

JUNE 13, 2011

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL JUNE 13, 2011 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- Councilwoman Bodanza, Councilman McIntosh, Council President Morris, Mayor Magazzu

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

Absent- Councilman DiGangi

ENGINEER'S AND DIRECTOR'S REPORT

A. CHANGE ORDERS AND VOUCHERS

None

B. REQUESTED ORDINANCES AND RESOLUTIONS

None

C. ENGINEER'S REPORT

1. 2011 STREET IMPROVEMENT PROGRAM

**a. Edgewood Avenue – Borough Line to Cooper Road
(N.J.D.O.T. FY 2011 Funding - \$200,000)
(Project No. E-10-0012)**

The estimated construction and materials testing cost is \$296,000. Ms. Campisano has informed me that there are

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sufficient funds in Ordinance 2007-8 to cover the estimated cost, over the N.J.D.O.T. funding.

We have completed the fieldwork and have commenced with the preparation of the construction drawings.

**b. Mt. Vernon – Franklin Avenue to Minck Avenue (N.J.D.O.T. Funding- \$180,000)
(Project No. E-10-0002)**

The estimated construction and materials testing cost is \$223,000. Ms. Campisano has informed me that there are sufficient funds in Ordinance 2008-7 to cover the estimated costs, over the N.J.D.O.T funding.

We must perform the surveying work, drafting and design and prepare the bid documents.

**c. Hill Avenue – Fairview Avenue to End
(C.D.B.G. Year 32 - \$30,257 and Year 33 - \$29,200 +/- Funding)**

I had mentioned, last month, that the County CDBG Program has informed us that the Year 33 funds have been reduced by the Federal agency. We are preparing the construction plans and specifications.

I am anticipating that the project will be performed in phases. The scope of the construction, which may consist of only the storm drainage improvements, will be limited to the available C.D.B.G. funds.

I will prepare a revised cost estimate for the entire scope of the construction. If it is possible, I recommend that the Governing Body consider appropriating the necessary funds to complete the entire construction, in one phase.

d. Built-up Bituminous Driveway Aprons at 136 and 138 Veterans Avenue

Since this project will be funded by the Township, I am assuming that the funds would be made available from the remaining funds appropriated under the ordinances, which have been referenced, above.

**2. POROUS CONCRETE SIDEWALK ALONG N.J.S.H. ROUTE 73 NORTHBOUND-JACKSON ROAD TO EDGEWOOD AVENUE
(N.J.D.O.T. FY 2008 AND 2009 FUNDING - \$320,000)
(PROJECT NO. E-10-0004)**

I have scheduled a second pre-construction meeting for June 17, 2011, due to the extensive delay in the commencement of construction. Once a construction commencement date has been determined, I will inform the Governing Body.

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We are still waiting for the approval from the Pinelands Commission, which hopefully will be issued, no later than, July, 2011. The Pinelands Commission staff have voiced their concern of Ms. Liberta not signing the Consent to Enter. I have informed the Pinelands staff member that all construction activities must be performed within the highway right-of-way of Route 73.

The construction stakeout, contract administration and inspection will be performed by Township staff. We have received a copy of a letter from the N.J.D.O.T., noting that the project is dormant. The letter states that they will cancel and redirect the funds if we cannot demonstrate that a contract has been awarded or billing occurs by August 22, 2011. I will contact the N.J.D.O.T. to remind them that a contract has been awarded and they have issued the Township, a check for \$191,224.50.

**3. HADDON AVENUE STREETSCOPE, PHASES 1 AND 3
(FEDERAL AND STATE AID - \$677,000)**

The Township should be receiving a proposal, for the decorative street lighting from Atlantic City Electric.

We have yet to receive any notification, from the N.J.D.O.T., regarding the approval of FY 2011 funding by the D.V.R.P.C. and environmental review approval. Once I receive an update from the N.J.D.O.T., I will inform the Governing Body.

**4. CAMDEN COUNTY OPEN SPACE, RECREATION
ENHANCEMENT
APPLICATIONS**

The applications for the following projects were submitted to the County Open Space Committee:

- a. Improvements to Basketball and Tennis Courts at the Spruce Avenue
Park-crack sealing and color coating.
Estimated construction cost is \$28,798
Maximum County Funding is \$25,000
- b. Band Shell at Luke Avenue Recreation Complex
Estimated Materials/Construction Cost is \$56,100
Current County Open Space Funding is \$25,000
Requested (Maximum) County Funding is \$25,000

If funded, the Public Works Department will perform the construction of the band shell. The electrical work will be performed by a licensed electrician. Mr. Sworaski, from the County Open Space Committee has informed me that they received 28 applications and will be visiting the sites, shortly. He expects the announcement of the selected projects at the Freeholder Meeting in July 2011.

**5. ENERGY SAVING IMPROVEMENTS AT THE PUBLIC WORKS
BUILDINGS, N.J. ENERGY EFFICIENCY AND CONSERVATION**

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BLOCK GRANT PROGRAM

The installation of the lighting improvements has been completed by Hutchinson Mechanical Systems, the State Contractor. They should be installing the heating improvements, in the near future.

6. POSSIBLE PHOTOVOLTAIC SYSTEM (SOLAR PANELS) FOR TOWNSHIP BUILDINGS

I have scheduled a meeting with a solar panel installer, to discuss possible solar panel installations. He has noted that there is a \$5,000 grant available, with a minimum 40% savings in electric rates, with no money down. I will inform the Governing Body, after the meeting.

7. LESTER AVENUE STORM DRAINAGE AND STORMWATER MANAGEMENT SYSTEMS

We must perform the surveying fieldwork and the design. Once completed, we must submit the construction plan to Public Service Electric and Gas Company for their review and hopeful granting of the drainage easement.

I had suggested, as an interim measure, storm drainage inlets be constructed at the low point on Lester Avenue and a portion of the pipe and an interim stormwater management basin be constructed on the Luke Avenue Recreation Complex. I will prepare cost estimates for the interim and final improvements for review and consideration by the Governing Body.

8. DRAINAGE ISSUES WITHIN THE SOUTHWEST PORTION OF THE TOWNSHIP

After notification by Mr. Hertzberg, I have requested that the County Engineer direct her maintenance crew to remove the sediment and vegetation, within the ditch along Walker Avenue. I have also asked the County Engineer for any update with her discussions with the Delaware Valley Regional Planning Commission. Once I receive a response, I will inform the Governing Body.

9. BATE AVENUE (FORMER MUNICIPAL BUILDING AND PLAYGROUND) SITE

We, still, must complete the survey of the property. I must also, perform the cursory site assessment.

10. LIBRARY AND ADJACENT PLAYGROUND-POSSIBLE REDIVISION OF LAND

No additional information to report.

11. N.J.D.E.P. ANNUAL STORMWATER REPORT

I have, electronically, submitted the report to N.J.D.E.P.

12. MUNICIPAL BUILDING

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a. HVAC System

I am waiting for Tozour Trane, the system manufacturer, to submit their report with the analysis to see if the efficiency of the system can be further improved. They will, also, be submitting a proposal for an annual service and maintenance contract, over and above the work that the custodian is performing.

b. Possible Separation of Electronic Door Access and Surveillance Systems

I will be submitting Chief Jackson's questions, regarding the proposed Software, once received.

c. Landscaping and Irrigation System

We must submit requests to landscapers, landscape materials suppliers and Irrigation contractors for their contribution of materials and services.

d. Monument Sign Along Route 73

We have requested quotes from sign contractors. We expect to receive the proposals, in the immediate future, and will submit the quote summary and recommendations.

e. School Bell

No update to report

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

It was anticipated that a public hearing would be held on Ordinance No. 2011-12. It is necessary to remove Block 2102, Lots 1.01 and 1.02 (Dandrea) as the Pinelands staff has informed me that they will not consider the redesignation of these lots. It is also necessary to add Block 1702, Lot 1.

The Planning Board has recommended the redesignation of the zoning of the lots, listed in the Ordinance.

14. WAL*MART EXPANSION

I must remove the various documents, which have been submitted by the applicant's and prepare the bond estimate for the proposed site improvements.

15. N.J.D.E.P. DRAFT SEWER SERVICE AREA MAP

I have not received any response from the N.J.D.E.P., in regard to my request to schedule a meeting to discuss the matter. I am hopeful that the affected property owners have submitted their documentation to the N.J.D.E.P.

16. TRAFFIC SIGNAL MAINTENANCE AND REPAIR PROGRAM

I have submitted the specifications to Mr. Platt for his review and comment, regarding the structure of the proposal.

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I have also, submitted a set of the specifications to the County Shared Services. A committee, of which I am a member, will be reviewing our specifications and those from Cherry Hill Township and discussing a possible specifications for a County wide program, of which interested municipalities could participate, if interested.

17. REQUEST FOR ADDITIONAL SANITARY SEWER ALLOCATION

We are still waiting for the N.J.D.E.P. to respond to our request. I have asked Assemblyman Greenwald's staff for any update, which they have received from the N.J.D.E.P.

18. N.J.D.O.T. REPAIRS TO ROUTE 73, MILEPOST 17.92 TO 21.34

As requested by Chief Jackson, I have asked the contractor to provide the Chief with references of cross streets for the limits of the project. I have also informed the contractor that they must contact Lt. Check to coordinate traffic control for the project.

19. REQUEST FOR BOND RELEASES

a. Montebello Recreation/Club House

I have performed an inspection of the site improvements and issued a listing of corrective items. I have met with a representative of Hovbros Berlin. Once they complete the corrective work, I will perform another inspection.

Therefore, I do not recommend the release of the performance bond and posting of the maintenance bond until the work has been completed to the satisfaction of the Township.

b. Golden Corral

I have performed an inspection of the site improvements and have issued a listing of corrective work. The contractor is, currently, performing the work and will contact me, once this work has been completed, to perform another inspection.

Therefore, I do not recommend the release of the performance bond and the posting of the maintenance bond.

c. Scott Barry Subdivision, Dead End of Oak Avenue

At the request of the contractor, I performed an inspection of the roadway construction for the extension of the dead end of Oak Avenue and the required sidewalk and driveway apron improvements along Fairview Avenue. I have issued a listing of corrective work. The contractor expects to perform the work during the week of June 6, 2011.

20. BIDS FOR TRASH DISPOSAL

The County contract for disposal expires in July, 2011. The Governing Body has authorized the advertisement and openings for bids for trash disposal. Berlin Borough has informed me that they would be interested in

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participating in the bid. I intend to contact other municipalities, which collect their own trash and are not part of the Cherry Hill or Bellmawr consortiums, to see if they would be interested in participating in the bid.

21. N.J.D.O.T. FY 2012 MUNICIPAL AID PROGRAM

Typically, The N.J.D.O.T. accepts applications for street improvement projects, this time of the year. I have contacted the N.J.D.O.T. Local Aid Office for an update on the acceptance of applications.

22. CAPITAL IMPROVEMENTS PROGRAM

I intend to prepare an Engineer's Recommendation Report, which will list various street, sewer, recreation and Public Works improvements and equipment for consideration for the Governing Body in developing a multi-year capital improvement program.

D. PUBLIC WORKS DEPARTMENT

1. MEMORIAL DAY OBSERVANCE

Veteran's park and other parks, were prepared for the event.

2. INDEPENDENCE DAY EVENT

The Borough Public Works Superintendent has informed me that a meeting has been scheduled for June 15, 2011 to discuss the coordination of efforts.

3. N.J.D.E.P. DIESEL RETROFIT PROGRAM

The N.J.D.E.P. is requiring the retrofitting of the remaining diesel engines for Public Works vehicles and equipment. The Township is required to submit an inventory/cost estimate to the N.J.D.E.P. by September 8, 2011. There is no cost for the retrofit technology as it is covered by the N.J.D.E.P. I will be preparing the necessary documents with the assistance of the retrofit firm, Johnson and Towers.

4. SPEED LIMIT SIGNS FOR REDUCED SPEEDS ALONG HADDON AND WALKER AVENUE

I will be ordering the signs for installation in the immediate future.

5. ESTIMATE OF COSTS FOR THE MAINTENANCE AND OPERATION OF RECREATION FACILITIES

I have submitted my report, dated May 13, 2011, which list the various costs for the ballfields and street hockey courts.

6. GREASE TRAP MAINTENANCE

We have been observing the accumulation of grease in several of the pumping stations. Section 125-20 requires all food service establishments

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to install, operate and maintain grease traps. The owners of these facilities are required to submit records for the cleaning of the grease traps to the Plumbing Sub-Code Official. I strongly recommend that this requirement be enforced and all necessary action be taken to ensure that these structures are properly operating and being maintained.

I would be glad to send a letter to all of the food establishments, informing them of the grease problem in the pumping stations and provide a copy of the regulations for their reference.

We are also experiencing frequent clogging of the pumps at the Minck Avenue Pumping Station, due to non-woven fabric wipes. The wipes wrap around the intake of the pump, resulting in the pump being unable to push the wastewater through the force main. These wipes are accumulating at the bottom of the wetwell of the pumping station, along with other materials, which will require more frequent removal.

The disposal of these wipes into the sanitary sewer system has resulted in additional costs; i.e., emergency call-outs, equipment repairs and material removal and disposal and are taking the sewer crew away from performing their normal duties. I have been informed that these items have been causing havoc to pumping stations, nationwide, Ocean County has contacted the manufacturer to see if they can use a material, which is easily separated and more bio-degradable. I will update the Governing Body as more information becomes available.

7. **TRASH, RECYCLABLES AND VEGETATION COLLECTION**

The Sanitation Crew has been tagging containers and bagged items, which do not comply with the Ordinance requirements. I recommend that, in the next newsletter, an article be dedicated to this matter, to assist the residents on what are the acceptable containers and the procedures for placement of materials, at the side of the street.

8. **STREET SWEEPING**

Due to the reduction in manpower and the demands for other services, street sweeping is being performed when a crew member is available for this task. Therefore, it has been difficult for the department to maintain the normal street sweeping schedule.

E. **SHARED SERVICES**

a. **Winslow Township Planning Board Conflict Engineer**

I believe that Mayor Magazzu will be signing the Agreement document as Winslow has requested that they be submitted, as soon as possible.

b. **Somerdale Borough Engineer**

The Governing Body for Somerdale has authorized the engineering design for several projects.

I am also assisting the Borough with the utilization of an in-house site inspection and work force crew.

SOLICITOR'S REPORT

1. Water Agreement with Berlin Borough
2. Berlin Township ADS. David Carp
3. Berlin Twp.ADS. Yimei Edmiston Feng Lian Jiang
4. C & M Repair Environmental
5. Bate Avenue Property Former Municipal Site
6. Oddmund Angel, Block 200, Lot 1
7. Berlin Twp.ADS. Linda Fabrico
8. Berlin Twp.ADS. Joel Sussman
9. Clarification of Lateral Utility Lines
10. Police Operating Procedures
11. Township Civilian Organization Chart
12. Mustafa A. Muhammad v. Berlin Twp. Police Department
13. Sergeant William Hill
14. Traffic Light Camera

POLICE DEPARTMENT REPORT

Chief Jackson reported that the shared service agreement has been working out well with Berlin Borough and Waterford. Chief talked about the Fourth of July and stated that we are going to do more barricades on the streets instead of having Officers on duty to try and save some money. On the Click-it and Ticket program the department so far has written 108 tickets.

PROPERTY MAINTENANCE REPORT

Josh Shellenberger reported that he has been working with Ship Shape on getting all the foreclosed homes with grass violations taken care of. Josh also said that a resident on Minck has called and complained about mosquito's on her property. The County has been notified and will come out to spray. Josh stated that the rooftop units were maintenance, all the filters were changed and belts tightened.

FIRST READING ORDINANCE 2011-12 AMENDING ORDINANCE 2010-6 OF THE TOWNSHIP OF BERLIN AMENDING CHAPTER 129 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ZONING" TO REDESIGNATE A PORTION OF THE PINELANDS RURAL DEVELOPMENT AREA TO THE PINELANDS REGIONAL GROWTH AREA re-introduced

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Ordinance 2011-12 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

FIRST READING ORDINANCE 2011-13 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 22

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OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "POLICE DEPARTMENT"

Motion by Council President Morris, second by Councilwoman Bodanza to tabled Ordinance 2011-13 on first reading by title. Ordinance tabled by call of the roll, four members present voting in the affirmative.

SECOND READING AND PUBLIC HEARING ORDINANCE 2011-14 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "DOGS AND OTHER ANIMALS"

WHEREAS, Chapter 55 of the Code of the Township of Berlin ("Township") establishes and sets forth the rules, regulations and requirements for the keeping, maintaining and licensing of dogs and other animals; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township is authorized to make, amend, repeal and enforce ordinances as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Governing Body is authorized pursuant to N.J.S.A. 4:19-15.12 to fix by ordinance the fee for dog licenses; and

WHEREAS, the Governing Body has determined that it is in the best interest of the public health, safety and welfare of the Township and its residents to amend Chapter 55;

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

SECTION 1: Article I ("Maintaining and Housing of Animals") of Chapter 55 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

§ 55-1. Definitions.

Add the following: "Dog of licensing age" shall mean any dog which has attained the age of seven months or which possesses a set of permanent teeth.

§ 55-3.7. Animals running-at-large prohibited.

Every person owning, keeping or harboring any animal shall prevent the animal from running-at-large outside the premises of such person unless the animal is restrained by a fence, enclosure or leash, nor shall any animals be permitted upon the

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streets or any other public ways of the Township of Berlin unless under the immediate control of the owner or his or her authorized custodian, who is at least twelve (12) years of age. Such action is declared to be a nuisance and dangerous to the public health, safety and welfare of the residents of the Township of Berlin.

SECTION 2: Article II ("Licensing") of Chapter 55 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

§ 55-4. Licensing.

Pursuant to N.J.S.A. 4:19-15.2, all dog licenses and registration tags shall be issued during the month of January.

§ 55-4.1. Evidence of inoculation with rabies vaccine or certification of exemption; requirement for license

In accordance with N.J.S.A. 4:19-15.2a, no license and official metal registration tag for any dog shall be issued unless the owner thereof provides evidence that the dog to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Health, Education, and Welfare, or has been certified exempt as provided by regulations of the State Department of Health. Such vaccination shall be repeated at intervals as provided by regulations of the State Department of Health, and shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same.

§ 55-4.2. Time for applying for license.

The owner of any newly-acquired dog of licensing age or of any dog which attains licensing age, shall make application for license and registration tag for such dog within ten days after such acquisition or age attainment.

§ 55-4.3. Application; contents, preservation of information.

A. An application for a dog license as required under this Article II shall state the breed, sex, age, color and markings of the dog for which license and registration are sought, whether it is of a long-or short-haired variety, whether it has been surgically debarked or silenced, and the name, street and post-office address of the owner and the person who shall keep or harbor such dog.

B. The information on the application and the registration number issued for the dog shall be preserved for a period of three years by the Township Clerk or other local official designated to license dogs in the Township.

C. The Township Clerk or other local official shall forward to the State Department of Health and Senior Services each month, on forms furnished by the Department, an accurate account of registration numbers issued or otherwise disposed of. Registration numbers shall be issued in the order of the applications.

§ 55-4.4. Dogs brought into Township.

A. Any person who shall bring or cause to be brought into the Township of Berlin any dog licensed in another State for the current year, and bearing a registration tag, and shall keep the same or permit the same to be kept within the Township of Berlin for a period of more than ninety days, shall immediately apply for a license and registration tag for each such dog unless such dog is licensed under Section 55-7.

B. Any person who shall bring or cause to be brought into the Township of Berlin any unlicensed dog and shall keep the same or permit the same to be kept within the Township of Berlin for a period of more than ten days shall immediately apply for a license and registration tag for each such dog unless such dog is licensed under Section 55-7.

§ 55-5. License fee.

A - D. [NO CHANGE]

E. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make application for and procure a license and registration tag for such dog within 10 days after the acquisition or age attainment. There shall be no adjustment of the license or registration fee for licenses or registration tags issued and valid for a fractional portion of the license year.

F. Dogs used as guides for blind persons and dogs specifically trained to assist the handicapped, commonly known as "Seeing Eye" dogs, shall be licensed and registered as other dogs hereinbefore provided for, except that the owner or keeper thereof shall not be required to pay any fee therefor.

§ 55-6. Removing tag from dog without owner's consent; attaching tag to another dog.

No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.

§ 55-7. License for kennel, pet shop or shelter.

A. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound shall apply to the Township Clerk or other official designated to license dogs in the municipality where such establishment is located, for a license entitling him to keep or operate such establishment.

The application shall describe the premises where the establishment is located or is proposed to be located, the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the local municipal and health

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authorities showing compliance with the local and State rules and regulations governing location of and sanitation at such establishments.

B. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of June of each year, and be subject to revocation by the Township on recommendation of the State Department of Health and Senior Services or the local board of health for failure to comply with the rules and regulations of the State department or local board governing the same, after the owner has been afforded a hearing by either the State department or local board, except as provided in subsection C. of this section.

Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.

C. The license for a pet shop shall be subject to review by the Township, upon recommendation by the State Department of Health and Senior Services or the local health authority for failure by the pet shop to comply with the rules and regulations of the State department or local health authority governing pet shops or if the pet shop meets the criteria for recommended suspension or revocation provided under subsection c. or d. of section 5 of P.L.1999, c. 336 (C.56:8-96), after the owner of the pet shop has been afforded a hearing pursuant to subsection e. of section 5 of P.L.1999, c. 336 (C.56: 8-96).

The Township, based on the criteria for the recommendation of the local health authority provided under subsections c. and d. of section 5 of P.L.1999, c. 336 (C.56:8-96), may suspend the license for 90 days or may revoke the license if it is determined at the hearing that the pet shop: (1) failed to maintain proper hygiene and exercise reasonable care in safeguarding the health of animals in its custody or (2) sold a substantial number of animals that the pet shop knew, or reasonably should have known, to be unfit for purchase.

D. The Township may issue a license for a pet shop that permits the pet shop to sell pet supplies for all types of animals, including cats and dogs, and sell animals other than cats and dogs but restricts the pet shop from selling cats or dogs, or both.

E. Every pet shop licensed pursuant to this Chapter shall submit annually and no later than May 1 of each year records of the total number of cats and dogs, respectively, sold by the pet shop each year to the Township, and the Township shall provide this information to the local health authority.

§ 55-8. License fees for kennels and pet shops; no fee for shelter or pound.

A. The annual license fee for a kennel providing accommodations for ten or less dogs shall be ten dollars (\$10.00), and for more than ten dogs twenty-five dollars (\$25.00).

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- B. The annual license fee for a pet shop shall be ten dollars (\$10.00).
- C. No fee shall be charged for a shelter or pound.

§ 55-9. Kennels, pet shops, shelters or pounds; permitting dogs to go off premises.

No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises, except on a leash or in a crate or other safe control.

§ 55-10. Dog canvass; report.

The Property Maintenance Officer, when no other person has been appointed by the Governing Body, shall annually cause a canvass to be made of all dogs owned, kept or harbored within the limits of the Township of Berlin and shall report, on or before September 1 of each year, to the Township Clerk, to the local Board of Health and to the State Department of Health, the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring unlicensed dogs, the number of unlicensed dogs owned, kept or harbored by each of said persons, together with a complete description of each of said unlicensed dogs.

SECTION 3: The Table of Contents of Chapter 55 shall be amended to add a new Section 55-4.1 – “Evidence of inoculation with rabies vaccine or certification of exemption; requirement for license”; Section 55-4.2 – “Time for applying for license”; Section 55-4.3 – “Application; contents, preservation of information”; Section 55-4.4 – “Dogs brought into Township”; Section 55-6 – “Removing tag from dog without owner’s consent; attaching tag to another dog”; Section 55-7 – “License for kennel, pet shop or shelter”; Section 55-8 – “License fees for kennels and pet shops; no fee for shelter or pound”; Section 55-9 – “Kennels, pet shops, shelters or pounds; permitting dogs to go off premises”; and Section 55-10 – “Dog canvass; report.”

SECTION 4: Except as set forth in Sections 1-3 above, the balance of Chapter 55 shall not be affected by this Ordinance.

SECTION 5: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6: 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 7: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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Motion by Council President Morris, second by Councilman McIntosh 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 2011-14

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.

Motion by Council President Morris second by Councilwoman Bodanza to approve Ordinance 2011-.14 Ordinance approved by call of the roll, four members present voting in the affirmative.

SECOND READING AND PUBLIC HEARING ORDINANCE 2011-15 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 85 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "PARKS AND RECREATION"

WHEREAS, Chapter 85 of the Code of the Township of Berlin ("Township") sets forth the rules and regulations regarding the use of the Township's parks and athletic fields; and

WHEREAS, N.J.S.A. 40:61-5 provides that the body or authority having control of any public park, playground or other public place or property in any municipality may permit the same or part thereof to be used for athletic purposes or as playgrounds by the pupils of the public schools of the municipality and the public generally, subject to such reasonable regulations as may be prescribed by the body or authority having control thereof; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the Township is authorized to enact and amend ordinances related to the management, regulation and control of the finances and property of the Township; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township is authorized to enact such ordinances as deemed necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

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

SECTION 1: Chapter 85 of the Code of the Township of Berlin is hereby amended, revised and supplemented by adding the following new Sections, which shall read as follows:

§ 85-1. Prohibited activities.

It shall be unlawful for any person in a public park or recreation area or using a Township-owned athletic facility or field to:

(1) Willfully mark, alter, modify, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, equipment, benches, fireplaces, railings, pavings or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property, recreation area and/or Township-owned athletic facility, or any appurtenances whatsoever, either real or personal.

§ 85-4. Permits for special events.

Permits for special events in parks shall be obtained by application to the Mayor and Council, Township of Berlin in accordance with the following procedures:

A. A person seeking issuance of a permit hereunder shall no later than 45 days prior to the date of an event file an application with the Township Clerk stating:

- (1) The name and address of the applicant.
- (2) The name and address of the person, persons, corporation, or associations sponsoring the activity; if any.
- (3) The day and hours for which the permit is desired and the estimated number of persons attending the activity.
- (4) The park or portion thereof for which such permit is desired.
- (5) A detailed description of the proposed activity or use.
- (6) Any other information which the Mayor and Council, Township of Berlin, shall find reasonably necessary for a fair determination as to whether a permit should be issued hereunder.

B - F. [NO CHANGE]

§ 85-4.1. Use of Athletic Fields.

A. Township of Berlin will approve the use of the Township-owned athletic fields and courts by various organized sport teams, to schedule the use of the fields and courts by such approved teams, and to issue permits therefor.

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B. All organizations, including but not limited to the Berlin Township Athletic Association, seeking to utilize the Township athletic fields and courts for games and/or practice shall submit to the Clerk of the Township of Berlin an application containing the following information:

- (1) Name of team, type of sport, and player roster;
- (2) Sponsor of team;
- (3) Schedule of games;
- (4) Times and dates being requested for use of Township athletic fields and courts for games and/or practice and field or court to be used for each.
- (5) Proof of comprehensive liability insurance coverage with limits in the amount of \$1,000,000.00/\$3,000,000.00, as well as proof that the Township of Berlin has been named as an additional insured thereunder.
- (6) Proof of crime bond covering theft of league monies in a bond amount acceptable to the Township.
- (7) Proof of participant accident and health insurance coverage which will provide medical coverage if no personal health insurance is available with limits of coverage acceptable to the Township.
- (8) Proof of directors and officers insurance with limits of coverage acceptable to the Township.

C. The Township of Berlin shall determine whether the team shall be granted approval for use of the Township-owned athletic fields, courts and equipment for games and/or practice and issue a permit therefor. The Mayor and Council shall have the authority to revoke a permit for use of the fields, courts and equipment to any Berlin Township Athletic Association team or non-Berlin Township Athletic Association team upon a finding of a violation of any rule or ordinance, or upon good cause.

D. The policy and procedures to be utilized by the Township of Berlin for scheduling and other issues shall be determined as set forth in this Chapter.

E. [NO CHANGE]

F. All teams using the athletic fields, courts and/or equipment for games and/or practice shall be required to keep the field, court and/or equipment in the same condition following a game or practice as it was prior to the game or practice.

G. There shall be no assignment or transfer of any permits issued pursuant to this Section to any other entity.

H. Any violation of this Section shall be enforced in accordance with the provisions of this Chapter.

§ 85-4.2. Priority of use.

A. The Township of Berlin finds and declares that it is necessary to allocate the priority of use of athletic facilities within the Township to the Berlin Township Athletic Association. The Berlin Township Athletic Association has been established to benefit its residents and teach its youth the basic skills of organized team sports as well as provide an emphasis on good sportsmanship. It is not the public policy of the Township of Berlin to deny any member of the public the right to utilize any athletic facilities within the Township; however, the Township of Berlin finds that it is in the best interest of the Township to allocate priority of use of the athletic facilities to the Berlin Township Athletic Association, subject to the following:

1. In order to be eligible for priority of use, at least fifty-one percent (51%) of the players on each sports team affiliated with the Berlin Township Athletic Association must be a resident of the Township of Berlin, and no more than twenty percent (20%) of the players of the Berlin Township Athletic Association can be non-residents unless a written waiver request for this requirement is made to the Mayor and Township Council which said waiver shall only be granted for good cause.
2. The Berlin Township Athletic Association shall supply the Township with (a) the names and addresses of all players for each team; (b) a true and correct copy of the Berlin Township Athletic Association registration form for each player; and (c) notify the Township in writing, immediately, of any and all roster changes.

B. Any organization or group of individuals other than those sponsored by or affiliated with the Berlin Township Athletic Association who desire to utilize athletic facilities under the control of the Township for sporting activities must apply for and receive approval from the Mayor and Township Council. Applications shall be made on a form available from the Township Clerk. Upon meeting the requirements set forth in this Chapter, a permit shall be granted on an as available basis, taking into account the priority of the predetermined schedules of the Berlin Township Athletic Association.

§ 85-7. Violations and penalties.

A. [NO CHANGE]

B. [NO CHANGE]

C. Any person violating any of the other provisions of this Chapter, or any rule or regulation promulgated pursuant hereto, shall upon conviction be subject to the replacement, repair or restoration of any damaged park property, athletic field or

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equipment, and shall be subject to a fine up to \$1,000, and, in default of payment thereof, may be sentenced to imprisonment in the county jail for a period not exceeding 30 days.

SECTION 2: The Table of Contents of Chapter 5 shall be amended to add a new “Section 85-4.2 – Priority of Use.”

SECTION 3: Except as set forth in Sections 1-2 above, the balance of Chapter 85 shall not be affected by this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: 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 6: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion by Council President Morris, second by Councilman McIntosh 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 2011-15

Alberto Silva 326 Cleveland Avenue asked if Mayor and Council could read over the ordinance.

Stuart Platt responded that the Ordinance has been advertised in the paper and was available at the Township along with being posted on the website. This is done so that we don't have to read it verbatim. The Ordinance in it self is a couple of pages long.

Al responded that he will get a copy of the ordinance.

No more comments were to be heard

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

Motion by Council President Morris second by Councilman McIntosh to approve Ordinance 2011-.15 Ordinance approved by call of the roll, four members present voting in the affirmative.

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SECOND READING AND PUBLIC HEARING ORDINANCE 2011-16 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, ESTABLISHING BACKGROUND CHECKS FOR VOLUNTEER SPORTS ORGANIZATIONS

WHEREAS, the Mayor and Township Council of the Township of Berlin, County of Camden and State of New Jersey has determined that it is essential to provide for the safety of those engaged in youth activities in the Township of Berlin ("Township") and to provide reasonable assurance that adults responsible for the coaching and supervision of minors have been subject to a background check; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township is authorized to make, amend, repeal and enforce ordinances as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Mayor and Township Council has deemed it in the best interest of the public health, safety and welfare to establish a background check procedure for all who are responsible for the supervision of minors involved in youth sports activities in the Township of Berlin.

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

SECTION 1: The Berlin Township Code is hereby amended by adding a new Chapter 39, as follows:

Chapter 39-Background Checks

39-1. Definitions:

As used in this article, the following terms shall have the meanings indicated:

CRIMINAL HISTORY RECORD AND FINGERPRINT BACKGROUND CHECK – A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and/or the New Jersey State Bureau of Identification in the Division of State Police.

NON-SPONSORED YOUTH PROGRAMS – Any youth program not sponsored by the Township of Berlin, but that utilize municipal facilities or have affiliation with a Township Sponsored Youth Program and having contact with persons under the age of 18 years.

TOWNSHIP-SPONSORED YOUTH PROGRAMS – Any programs sponsored by the Township of Berlin, including the Berlin Township Athletic Association and any and all leagues, boards and commissions falling within the purview of or acting for or on behalf of, the Township of Berlin and having contact with persons under the age of 18 years.

YOUTH PROGRAMS – Any programs that allow for participation in activities by those persons under 18 years of age. Activities may include, but are not limited to, sporting activities, passive recreation groups, clubs or camps and trips or other activities whereby some control and responsibility for persons under 18 years of age is assigned to some person acting for or on behalf of the Township of Berlin other than a parent or caregiver.

39-2. Non-Sponsored Youth Programs – Criminal Background Checks – Required for use of Berlin Township facilities.

Prior to any club or organization, not defined as a Township-Sponsored Youth Program, being authorized to use Township-owned facilities for functions participated in by children, all adults, (those persons 18 years of age or older), in any way assisting in the function, including but not limited to coaches, assistant coaches, or similar positions, shall submit sufficient information on forms supplied by the Berlin Township Police Department from the New Jersey State Police for the purpose of obtaining a criminal history background check with the State Bureau of Identification in the New Jersey State Police. Applications for background check shall be processed by the Berlin Township Chief of Police. The individual applying for the background check shall authorize the Berlin Township Chief of Police to be the recipient of the affirmative or negative response from the State Police based upon the findings of the background check.

The submission of background check findings must be based upon a check performed within two years of the start of use of the Township-owned facility. In the case of coaches performing duties as employees of a school district, the policy of background checks adopted by the individual school district shall be used to establish eligibility for use of Township-owned facilities. In all cases, the background check must comply with the provision of any applicable laws regarding same, but not less detailed than those performed by the Township for individuals involved in administering Township-Sponsored Youth Programs. The cost of background checks for individuals not administering a Township-Sponsored Youth Program shall be borne by the individual or program with which they are participating.

39-3. Township Sponsored Youth Programs – Background Checks.

A. All adults, (those persons 18 years of age or older), including but not limited to coaches, assistant coaches, or similar positions involved in educating, directing or supervising youth, and in any way assisting in a Berlin Township sponsored function participated in by children, shall submit sufficient information on forms supplied by the Berlin Township Police Department from the New Jersey State Police, for the purpose of obtaining a criminal history background check with the State Bureau of Identification in

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the New Jersey State Police. Applications for background checks shall be processed by the Berlin Township Chief of Police.

The individual applying for the background check shall authorize the Berlin Township Chief of Police to be the recipient of the affirmative or negative response from the State Police based upon the findings of the background check. Individuals involved in a Berlin Township sponsored youth function, and who are required to undergo background checks based upon this Chapter, shall not be responsible for the costs involved with obtaining the criminal background check. The Township of Berlin shall bear the costs for the background checks for individuals qualified under this section.

B. All league officers and/or those individuals in charge of each recreation program are required to ensure compliance with this Chapter for that league or program. The president or leader of each recreation program shall file an annual roster of individuals that are required to participate in the background check procedures of this Chapter through the Chief of Police to the Berlin Township Police Department Records Bureau in order to properly maintain the system. The roster shall be on forms supplied by the Township of Berlin and shall contain a certification as to the accuracy and completeness of the roster and individual names. Any person who knowingly certifies a background check roster that excludes an individual required to be checked shall be in violation of this Chapter and laws regarding false swearing.

39-4. Qualification.

Individuals engaged in providing recreation opportunities for, or on behalf of, the Township of Berlin shall be issued identification cards with appropriate expirations based upon the date of their individual background check. Individuals issued identification cards are required to display their card while in performance of their duty involving youth programs.

39-5. Disqualification.

A. Upon receipt of a completed background check conducted by the State Bureau of Identification in the New Jersey State Police and/or the Federal Bureau of Investigation, Identification Division, the Berlin Township Chief of Police shall notify the applicant and the president or leader of the recreation program of affirmative or negative results. The determination of the State Police and/or Federal Bureau of Investigation shall be based upon section 39-5.B of this Chapter. Details in the background check that result in a negative determination shall not be disclosed to any other Township official or employee and are only available to the applicant upon making a formal request to the State Bureau of Investigation.

B. In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety and welfare of children, said person shall not be qualified to participate in any capacity in any function for

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persons under the age of 18 years held at any Township-owned facilities. Such offenses shall include, but not be limited to:

1. In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C:11-1 et seq., N.J.S. 2C:12-1 et seq., N.J.S. 2C:13-1 et seq., N.J.S. 2C:14-1 et seq. or N.J.S. 2C:15-1 et seq.;

(b) against the family children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C:24-1 et seq.;

(c) involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

(d) involving any controlled dangerous substance or controlled dangerous substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S. 2C:35-10.

2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection 1. of this section.

C. The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds to disqualify a person's from assisting with youth-related activities as indicated herein.

D. Refusal by individuals required to submit to background checks will result in an immediate dismissal of the individual from any Township-sponsored activities requiring background checks. In addition, refusal to comply with this chapter by any individual falling within the scope of requirements for Non-Sponsored Youth Programs will forfeit that individual's ability to participate with the respective program. Refusals of a Non-Sponsored Youth Program to subscribe to the requirements of this Chapter shall forfeit that programs ability to use municipal facilities.

39-6. Frequency of Background Checks.

A. All Non-Sponsored Youth Programs that have individuals subject to this Chapter shall supply background checks for all of its participants prior to the individual being able to participate at any function at a Township-owned facility to the extent covered by this Chapter. Thereafter, every two years a new background check procedure shall be required.

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B. 1. All Township-Sponsored Youth Programs that have individuals subject to this Chapter shall direct those individuals to the Berlin Township Police Department for the background check submission forms which shall be processed through the Chief of Police prior to the individual being able to participate in any function sponsored by the Township of Berlin. Thereafter, every two years a new background check shall be required.

2. Individuals involved in Township-Sponsored Youth Programs who are required to undergo background checks shall be given an interim approval for participation only after submission to the Division of State Police for a background check. Interim approvals shall only be valid for the period of time that it takes to receive background checks results. Such interim approval shall not be valid for a period of time exceeding 45 days. Only one interim approval may be granted per individual.

39-7. Privacy.

Any and all criminal background checks obtained from the State Bureau of Identification in the New Jersey State Police or the Federal Bureau of Investigation shall be filed and maintained in a secured and locked cabinet or room at the Berlin Police Department Records Bureau in the Criminal Investigation Section which shall take custody and maintain such records which shall not be available to the public. The Berlin Township Police Department personnel in the Records Bureau shall take appropriate steps to safeguard such records. The records shall be exempt from public disclosure under the common law, the Open Public Records Act and the New Jersey Right to Know Law. In addition, the Berlin Township Chief of Police shall not reveal the affirmative or negative response from the State Police based upon the findings of the background check except as provided in this Chapter. No Berlin Township official or employee shall have access to the criminal background checks other than individuals in the Berlin Township Police Department Records Bureau, whose only access shall be to take custody and maintain the files as provided for in this section. The records shall only be retained for such period of time as is necessary to serve their intended and authorized purpose. The Berlin Township Chief of Police shall be the contact person for Berlin Township for the VRO Program of the State Police.

39-8. Penalties.

Any person violating or failing to comply with the provisions of this Ordinance, shall, upon conviction thereof, be punished by a fine of not more than \$500.00 or by imprisonment for a term not to exceed 90 ninety days, or by both, such fine and imprisonment, in the discretion of the Judge

SECTION 2: All Ordinances or parts of Ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent

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jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 4: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion by Council President Morris, second by Councilman McIntosh 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 2011-16

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.

Motion by Councilman McIntosh second by Councilwoman Bodanza to approve Ordinance 2011-16 Ordinance approved by call of the roll, four members present voting in the affirmative.

FIRST READING ORDINANCE 2011-17 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 129 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ZONING"

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Ordinance 2011-12 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011-124 LIST OF UNCOLLECTIBLE TAXES

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 24, 2011

Diane Zoppel, CTC - Tax Collector

NAME	DESCRIPTION	YEAR	AMOUNT	REASON
Ildio Balaia	521-7	2011	250.00	Senior

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Charles Bertolino	810-1.02	2011	250.00	Senior
Charles Adams	811-1	2011	250.00	Veteran
Susan Christy	818-7	2011	250.00	Senior
Christopher Mohrman	1310-2.02	2011	250.00	Disabled Person
			\$1,250.00	TOTAL to Aug/Nov

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2011-124. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011-125 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, 2011 and ending June 30, 2012;

<u>CONTROL NUMBER</u>	<u>NAME</u>	<u>T/A</u>
0406-33-003-004	Erin Court, LLC 588 Route 73 W. Berlin, NJ 08091	Otts Green Tops
0406-33-007-011	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
0406-33-006-008	ATTN Inc. 795 South Route 73 W. Berlin, NJ 08091	Victory Lane Bar & Grill

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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, 2011 and ending June 30, 2012.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2011-125. Resolution adopted by call of the roll, four members present voting in the affirmative.

Council President Morris recused himself from voting on Sahara Sam’s Oasis Indoor Water Park.

RESOLUTION 2011-126 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, 2011 and ending June 30, 2012;

CONTROL NUMBER NAME T/A

0406-44-002-005	BZBL, Inc. Rte. 73 and Minck Ave. W. Berlin, NJ 08091	The Wine Shop
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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,

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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, 2011 and ending June 30, 2012.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2011-126. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011-127 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, 2011 and ending June 30, 2012;

<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 License, and the Township Clerk is hereby authorized and directed to issue the new license for the year commencing July 1, 2011 and ending June 30, 2012.

Motion by Council President, second by Councilman McIntosh to adopt Resolution 2011-127. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011- 128 AUTHORIZING MAYOR AND COUNCIL TO GRANT THE REQUEST FOR EMPLOYEE, WILLIAM TOWNSEND TIME OFF WITHOUT PAY

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor hereby grants public works employee William Townsend off one week without pay.

Motion by Council President, second by Councilman McIntosh to adopt Resolution 2011-128. Resolution adopted by call of the roll, four members present voting in the affirmative.

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BUSINESS APPROVALS

1) Charity Beauty Supplies, Charity Essel, 197 Route 73 South. Resale of Beauty Supplies.

2) W&A Cycles LLC, William King, Motorcycle Repair and Part sales.

Motion by Council President Morris, second by Councilwoman Bodanza to approve business license. License approved by call of the roll, four members present voting in the affirmative.

ANIMAL PERMIT

1) Robert Sacks, 361 Franklin Avenue, West Berlin NJ 08091. Permit for 6 Chickens.

RESOLUTION 2011-129 RESOLUTION TO DENY SPECIAL ANIMAL PERMIT FOR ROBERT SACKS, 361 FRANKLIN AVENUE, WEST BERLIN NEW JERSEY

WHEREAS, the Township of Berlin has received an application for special animal permit; and

WHEREAS, the applicant has requested a waiver to permit a yard set-back of 25 feet from the side, rather than the required 50 feet set-back from all yards; and

WHEREAS, notification from residents have expressed concerns that this special animal permit would not be in the best interest in a residential neighborhood in the Township of Berlin; and

WHEREAS, the applicant did not justified in good cause for this special animal permit wavier.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, the Special Animal Permit for Robert Sacks, 361 Franklin Avenue is hereby denied.

Motion by Council President, second by Councilwoman Bodanza to adopt Resolution 2011-129. Resolution adopted by call of the roll, four members present voting in the affirmative to deny special animal permit.

APPROVAL OF MEETING MINUTES FROM May 23 , 2011

Motion by Councilman McIntosh, second by Council President Morris to approve the minutes for May 23, 2011. Motion carried by voice vote, four present voting in the affirmative.

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CONSENT AGENDA

Motion by Council President Morris, second by Councilwoman Bodanza 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 May

Motion carried by Councilman McIntosh, second by Council President Morris to receive and file the correspondence calendar for May 2011. Motion carried by voice vote, all present voting in the affirmative.

ALL OTHER BUSINESS

Mayor Magazzu commented that the Berlin Township School is under construction, so there afterschool program would like to use our senior hall during the summer.

Fourth of July Celebration is moving forward as scheduled.

Council President Morris talked about the historical committee and noted that the website has been updated with future events.

PUBLIC PORTION

Motion by Council President Morris, second by Councilman McIntosh 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.

Kathryn Schmidt, Haddon Avenue complained that the dumpster for Jersey Joe's was being empty very early in the morning and making loud noises.

Chuck, Public Works director stated that he would send out a letter to the owner.

Terry Hertzberg, Lucas Avenue, commented on the lot behind his property, block 701 lot 1 and asked if a change of use for the property has been filed since all the activity with trucks and the loading and unloading of dirt.

Terry told Chuck, Public Works Director that he had email the Camden County Engineer and still has not received a reply back. And that he is concerned that the ditch has not been maintained.

Chuck replied that the problem may be that the County only has 17 employees to take care of the whole Camden County.

Mayor Magazzu stated that we will call tomorrow.

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Kent Pipes from the affordable homes group came out to take about the "Dollar Home Program Proposal" and told Mayor and Council if they were interested that they would need to apply for a NAID number.

Al Silva, Cleveland Avenue requested a meeting with Mayors to go over the changes in the Ordinance.

Mayor Magazzu said that would be fine.

Al Silva spoke to Chuck about some signs in town that are covered with trees and vegetation so the sign are not visible until your right there.

Chuck replied just give me the location and I will check them out.

Motion by Council President Morris, second by Councilman McIntosh 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.

ADJOURN

Motion by Council President Morris, second by Councilwoman Bodanza to adjourn the meeting at 7:35 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 7:35 pm

Catherine Underwood, Township Clerk