by the developer.

17. TAX MAP REVISIONS

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

18. FORMER MUNICIPAL BUILDING SITE, BATE AVENUE

We must, still, complete the survey of the property and the preliminary environmental assessment. It is my understanding that the property cannot be transferred to the Township until these documents have been submitted to the necessary parties.

19. TRAFFIC CALMING PROGRAM

I believe that the Governing Body is still considering the implementation of a traffic calming program, utilizing portable speed humps and the necessary warning signage. I believe that the Police Department has completed the speed study for Minck Avenue, Fairview Avenue and a portion of Taunton Avenue.

The Governing Body has, also, discussed the possible installation of flashing speed notice boards with flashing strobe lights.

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I am still waiting for the quotes for the large “NO THRU TRAFFIC” signs for the installation along Haddon Avenue and Franklin Avenue.

20. REQUEST FOR BOARDING HOME, VANCE MORINE, 247 CUSHMAN AVENUE

It is my understanding that Mr. Morine will be requesting that the Governing Body approve the property for a boarding home. I had e-mailed members of the Governing Body an N.J.D.E.P. aerial photo and Google Earth view photos for your review.

I believe that this matter must be addressed by the Zoning Officer and the site plan approved by the Planning Board to determine if the proposed use can even be considered by the Governing Body.

21. N.J.D.O.T. FY 2014 MUNICIPAL AID APPLICATION

Typically, the N.J.D.O.T. accepts the applications, during this time of the year. For the last two years, applications have been submitted for Oak Avenue- Rt. 73 Ramp A to 80 feet past Clover Avenue and for the entire length of Hazel Avenue. I recommend that the Governing Body consider applying for the same streets.

It is extremely important that the current N.J.D.O.T. funded projects be complete and closed out.

22. PUBLIC WORKS DEPARTMENT

a) **ROUTE 73 PUMPING STATION FAILURE**

The operation of one pump has been restored. The other pump is being repaired by the emergency contractor. In the interim, the by-pass pump has been placed and connected to the pumping station, in case the one pump becomes inoperable. The Public Works staff has removed the large build-up of sand, grit and debris from the bottom of the wet well.

I did notify the N.J.D.E.P. of the overflow at the manholes on Grove Avenue, at Katherine Avenue and at the end of the street.

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b) **IMPROVEMENTS TO SEWER PUMPING STATIONS**

I strongly recommend that the Governing Body consider allocating the necessary funds for the various improvements to the aging pumping stations. It is extremely important that these stations remain fully operational to prevent the backup sewer into homes and businesses and the overflow into the streets and properties.

c) **REQUEST FOR 2013 CAPITAL PURCHASES FOR VEHICLES AND EQUIPMENT**

I strongly recommend that the Governing Body consider the allocation of funds for various vehicles and equipment for the Public Works Department. I will be submitting a revised listing to the Governing Body for your, hopefully favorable, consideration. It is becoming a frequent occurrence of the breakdown of these items, making them unreliable for the needed usage.

d) **GREASE TRAP MAINTENANCE**

I am hopeful that the Governing Body takes the necessary action so we can commence with immediate notification to the food establishments, which are discharging grease. We are experiencing heavy accumulation of grease in the pumping stations, which are serving these food establishments.

e) **COMBINED CREW LEADER POSITION FOR THE PARKS/STREETS AND BUILDINGS**

It is my understanding that the position has been, formally, created by Ordinance and an appointment can be made by the Governing Body. I recommend that Harry McAllister III be appointed to the position. Since the Street Crew Leader position has been replaced, William Townsend must be re-assigned to Class 2 Laborer. The salaries for each individual must be adjusted accordingly.

f) **TEXTILE RECYCLING**

I have contacted the Westville Borough Public Works Superintendent, requesting information regarding their implementation of the program.

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SOLICITORS REPORT

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

POLICE DEPARTMENT

Acting Police Chief Check reported that the "IN CASE" information was distributed through the township newsletter and is also on the website so that the residents can review the information. Chief stated that the department along with the ambulance participated in field day activities with the JFK students. Chief Check stated that the department is also monitoring some traffic concerns within town.

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FIRST READING ORDINANCE 2013-6 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, GIVING AND GRANTING CONSENT AND PERMISSION TO SOUTH JERSEY GAS COMPANY TO FURNISH GAS FOR LIGHT, HEAT AND POWER.

Motion by Councilman Epifanio, second by Council President Morris to adopt Ordinance 2013-6 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative

FIRST READING ORDINANCE 2013-7 ORDINANCE AMENDING ORDINANCES 2011-19 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REVISING CHAPTER 85 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "PARKS AND RECREATION".

Motion by Councilman Epifanio, second by Councilman McIntosh to adopt Ordinance 2013-7 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative

FIRST READING ORDINANCE 2013-8 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, APPROVING, ADOPTING AND ENACTING THE RENUMBERING OF THE CODIFIED ORDINANCES OF THE TOWNSHIP OF BERLIN AND PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS ALONG WITH THE RENUMBERING THEREOF.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Ordinance 2013-8 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative

RESOLUTION 2013- 118 AUTHORIZING TOWNSHIP SOLICITOR TO REPRESENT THE INTERESTS OF BERLIN TOWNSHIP IN PENDING LITIGATION.

WHEREAS, on April 18, 2013, a certain lawsuit was filed in the Superior Court of New Jersey, bearing Docket No. CAM-L-001689-13, on behalf of Melissa DiLuzio against Berlin Township, Berlin Township Police Department, Joe Jackson (hereinafter "Legal Proceeding"); and

WHEREAS, in addition to seeking compensatory damages (both in the form of pain and suffering and economic losses), Plaintiff in the Legal Proceeding is also seeking punitive damages, attorney's fees and costs, and such other relief as the Court may deem appropriate; and

WHEREAS, the Governing Body has been advised that while the defense of the Township has been assigned to outside counsel by the Camden County

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Joint Insurance Fund, its defense will be subject to a reservation of rights in light of the claims for relief being sought in connection with the Legal Proceeding;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin for the reasons set forth above that the Township Solicitor is hereby authorized to enter his appearance as co-counsel on behalf of the Township in connection with said Legal Proceeding and to execute any documents necessary in connection therewith.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2013-118. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2013- 119 RESOLUTION APPOINTING A CREW LEADER FOR STREETS, PARKS AND BUILDINGS FOR THE PUBLIC WORKS DEPARTMENT.

WHEREAS, the position had been posted within the Public works department for a crew leader for the Berlin Township streets, parks and building; and

WHEREAS, a recommendation has been made by the Director of Public Works to appoint Harry McAllister crew leader for the Berlin Township Public Works Department; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that Harry McAllister is hereby appointed as the crew leader for streets, parks and building for public works department effective July 1, 2013

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adopt Resolution 2013-119. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2013-120 GRANTING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES.

WHEREAS, the following persons, corporations and individuals have filed applications with the Township of Berlin, County of Camden, New Jersey, for the renewal of their Plenary Retail Consumption License for the year commencing July 1, 2013 and ending June 30, 2014;

<u>CONTROL NUMBER</u>	<u>NAME</u>	<u>T/A</u>
0406-33-003-005	Erin Court, LLC	Otts Green Tops

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	588 Route 73 W. Berlin, NJ 08091	
0406-33-007-013	Sahara Sams Oasis 535 Route 73 North W. Berlin, NJ 08091	Sahara Sams Oasis Indoor Water Park
0406-33-001-005	MPG Inc. 103 Route 73 W. Berlin, NJ 08091	The New Palace Diner
0406-33-005-012	DiVentura, Giuseppe 13 Crosskeys Road W. Berlin, NJ 08091	Filomena II Inc.
0406-33-004-004	M M & T Inc. 461 Rt. 73 North W. Berlin, NJ 08091	Los Amigos Restaurant

WHEREAS, the application of the above named individuals or corporations has been examined by the Mayor and Council and has been found to be in proper order; and

WHEREAS, the proper fees have been paid to the Township of Berlin.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the licenses be and is hereby granted renewal of Plenary Retail Consumption license, and the Township Clerk is hereby authorized and directed to issue the new license for the year commencing July 1, 2013 and ending June 30, 2014.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2013-120. Resolution adopted by call of the roll, five members present voting in the affirmative.

Council President Morris abstained voting on Sahara Sam's Water Park License.

RESOLUTION 2013-121 GRANTING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE.

WHEREAS, the following persons, corporations and individuals have filed applications with the Township of Berlin, County of Camden, New Jersey, for the renewal of their Plenary Retail Distribution License for the year commencing July 1, 2013 and ending June 30, 2014;

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<u>CONTROL NUMBER</u>	<u>NAME</u>	<u>T/A</u>
0406-44-002-006	BZBL, Inc. Rte. 73 and Minck Ave. W. Berlin, NJ 08091	The Wine Shop

WHEREAS, the application of the above named individual or corporation has been examined by the Mayor and Council and has been found to be in proper order; and

WHEREAS, the proper fees have been paid to the Township of Berlin,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the license be and is hereby granted renewal of Plenary Retail Distribution License and the Township Clerk is hereby authorized and directed to issue the new license for the year commencing July 1, 2013 and ending June 30, 2014.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-121. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2013-122 GRANTING RENEWAL OF CLUB LICENSE.

WHEREAS, the following persons, corporations and individuals have filed applications with the Township of Berlin, County of Camden, New Jersey, for the renewal of their Club License for the year commencing July 1, 2013 and ending June 30, 2014;

<u>CONTROL NUMBER</u>	<u>NAME</u>	<u>T/A</u>
0406-31-011-001	Son's of Italy Mario Lanza Lodge 2308 153 Haddon Avenue W. Berlin, NJ 08091	Sons of Italy

WHEREAS, the application of the above named individual or corporation has been examined by the Mayor and Council and has been found to be in proper order; and

WHEREAS, the proper fees have been paid to the Township of Berlin,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the license be and is hereby granted renewal of Club

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License, and the Township Clerk is hereby authorized and directed to issue the new license for the year commencing July 1, 2013 and ending June 30, 2014.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-121. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2013-123 RESOLUTION AMENDING SALARY RESOLUTION 2012- 184 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 2012: 184 on December 20, 2012, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2013; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary effective June 17, 2013:

POSITION	AMOUNT
Finance Clerk - Date of Hire	\$13.00 per hour
Finance Clerk – on 9/16/13 After Review	\$14.00 per hour
(Not to exceed 21 hrs. per week)	

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

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-123. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2013- 124 LIST OF UNCOLLECTIBLE TAXES DUE BACK FROM STATE.

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: June 10, 2013

Diane Zoppel, CTC - Tax Collector

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NAME	DESCRIPTION	YEAR	AMOUNT	REASON
Joseph Massi	2401-1	2013	250.00	Senior Citizen
			\$ 250.00	
			TOTAL	Aug/Nov 2013

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adopt Resolution 2013-124. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2013-125 RESOLUTION GRANTING LINDENWOLD FIRE COMPANY #2 THE USAGE OF THE PORTABLE STAGE.

WHEREAS, Lindenwold Fire Company #2 will be celebrating their 75th Anniversary on Saturday September 28th, 2013 and;

WHEREAS the Lindenwold Fire has request the usage of Berlin Township portable stage for this event.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor is hereby granting the usage of the portable stage to the Lindenwold Fire Company for there 75th anniversary celebration.

Motion by Councilman McIntosh, second by Councilman Epifanio to adopt Resolution 2013-125. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2013-126 RESOLUTION GRANTING THE WEST BERLIN FIRE DISTRICT #1 ACCESS TO THE ARTEMIS RECORDS RETENTION AND DISPOSAL MANAGEMENT SYSTEM.

WHEREAS, Records Management Services work with agencies to develop and update records retention schedules; research and develop policies on electronic records; aid in the inventory and appraisal of records for reorganization or disposition projects; and approve routine records disposal requests; and

WHEREAS, Records Management Services also maintains Artemis (Records Retention and Disposition Management System). Its purpose is to provide efficiencies across State, County and Municipal agencies in addressing many of the records management functions, processes, and services offered by the division in accordance with the Destruction of Public Records Act, Chapter 410, PL 1953; and

WHEREAS, As per the Destruction of Public Records Act of 1953 (P.L. 1953, c. 410), public agencies must receive prior written authorization to dispose of their public records regardless of the medium in which the information is maintained.

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The division routinely processes and authorizes the destruction of public records that appear on retention schedules approved by the state records committee

WHEREAS, All Local Government must use ARTEMIS to file records disposal by electronic submission; and

WHEREAS the West Berlin Fire District #1 is in need to file a record disposal electronically through ARTEMUS and needs to have access to the ARTEMUS.

WHEREAS on the Request for Disposal of Records Form the Municipal Clerk shall sign as the Agency Custodian of Public Records Signature and the Fire District # 1 shall sign at the requesting Agency.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin hereby grants authorization to the Berlin Township Fire District #1 access to Artemis, the Records Retention and Disposal Management System.

Motion by Council President, second by Councilman Epifanio to adopt Resolution 2013-126. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2013- 127 RESOLUTION REQUESTING THE ISSUANCE OF RAFFLE LICENSES FOR THE VIRTUA HEALTH FOUNDATION.

WHEREAS, the Virtua Health Foundation, 50 Lake Center , 401 Route 73 North Marlton NJ 08053, has requested the issuances of licenses by the Township of Berlin for;

Tyanna Barre O'Brien Breast Care Comfort Fund at Virtua on October 20, 2013

On- Premises Draw Raffle (Basket / Auction)

OFF- Premises 50/50 Cash Raffle

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of licenses to the Virtua Health Foundation, 50 Lake Center , 401 Route 73 North Marlton NJ 08053 on October 20, 2013 at the Montebello Clubhouse.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2013-127. Resolution adopted by call of the roll, five members present voting in the affirmative.

Approval of Business Licenses

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1) Harmonson Stairs LLC, Christine Beikman, 317-321 Pinedge Drive, West Berlin. Production of stairs.

2) Arden Electrical Solution LLC, Michael Conklin 1040 Industrial Drive suite 10. West Berlin .Electrical Contractor.

3) Atlantis Granite, Ruslan Budilov, 556 Route 73 South, West Berlin NJ . Sale of kitchen Cabinets and Granite.

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

Approval for Animal Permit

1) William Reynolds, 355 Blaine Avenue, West Berlin NJ 08091. Permit for 6 Chickens .

2) Robert Johnson, 207 Taunton Avenue, West Berlin NJ 08091 Permit for 6 Chickens.

3) Joseph Fabrico, 149 McCellan Avenue, West Berlin NJ 08091. Permit for Horses

4) Cosette Worthington , 206 Chestnut Avenue, West Berlin NJ 08091. Permit for 2 roosters, 1 goat, 3 Hens.

5) Joe Romeo, 212 North Avenue West Berlin NJ 08091. Permit for 2 Horses.

6) Linda Townsend, 165 Collings Avenue, West Berlin NJ 08091. Permit for 16 Chickens.

7) Dolores Ross, 177 Third Avenue, West Berlin NJ 08091. Permit for 60 Pigeons.

8) Frank Carns, 229 Second Avenue, West Berlin NJ 08091 Permit for 5 Chickens

Approval of Minutes for April 22nd 2013

Motion by Councilman McIntosh, second by Council President Morris to approve the minutes for April 22, 2013. Motion carried by voice vote, five present voting in the affirmative.

Approval of Minutes for May 13th 2013

Motion by Councilman McIntosh, second by Council President Morris to approve the minutes for May 13, 2013. Motion carried by voice vote, five present voting in the affirmative.

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Approval of Minutes for May 28th 2013

Motion by Councilman McIntosh, second by Council President Morris to approve the minutes for May 28, 2013. Motion carried by voice vote, five present voting in the affirmative.

Consent Agenda for May

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

Correspondence Calendar for May 2013

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

All other Business

1) Solicitor permits

2) Boarding Homes

Resident Vance Morine spoke to Mayor and Council about putting in a boarding home at 247 Cushman Avenue. He told Mayor and Council that he would like to register for the classes in August but wasn't sure if the paper work would be completed by then. Solicitor Stuart Platt told Mr. Morine that he would speak with the Zoning Officer to see what the next step would be. He said that the Zoning Officer would contact him.

Public Portion

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

Mr. Haley from 28 North Rose Lane asked for an update on the pending sale for the property on 170 Bate Avenue and what can be done to expedite the sale of the property. He also asked what is the cost to publish and distribute the Township Newsletter.

Michael McGee came on behalf of the Fire District and asked the Governing body to grant them permission to close Clarence Street during the Fire Stations renovations. He stated that the street would only be closed during the worker's construction time which is 8 am to 5pm. They would then open the street back up during the evening unless an unforeseen safety issue, which then the street

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would remain closed. The construction will start on September 1st 2013 from Monday to Friday from 8 to 5 and they are going to send out a notice informing the residents.

Michael McGee complimented Property Maintenance Officer, Josh Shellenberger for the excellent job he is doing on property maintenance.

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.

Mayor and Council responded

Councilman McIntosh stated with the closing of the street for the Fire district he believes that safety should come first especially in light of the tragedy that recently occurred in Philadelphia.

RESOLUTION 2013-128 RESOLUTION TO CLOSE CLARENCE AVENUE DURING THE CONSTRUCTION PERIOD FOR THE RENOVATION OF THE FIRE DISTRICTS STATION.

WHEREAS the West Berlin Fire District 1 is starting construction on September 1, 2013 to August 31, 2014 for the renovation and repair on the Fire Station located at 186 Haddon Avenue West Berlin NJ 08091; and

WHEREAS the West Berlin Fire District has requested that Clarence Avenue be closed during the construction time Monday through Friday 8am to 5pm which then Clarence Avenue would be re-opened at 5pm unless an unforeseen safety issue occurs which at that time the Chief of Police would direct the street to remain closed ; and

WHEREAS the West Berlin Fire District will send out a notice informing the residents so that they can anticipate the closing of Clarence Street during the construction period and take appropriate measures.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin for the safety and welfare of the residents of Berlin Township hereby grants the closing of Clarence Avenue as stated above.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2013-128. Resolution adopted by call of the roll, five members present voting in the affirmative.

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Chuck Riebel, Township Engineer responded to Mr. Haley questions that as far as the Property on Bate Avenue, the Township needs to perform a site assessment on the property for any potential contamination. Chuck stated that he has been in contact with a realtor and the market has improved and that they are planning to meet to discuss options for the Township.

Mayor Magazzu stated that the market has improved and that we don't want the property to cost us money in order to sell it.

Mayor remarked as for our newsletter this is a way to get out information to our residents and mostly our senior or those who don't have computers. Mayor replied all of the work for the newsletter is done in house, we only send it out to be printed and the approximate cost is \$3000.00.

RESOLUTION 2013-129 RESOLUTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION JOSEPH M. JACKSON vs. BERLIN TOWNSHIP & MELISSA DILUZIO vs. BERLIN TOWNSHIP, BERLIN TOWNSHIP POLICE DEPARTMENT, JOSEPH JACKSON AND TO DISCUSS PERSONNEL MATTERS.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-129. Resolution adopted by call of the roll, five members present voting in the affirmative.

Motion made by Councilman Epifanio to come out of executive session, seconded by Council President Morris. Motion carried by voice vote, all present voting in the affirmative.

Motion made by Councilman McIntosh, seconded by Councilwomen Bodanza to appoint a review committee for the hiring of the new Police Chief. Mayor Magazzu stated the names for the review committee.

RESOLUTION 2013- 130 RESOLUTION TO APPOINT A REVIEW COMMITTEE FOR THE HIRING OF A NEW POLICE CHIEF

WHEREAS, former Chief of Police Joseph Jackson has retired as of May 10, 2013; and

WHEREAS, by Ordinance 2011-13 Section 22-4 a review committee may be appointed to help with the process of choosing a new police chief; and

WHEREAS, two members of the Governing Body along with two police executives shall serve on this review committee to assist in the process of hiring a new police chief; and

WHEREAS the review committee shall consist of the following;

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Mayor Phyllis Magazzu
Council President Morris
Mr. Joseph Batten
Mr. Sam Sykes
Alternate- Mr. Frank McHenry

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, that the forgoing persons be and they are hereby appointed review committee to assist in the process of hiring a new police chief.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2013-130. Resolution adopted by call of the roll, five members present voting in the affirmative.

Council President Morris stated that the process to select a Chief of Police you are required to take a written test. But due to the unique circumstances I recommend that we waive that requirement. Both candidates have already taken the test and due to the Township current situation and the cost to administer the test I recommend that we waive the written portion.

Mayor Magazzu stated that both candidates had taken the test previously and had score around the same and to administer the test would be a costly expense.

**RESOLUTION 2013-131 RESOLUTION TO WAIVE THE WRITTEN TEST
REQUIRMENT FOR THE PROCESS OF HIRING A POLICE CHIEF**

WHEREAS, the Township of Berlin is in need to hire a Chief of Police; and

WHEREAS, the Township of Berlin has in place a promotion process for the hiring of a new Chief of Police, which a portion consist of a written examination; and

WHEREAS the written examination is administered by the State of New Jersey Chief of Police Association at a great expense; and

WHEREAS both candidate had previously taken the written examination and achieved approximately the same score.

WHEREAS based upon the forgoing and the need to hire a Chief of Police as soon as possible for the benefit of the Township and its residents, the Mayor and Council have deemed it appropriate to waive the written examination portion of the hiring process.

NOW THEREFORE , BE IT RESOLVED by the Mayor and Council of the Township of Berlin that due to these unique circumstances and to the high cost

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to administer the written examination the Mayor and Council hereby waives the written test requirements for the process of hiring a Police Chief.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-131. Resolution adopted by call of the roll, five members present voting in the affirmative.

Stuart Platt, Township Solicitor asked for motion from the Mayor and Council to authorize him to defend the case which former Chief of Police Joseph Jackson has filed against the Township and to also authorize the Township Solicitor to file a counter claim against him,.

RESOLUTION 2013-132 RESOLUTION AUTHORIZING TOWNSHIP SOLICITOR, STUART PLATT TO DEFEND BERLIN TOWNSHIP IN A LAW SUIT FILED BY FORMER CHIEF OF POLICE JOSEPH JACKSON

WHEREAS, former Chief of Police Joseph Jackson has sued Berlin Township and Mayor and Council desire to defend this law suit through the office of Township Solicitor; and

NOW THEREFORE , BE IT RESOLVED, by the Mayor and Council of the Township of Berlin is hereby authorizing the Township Solicitor, Stuart Platt to defend the Township of Berlin In a law suit filed by former Chief of Police Joseph Jackson; and

NOW BE IT FURTHER RESOLVED that the Mayor and Council of the Township of Berlin hereby authorizes the Township Solicitor to file a counter claim against the former Chief of Police Joseph Jackson and any other claims deemed necessary.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2013-132. Resolution adopted by call of the roll, five members present voting in the affirmative.

Adjourn

Motion by Council President Morris, second by Councilman Epifanio to adjourn the meeting at 8:38 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 8:38 pm

Catherine Underwood, Township Clerk

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