

JUNE 15, 2009

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD IN THE CONFERENCE ROOM OF THE SCHOOL BOARD ADMINISTRATIVE BUILDING, 225 GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY JUNE 15, 2009 AT 6:30 P.M.**

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

All in attendance joined in the Salute to the Flag.

**ROLL CALL**

**Present-** Councilman Batten, Councilman McIntosh, Councilman Morris, Council President DiGangi, Mayor Magazzu.

**Also Present-** Donafaye Zoll, Solicitor Charles Reibel Jr. Engineer Michael Laginestra, Zoning Officer, Michael McGee, Director Public Works, Lori Campisano, CFO, Joseph Jackson, Sergeant

Mayor Magazzu opened the meeting with the swearing in of the new Chief of Police Joseph Jackson, his appointment will begin on July 1<sup>st</sup>.

**RESOLUTION 2009-126 APPOINTMENT OF CHIEF OF POLICE**

**WHEREAS**, N.J.S.A. 40-69a-122 provides that the Mayor with advice and consent of the Council, shall appoint such other officers as may be provided by Ordinance;

**WHEREAS**, Section 3-3 of the Code of the Township of Berlin provides for the Office of Public Safety;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, in the County of Camden, State of New Jersey, that the following appointments be made commencing July 1, 2009.

**CHIEF OF POLICE – JOSEPH JACKSON**

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Motion by Council President DiGangi, second by Councilman Batten to adopt Resolution 2009-126. Resolution adopted by call of the roll, five members present voting in the affirmative.

**GOOD AND WELFARE #1**

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

Cindy Johnson and Ed Madden spoke about the Multiple Sclerosis City to Shore Bike Tour that will be taking place on October 3<sup>rd</sup> and 4<sup>th</sup>. Cindy stated that they will be taking the same route as they have in the past and thanked the Township for all of their help over the years.

Audrey Lightcap, Lincoln Avenue referenced about a few agenda items pertaining to salaries Ordinances and a resolution rejecting bids. She asked if council would read those items.

Mayor Magazzu said yes we summarize on those items as we get to them on the agenda.

No other comments were to be heard.

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

**DEPARTMENTAL REPORTS**

**ENGINEERS REPORT**

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

None at this time.

**B. ENGINEER'S REPORT**

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

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We have submitted the estimated cost to Ms. Campisano for the remaining engineering services. The County will be performing the contract administration and inspection for the project.

We have resubmitted the remaining consent to Mr. Sparacio, via certified mail, on May 18, 2009. To date, we have not received a response. Therefore, we will contact him to request his consent.

The County anticipates scheduling the receipt of bids this month for consideration by the Freeholders at their July Meeting.

We will submit and obtain Camden County Soil Conservation District approval by the end of the month.

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

At the last Council Meeting, the Governing Body decided to submit applications for the following projects:

a. Street Improvements (maximum of two projects)

The Governing Body may want to consider the following projects:

- Priority No. 1: Resurfacing of Mt. Vernon Avenue – Franklin Avenue to Minck Avenue.
- Priority No. 2: Improvements to Hazel Avenue- Chestnut Avenue to Cushman Avenue.

We will be submitting the applications, electronically, by the deadline date of June 12, 2009.

The Governing Body decided not to submit applications for pedestrian safety, bikeway, safe streets to transit, and transportation enhancement.

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

We are currently in the process of completing the Construction Plans and Specifications. We will then apply to the N.J.D.O.T. and Pinelands Commission for their approvals and permits.

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

We will be completing the specifications and advertising for bids, shortly.

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

The Camden County Planning board approved the site plan application on May 26, 2009. The site plan application will be heard by the Berlin Township Planning Board, on June 9, 2009. We are currently revising the plans to address the comments of the Camden County Soil Conservation District.

Bids are scheduled to be opened on June 9, 2009 for the irrigation for the lawn and landscape areas. We will submit the Bid Summary and Engineer's Recommendation to the Governing Body for consideration and hopeful award at the Council Meeting on June 15, 2009.

As requested by Ms. Campisano we will be submitting an invoice for current engineering services and an estimate for future inspection services.

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

We are meeting, this week, with the Contractor and anticipate the corrective work to be completed, shortly thereafter.

7. **HADDON AVENUE STREETScape IMPROVEMENTS (KEI #430BT1104 & #431BT1104):**

a. **Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$200,000.00) (KEI #431BT0105):**

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

The N.J.D.O.T. had advised our office that the Department has responded to the request. We have attempted to obtain a copy of the response/correspondence, on several occasions. However, the correspondence faxed to our office does not address the request.

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

As reported, the Governing Body had decided not to accept the funds and requested that the project be bypassed to the future time when the Township would be in the position to bond the project.

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

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

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

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

I have received a message from a representative of the owner that they do not want the N.J.D.O.T. to plant the trees along the recently constructed ramp. I have been trying to contact the owner to obtain the reason for their change in position and a status on the repairs to the trash enclosures. Once I have spoken with the owner, I will inform the Governing Body.

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

I have attempted to discuss the status of the consideration of the prohibition of the u-turn movement at the median opening or the shifting of the driveway, away from the median opening, for the proposed Golden Corral with an N.J.D.O.T. representative. I have contacted the applicant's traffic engineer to see if they can provide any update. Once I receive a response from either party, I will inform the Governing Body.

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

No update to report at this time.

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

No update to report at this time.

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

No update to report at this time.

13. **BERLIN BOROUGH WATER ALLOCATION AND CONNECTIONS FOR NEW DEVELOPMENTS:**

No update to report at this time.

14. **PERFECTION OF THE SUBDIVISION FOR THE LUKE AVENUE RECREATION COMPLEX AND P.S.E.G. PROPERTIES:**

I believe that Ms. Zoll is handling this matter with Public Service Electric and Gas Company.

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

At the last Council Meeting, the Governing Body passed Resolution No. 2009-116, accepting the amendments to the Stormwater Pollution Prevention Plan. We have forwarded the Plan to Mr. McGee for endorsement. Once we have received the signed Stormwater Pollution Prevention Plan, we will forward it to the Camden County Planning Board and the New Jersey Department of Environmental Protection for their review and use.

16. **ALTERNATIVE ENERGY SOURCES:**

The following is a listing of the available programs:

New Jersey Smart Start Buildings® Program:

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This program allows new construction incentives in Smart Growth Zones and Schools, and has an incentive cap of \$500,000.00 per year for electric and/or natural gas improvements.

The Teach Program:

This program implements school education and facility benchmarks, and stresses the training of teachers and students in energy efficiency. The Program incorporates do-it-yourself instruction of projects for students to other facilities to gauge efficiency. All training is provided for free.

The Pay For Performance Program:

This program is for buildings over 200KW in average peak demand, and includes incentives for improved efficiencies over existing building standards. Incentives are available up to \$1 million per meter, for electric or natural gas. Payouts are staggered with some money upfront, more upon completion of improvements, and more upon efficiency verification.

The Direct Install Program:

This program is for customers with 200KW or less average peak load demand. Local contractors install energy saving measures based on facility need. 80 percent of the material and labor is paid with the remaining 20 percent funded by the facility owner. There is no cap on installations or incentives paid.

The Energy Savings Improvement Program:

This program allows the entity to pay for energy conservation measures using the money saved on energy bills. The entity can finance the improvements using a lease/purchase program, refunding bonds, improvement authority, or outside agencies, provided that the financing matches the payback life to maturity schedule. Under this program, no new money is required, as all financed improvements are paid down with the calculated savings.

In addition, the Borough should consider becoming a member of Sustainable Jersey, which is a certification for Jersey municipalities that want to go "green", save money, and control energy costs. Members of Sustainable Jersey receive priority when submitting applications, as well as demonstrate a commitment to sustainability and conservation.

Energy Conservation Block Grants:

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These grants have been established using \$75 million of Recovery Act funds. Currently, only municipalities with 35,000 residents and Counties with over 200,000 residents are eligible for these funds. However, the Office of Clean Energy anticipates budgeting approximately \$8.6 million more, for applications by ineligible municipalities. These funds can be used for energy efficiency improvements at the discretion of the municipality, but are strictly monitored. The money shall be made available in June or July of 2009.

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

As directed by the Governing Body, this matter was discussed at the Planning Board Meeting on May 19, 2009. The Planning Board has decided that they will prepare recommendations for possible amendments to the current ordinance.

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

a. Shoprite Supermarket, Berlin Circle Plaza Shopping Center:

The Contractor has satisfactorily completed the work. We recommend the release of the maintenance bond.

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

The Contractor has satisfactorily completed the work. We recommend the release of the Performance Bond contingent upon the posting of a two-year maintenance bond dated June 5, 2009, in the amount of \$2,860.74.

**19. STATE LEGISLATION:**

a. Permission of the Conversion of Age-Restricted Housing Units to Non-Restricted Housing Units (S2577/A3772):

On May 21, 2009, the Senate adopted the amendments to the legislation, which were submitted by the Governor. I am not sure if it is law, yet.

b. Inclusion of Facilities Supplying Electrical Energy from Wind, Solar, Photovoltaic Technologies, as "Inherently Beneficial Uses" (S1303/A3062):

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The N.J. State League of Municipalities is opposed to the proposed legislation as they feel that the legislation, effectively, declares these alternate energy sources as "inherently beneficial uses" without regard to the zoning district, "undermining the very purpose of zoning and sound planning strategies."

It was anticipated that the Assembly would be voting on the legislation on May 21, 2009. Once we receive any update, we will inform the Governing Body.

- c. Freeze on the Collection of the 2.5% Non-Residential Development Fee for Affordable Housing:

I believe that this legislation is still being reviewed by the Assembly Committee.

- d. Permitting Certain Solar and Wind Facilities within Industrial Zones (S1299/A2550):

This legislation is now law (P.L. 2009, C.35.), as of March 31, 2009. The law allows renewable energy facilities on industrial zoned lands, n 25 or more contiguous acres, which are owned by the same party.

**20. MONTEBELLO DEVELOPMENT (KEI#104BT):**

Ms. DeCinque has forwarded me an e-mail from Mr. Augustine D. Alteri, C.P.A. Mr. Alteri is concerned with the developer offering a smaller, lesser cost unit and the affects to the values of the current housing units. He is suggesting a limitation of the number of the smaller less cost units. I defer this issue to Ms. Zoll, Esq.

**21. PROPOSED PINEDGE III SINGLE FAMILY DEVELOPMENT, COOPER ROAD AND TAUNTON AVENUE (KEI#29-465BT0906):**

The Preliminary Subdivision application was heard by the Planning Board on May 19, 2009. The public hearing was also conducted at this meeting, where several residents from the Marlton Lakes development in Evesham Township voiced their concerns over the impacts that the development will cause to their properties. I have also received a copy of a letter from Mr. Robert Baxter, whose property abuts the rear line of the proposed development. He is concerned with the granting of 13 variances and the removal of large trees.

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The application was continued until the Planning Board Meeting on August 4, 2009.

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

**SOLICITORS REPORT**

1. Water Agreement with Berlin Borough
2. Increase Sewer Allocation Buildout
3. Vacation Portion Kelley Drive
4. New Municipal Building
5. C & M Auto Repair
6. Richard Winans V. Berlin Township Walt Shendock
7. Salahuddin Smart V. Police Officer
8. Nancy Anderson V. Berlin Township
9. Thomas D'Autrechy V. Berlin Township School
10. Berlin Township ADS. Michael Brown
11. Tax Foreclosures
12. 2009 Real Estate Tax Appeal
13. Antenna Inspection Fees

**DIRECTOR OF PUBLIC WORKS**

Mike McGee stated that the replacement trailer for the court is almost completed. He noted that the ramps need to be built and handicap accessible. Mike also stated that he had received complaints that the ditch on Walker Avenue is clogged again with debris.

**ZONING/MAINTENANCE OFFICER**

Mike Laginestra, Zoning Officer stated that the house fire on Pine Avenue is finally going to court on June 22, 2009. Mike commented that grass notices are going to be sent out this week.

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

WHEREAS, the Mayor and Council of the Township of Berlin adopted Ordinance 2008-17 on January 26, 2009 fixing and determining salary ranges for the officers and employees for the calendar year 2009; and

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

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POSITION	.....SALARY RANGE.....	
	FROM	TO
Police Department – Clerk Typist	\$23,000.00	\$28,000.00

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

Motion by Councilman Batten, second by Councilman Morris to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2009-8. There were no requests to be heard. Motion by Councilman Batten, second by Council President DiGangi to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman Batten, second by Council President DiGangi to adopt Ordinance 2009-8. Ordinance adopted by call of the roll, five members present voting in the affirmative.

FIRST READING ORDINANCE 2009-9 AMENDING ORDINANCE 2008-17 FIXING AND DETERMINING SALARY RANGES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN COUNTY OF CAMDEN, NEW JERSEY.

Motion by Council President DiGangi, second by Councilman Morris to adopt Ordinance 2009-9 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

FIRST READING ORDINANCE 2009-10 AMENDING ORDINANCE 2007-8 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY.

Motion by Councilman Morris, second by Council President DiGangi to adopt Ordinance 2009-10 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-123 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, 2009 and ending June 30, 2010;

**CONTROL NUMBER NAME T/A**

0406-33-003-004	Erin Court, LLC 588 Route 73 W. Berlin, NJ 08091	Ott's Green Tops
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0406-33-007-010	Tiecut Inc. 595 Route 73 North W. Berlin, NJ 08091	Jimmies & Sooks
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
0406-33-005-011	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, 2009 and ending June 30, 2010.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-123. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-124 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, 2009 and ending June 30, 2010;

**CONTROL NUMBER NAME T/A**

0406-44-002-004	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,

**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, 2009 and ending June 30, 2010.

Motion by Council President DiGangi, second by Councilman Batten to adopt Resolution 2009-124. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-125 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, 2009 and ending June 30, 2010;

<b><u>CONTROL NUMBER</u></b>	<b><u>NAME</u></b>	<b><u>T/A</u></b>
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, 2009 and ending June 30, 2010.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-125. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-127 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE BOND, ESCROW AND POSTING OF MAINTENANCE BOND FOR BERLIN GENERAL STORAGE.**

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**WHEREAS**, Berlin General Storage LLC, Cooper Road and Taunton Road, West Berlin, New Jersey; Block 1901, Lot 1; Block 1910, Lot 1, has requested the release of their Performance Bond No. 503004, and

**WHEREAS**, the Engineer has recommended that the Township Grant the request for the release of the performance bond contingent upon outstanding vouchers be paid in full and the posting of a two year Maintenance Bond in the amount of \$97,136.82 dated April 16, 2009 and release of their escrow balance of \$533.22;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Bond No. 503004 for Berlin General Storage, is hereby granted with the conditions stated above.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-127. Resolution adopted by call of the roll, five members present voting in the affirmative.

**Resolution 2009-128**

**Payment of Bills JUNE 15, 2009**

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

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

<b>TO</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
Camden County Div Health	Dog Trust	865.73
Camden County Animal Shelter	Dog Trust	440.00
Countywide Animal Control	Dog Trust	30.00
Robert E DePersia, II	Mun Public Defender	225.00
Zallie Supermarkets	Maint Bond	32,724.16
Berlin General Storage	Planning Board Esc # 332	533.22
KEI Associates	Planning Board Esc # 32	597.50
	Planning Board Esc # 152	783.75
	Planning Board Esc # 229	627.50
	Planning Board Esc # 229	1,252.50
	Planning Board Esc # 304	1,870.00
	Planning Board Esc # 308	1,220.00
	Planning Board Esc # 332	1,773.75
	Planning Board Esc # 336	1,818.75

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Planng Board Esc # 343 198.75

**CONFIRMING**

Treasurer, State of NJ	Dog Trust	16.20
Township General Acct	Planning Board Escrow	1,430.62
	Snow Removal Trust	10,797.04
	Rehab Revolving Fund	971.09
Postmaster, West Berlin	07-201-55-502-2022	822.36
South Jersey Gas	07-201-55-502-2071	358.63
America On Line	01-201-20-120-2105	32.90
Barclay Group	01-201-28-370-2105	3,463.73
Berlin Twp Fire District	01-210-55-020-3000	1,857.50
Susan Carlino	01-201-25-240-2028	1,588.95
Cam Municipal JIF	01-201-23-210-2090	59,909.13
	01-201-23-215-2090	70,100.58
County Fire Marshal	01-201-30-420-2105	331.00
Custom Installs	01-213-85-029-3000	4,000.00
Galls	01-201-25-240-2032	1,398.12
S & H Electrical	01-201-26-310-2024	660.00
	01-117-04-006-3000	890.00
South Jersey Gas	01-201-31-435-2071	143.52
Tri-Current Electric	01-213-85-029-3000	12,310.00
Verizon	01-201-31-440-2076	1,162.18
Verizon Wireless	01-201-25-240-2028	280.49
Postmaster, West Berlin	01-201-20-120-2022	464.65
Surety Title Corporation	04-216-55-860-09021	2,213,000.00
Township Payroll Acct	01-201-23-225-2168	865.50
NJ State Health	01-201-23-220-2092	12,999.14
	01-201-23-220-2092	40,636.31
Payroll, Current Fund	5/7/2009	56,363.77
Payroll, Sewer	5/7/2009	3,901.01
Payroll, Current Fund	5/14/2009	57,321.73
Payroll Sewer	5/14/2009	3,901.03
Payroll, Current Fund	5/21/2009	56,391.30
Payroll, Sewer	5/21/2009	3,900.99
Payroll, Current Fund	5/28/2009	81,857.65
Payroll, Sewer	5/28/2009	3,901.06

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Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2009-128. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-129 RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF BERLIN REMOVING POLICE CLERKS FROM CONTRACT**

**WHEREAS**, the police department of the Township of Berlin is without non-sworn support staff due to attrition and normal retirement, and it is necessary to obtain replacement personnel; and

**WHEREAS**, due to the current economic conditions and the Township's loss of State aid, it is necessary to open the current Police Association contract so as remove non-sworn support personnel from inclusion in the terms of the contract; and

**WHEREAS**, the Governing Body of the Township and the Police Department have engaged in additional negotiations in order to resolve the concerns of both entities, and the Police Department has agreed to open the contract in the foregoing manner;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Township of Berlin, County of Camden and State of New Jersey, that the Police Association Contract of 2007-2009 is hereby opened and Article 17 of said contract is hereby amended so as to remove Section B titled "Non-Sworn Support Personnel". It is further resolved by the Mayor and Governing Body of the Township of Berlin that two full time clerk typists shall be hired on June 15, 2009, who will be considered non-sworn support personnel not otherwise subject to or governed by the Police Association contract.

Motion by Councilman Morris, second by Councilman McIntosh to adopt Resolution 2009-129. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009- 130 RESOLUTION AUTHORIZING THE HIRING OF A POLICE DEPARTMENT CLERK TYPIST – FULL TIME / PART TIME BY THE TOWNSHIP OF BERLIN**

**WHEREAS**, a recommendation has been made to Mayor and Council to hire Melissa Di Luzio as a part time Clerk Typist in the Police Department of the Township of Berlin; and

**WHEREAS**, the Mayor and Council have reviewed the recommendation and found same to be acceptable,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that it hereby authorizes and approves the hiring of Melissa Di Luzio as a part time Police Department Clerk Typist effective June 15, 2009.

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Motion by Councilman McIntosh, second by Council President DiGangi to adopt Resolution 2009-130. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009- 131 RESOLUTION AUTHORIZING THE HIRING OF A POLICE DEPARTMENT CLERK TYPIST – FULL TIME BY THE TOWNSHIP OF BERLIN**

**WHEREAS**, a recommendation has been made to Mayor and Council to hire Sheri L. DiMeo as a full time Clerk Typist in the Police Department of the Township of Berlin; and

**WHEREAS**, the Mayor and Council have reviewed the recommendation and found same to be acceptable,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that it hereby authorizes and approves the hiring of Sheri L. DiMeo as a full time Police Department Clerk Typist effective June 15, 2009.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-131. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-132 RESOLUTION CONFIRMING THE MAYOR'S SIGNING OF A GRANT APPLICATION FOR THE 2009 OBEY THE SIGNS OR PAY THE FINES SPEED ENFORCEMENT GRANT**

**WHEREAS**, the Police Department has been notified of the opportunity to participate in the 2009 Obey the Signs or Pay the Fines Speed Enforcement Grant for \$4,000.00 by the Division of Highway Safety; and

**WHEREAS**, it was necessary for the Mayor to sign the grant application since the grant paperwork from the Division of Highway Safety was dated May 26, 2009 and needed to be submitted by June 12, 2009; and

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the grant application for the 2009 Obey the Signs or Pay the Fines Speed Enforcement Grant signed by the Mayor is hereby confirmed in order to meet the deadline of June 12, 2009 set by the Division of Highway Safety.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2009-132. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-133 RESOLUTION AMENDING SALARY RESOLUTION 2008: 207 ESTABLISHING SALARY AND WAGES FOR THE OFFICERS AND**

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**EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY**

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

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salaries effective June 15, 2009

POSITION	AMOUNT PER YEAR
Police Department – Clerk Typist – Part Time	\$12.64 per hour

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salaries effective July 1, 2009

POSITION	AMOUNT PER YEAR
Public Works – Clerk Typist/Bus Driver	\$21,000.00

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

Motion by Councilman Morris, second by Council President DiGangi to adopt Resolution 2009-133. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-134 RESOLUTION CANCELING REMAINING BALANCES IN CONTRACTS PAYABLE IN THE GENERAL CAPITAL FUND**

**WHEREAS**, there exists contracts payable on the books in the General Capital Fund; and

**WHEREAS**, the contracts payable have been investigated and it has been determined the following should be canceled;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the following balances of the contracts payable listed be and are hereby canceled:

Resolution Date	Ordinance Number	Purpose	Vendor	Amount
5/14/07	2007-8	Veterans Ave	KEI Assoc.	\$31,555.00
5/14/07	2007-8	Cushman Ave	KEI Assoc.	\$22,275.13

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-134. Resolution adopted by call of the roll, five members present voting in the affirmative.

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**RESOLUTION 2009-135 RESOLUTION AUTHORIZING TRANSFERS BETWEEN BUDGET APPROPRIATIONS**

**WHEREAS**, transfers are permitted between budget appropriations during the last two months of the fiscal year;

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, County of Camden, New Jersey, that transfers between 2008/2009 Budget Appropriations be made as follows:

CURRENT FUND

	<u>ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Salaries and Wages:			
Financial Administration	20-120-1		\$1,400.00
Police	25-240-1	\$5,000.00	
Buildings and Grounds	26-310-1	10,000.00	
Accumulated Leave Compensation	30-415-1		33,000.00
Other Expenses:			
Mayor and Council	20-110-2		2,000.00
Township Clerk	20-120-2		2,000.00
Legal Services and Costs	20-155-2		10,000.00
Engineering Services and Costs	20-165-2		10,000.00
Planning Board	21-180-2		1,000.00
Liability Insurance	23-210-2		100.00
Group Insurance	23-220-2	30,000.00	
Police	25-240-2		1,600.00
Aid to Ambulance	25-260-2	3,000.00	
Streets and Roads Maintenance	26-290-2		11,900.00
Solid Waste Collection	26-305-2		2,000.00
Buildings and Grounds	26-310-2		3,000.00
Vehicle Maintenance	26-315-2		5,000.00
Maintenance of Parks	28-375-2		5,000.00
Electricity and Natural Gas	31-430-2	6,000.00	
Street Lighting	31-435-2	5,000.00	
Telephone	31-440-2	4,000.00	
Petroleum Products	31-447-2	20,000.00	
Landfill/Solid Waste Disposal Costs	32-465-2	10,000.00	
Social Security	36-472-2		5,000.00

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Totals	\$93,000.00	\$93,000.00
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Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2009-135. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-136 RESOLUTION TO GRANT THE RELEASE OF MAINTENANCE BOND FOR ZALLIES SHOPRITE SUPERMARKET**

**WHEREAS**, Zallies Shoprite Supermarket, located at Berlin Circle Plaza Shopping Center, West Berlin New Jersey has requested the release of the maintenance bond in the amount of \$32,724.16 ; and

**WHEREAS**, the Engineer has recommended that the Township of Berlin grant the request for the release of maintenance bond contingent upon outstanding vouchers be paid in full.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the request for the release of the maintenance bond for Zallies Shoprite Supermarket in the amount of \$ 32,724.16 is hereby granted.

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2009-136. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-137 TO REJECT BIDS FOR ONE LUMP SUM CONTRACT FOR BERLIN TOWNSHIP MUNICIPAL HALL AND AUTHORIZATION TO REBID.**

**WHEREAS**, the Township of Berlin has advertised for, and received bids for the one lump sum contract for Berlin Township Municipal Hall A Shared Service Center; and

**WHEREAS**, it is recommended that the Governing Body reject the bids due to the fact that the bids received exceed the allocated funds; and

**WHEREAS**, the Governing Body wishes to amend the job specifications and scope in an effort to reduce the cost of the project; and

**WHEREAS**, it has been recommended that the Governing Body rebid this project as a result of the extensive changes which are required in order to reduce the cost thereof.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that the bids received by the Township on June 9, 2009 are hereby rejected, and authorization is granted to rebid the contract for the Berlin Township Municipal Hall A Shared Service Center project.

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Motion by Councilman McIntosh, second by Councilman Batten to adopt Resolution 2009-137. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2009-138 2009/2010 TEMPORARY BUDGET – CURRENT FUND  
CALCULATION OF MAXIMUM ALLOWABLE APPROPRIATION**

**WHEREAS**, Revised Statutes 40:2-12 provides that where there are any contracts, commitments or payments that are to be made prior to the adoption of the Fiscal Year 2010 Budget, temporary appropriations should be made for the purposes and accounts required in the manner and time provided: and

**WHEREAS**, the date of this resolution is within the first thirty days of the Fiscal Year 2010 Budget and is twenty-six and one quarter percent (26.25%) of the total appropriations made for all purposes in the Budget for the year 2009 Fiscal Year, excluding appropriations;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the foregoing is the Temporary Budget for the Fiscal Year 2010 and; Twenty-six and one quarter percent (26.25%) of the total appropriations made for all purposes in the budget for the year 2009 Fiscal Year excluding appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.

2008/2009 Budget Appropriations (Current Fund)           \$ 7,516,422.39

Less: 2008/2009 Appropriations for:

Debt Service	\$ 854,000.00	
Capital Improvement Fund	50,000.00	
Reserve for Municipal Building	0.00	904,000.00
sub-total		6,612,422.39
		x 26.25
sub-total		1,735,760.80

Add 2009/2010 Temporary Appropriations

Debt Service	291,400.00	
Capital Improvement Fund	50,000.00	
Reserve for Municipal Building	0.00	\$ 341,400.00
		2,077,160.80

**GENERAL GOVERNMENT:**

Mayor & Council	
Salaries & Wages	15,000.00
Other Expenses	7,000.00
Township Clerk	
Salaries & Wages	20,000.00
Other Expenses	9,000.00
Finance Administration	
Salaries & Wages	28,000.00
Other Expenses	3,000.00
Audit Services	
Other Expenses	5,000.00
Revenue Administration	

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Salaries & Wages	19,000.00
Other Expenses	4,000.00
Tax Assessment Administration	
Salaries & Wages	7,000.00
Other Expenses	4,000.00
Legal Services and Costs	
Expenses	8,000.00
Engineering Services and Costs	
Other Expenses	8,000.00
LAND USE ADMINISTRATION	
Planning Board	
Other Expenses	3,000.00
CODE ENFORCEMENT AND ADMINISTRATION	
Uniform Construction Code	
Salaries & Wages	24,000.00
Other Expenses	5,000.00
Other Code Enforcement	
Salaries & Wages	10,000.00
Other Expenses	300.00
INSURANCE	
Liability Insurance	
Other Expenses	3,000.00
Workers Compensation Insurance	
Other Expenses	1,000.00
Employee Group Insurance	
Other Expenses	340,500.00
Unemployment Insurance	
Other Expenses	1,000.00
PUBLIC SAFETY FUNCTIONS	
Municipal Court	
Salaries & Wages	30,000.00
Other Expenses	8,000.00
Public Defender	
Other Expenses	500.00
Police Department	
Salaries & Wages	470,000.00
Other Expenses (including vehicles)	90,000.00
Emergency Management	
Salaries & Wages	1,000.00
Other Expenses	500.00
Aid to Volunteer Ambulance Company	
Other Expenses	25,000.00
Municipal Prosecutor	
Salaries & Wages	4,000.00

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Other Expenses	1,000.00
<b>PUBLIC WORKS FUNCTION</b>	
Streets and Road Maintenance	
Salaries & Wages	39,000.00
Other Expenses	3,000.00
Solid Waste Collection	
Salaries & Wages	84,000.00
Other Expenses	4,000.00
Buildings & Grounds	
Salaries & Wages	20,000.00
Other Expenses	12,000.00
Vehicle Maintenance	
Salaries & Wages	29,000.00
Other Expenses	22,000.00
<b>HEALTH AND HUMAN SERVICES FUNCTIONS</b>	
Public health services	
Salaries & Wages	3,000.00
Other Expenses	500.00
<b>PARKS AND RECREATION</b>	
Recreation Services and Programs	
Other Expenses	3,000.00
Maintenance of Parks	
Salaries & Wages	25,000.00
Other Expenses	4,000.00
Maintenance of Free Public Library	
Salaries & Wages	7,000.00
Other Expenses	2,000.00
<b>OTHER COMMON OPERATING FUNCTIONS (UNCLASSIFIED)</b>	
Celebration of Public Events	
Other Expenses	4,000.00
<b>UTILITIES EXPENSES AND BULK PURCHASES</b>	
Electricity & Natural Gas	15,000.00
Street Lighting	27,000.00
Telephone	10,000.00
Water	3,000.00
Petroleum Products (Fuel Oil & Gas)	25,000.00
Sewerage	2,000.00
Landfill/Solid Waste Disposal Costs	50,000.00
<b>STATUTORY EXPENDITURES</b>	
Public Employees Retirement System	0.00
Social Security	65,000.00

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Police & Fire Retirement System 0.00

OPERATIONS EXCLUDED FROM CAPS

Solid Waste Recycle Tax 2,100.00  
 NJPDES – Stormwater Management  
     Salaries & Wages 12,000.00  
     Other Expense 4,000.00

FEDERAL & STATE GRANTS

HOME Investment Partnership Grant 100,000.00  
 Obey the Signs or Pay the Fines Grant 4,000.00

CAPITAL IMPROVEMENTS (AND CAPITAL IMPROVEMENT FUND)

Capital Improvement Fund 50,000.00

MUNICIPAL DEBT SERVICE

Bond Principal 190,000.00  
 Bond Interest 101,400.00

TOTAL TEMPORARY CURRENT FUND APPROPRIATIONS \$ 2,076,800.00

SEWER OPERATING FUND TEMPORARY BUDGET

Total of 2008/2009 Appropriations (Sewer Operating Fund) \$ 1,138,550.00

Less 2008/2009 Appropriations for:

Debt Services	\$ 601,100.00	
Capital Improvement Fund	0.00	601,100.00
	Sub-total	\$ 537,450.00
		X26.25
	Sub-total	\$ 141,080.63

Add 2009/2010 Temporary Appropriation for:

Debt Service	121,400.00	
Capital Improvement Fund		\$ 121,400.00
Total Maximum Allowable Appropriations		\$ 262,480.63

OPERATING

Salaries & Wages		65,000.00
Other Expenses		65,000.00
Debt Service – Payment of Bond Principal		85,000.00
- Payment of Bond Interest		36,400.00



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

**APPROVAL OF CORRESPONDENCE CALENDAR FOR MAY**

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

**APPROVAL OF May 18, 2009 MINUTES**

Motion by Councilman McIntosh, second by Council President DiGangi to approve the minutes of May 18, 2009. Motion carried by voice vote, all present voting in the affirmative.

**APPROVAL OF May 18, 2009 CLOSED SESSION MINUTES**

Motion by Councilman McIntosh, second by Council President DiGangi to approve the closed session minutes of May 18, 2009. Motion carried by voice vote, all present voting in the affirmative.

**GOOD & WEFARE #2**

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

Audrey Lightcap, Lincoln Avenue had questions about agenda item # 17 (below)

**RESOLUTION 2009-133 RESOLUTION AMENDING SALARY RESOLUTION 2008: 207 ESTABLISHING SALARY AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY**

Lori Campisano, CFO, responded that the salary Ordinance is done to set a range and a resolution sets a salary exactly.

Audrey asked what the 2008-207 was.

Council President DiGangi responded that we have to amend the initial salary resolution and that is the resolution number.

Lori Campisano replied that on December 15<sup>th</sup> that resolution was passed on establishing employee salaries. Every time we amended a salary we have to go back to the original.

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Audrey asked a question about the bids received on the building, how much higher were they.

Mayor Magazzu responded 5 million 100 and some thousand, it wasn't that much higher. It was about 500 thousand. There was a big span between the bids. The architect and engineers may have over estimated on extra parts and generators size.

Audrey commented that at past meeting he was adamant that the bids would come in 20 to 10 percent lower.

Mayor Magazzu replied there were are things that were in the bid that should not have been in there.

Mayor Magazzu stated that we are going to relook everything and make some changes and go out to rebid again.

Councilman Batten stated that Garrison did say that the bids would come in lower than they came in at.

Councilman DiGangi stated that everyone was a little shocked at what the bids came in at.

Councilman Morris stated that generally bids are kept open for 60 days but this is being rejected.

Audrey asked if those people would rebid.

Council responded yes.

Mr. McShea, Mt Vernon commented that his property has the Berlin Township School District listed as the owner of his property.

Donafaye Zoll replied that she was faxed over these documents and will take care of this matter.

No other comments were to be heard.

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

**ALL OTHER BUSINESS**

Donafaye Zoll , Solicitor, stated that all of the bids for the Irrigation system for the Municipal Building were non responsive and she recommends that all bids be rejected.

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**RESOLUTION 2009-139 TO REJECT BIDS FOR DESIGN AND BUILD OF IRRIGATION SYSTEM FOR BERLIN TOWNSHIP MUNICIPAL HALL AND AUTHORIZATION TO REBID.**

**WHEREAS**, the Township of Berlin has advertised for, and received bids for the design and build of the irrigation system for the proposed Berlin Township Municipal Hall A Shared Service Center; and

**WHEREAS**, it is recommended that the Governing Body reject the bids due to the fact that the bids received were non-responsive; and

**WHEREAS**, it has been recommended that the Governing Body rebid this project.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that the bids received by the Township on June 9, 2009 are hereby rejected, and authorization is granted to rebid for design and build of the irrigation system for the Berlin Township Municipal Hall A Shared Service Center project.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2009-139. Resolution adopted by call of the roll, five members present voting in the affirmative.

Councilman DiGangi stated that the ICCA were finalizing the plans on the fourth of July Celebration. Tom stated that the event on the 4<sup>th</sup> of July runs about \$ 35,000 and that ICCA raised about \$ 20,000 last year. Due to the economic times the ICCA has raised about \$ 15,000. So were down about \$ 5,000 when everything is said and done. But we carry a surplus so we will be able to put on the event.

**ADJOURN**

Motion by Councilman McIntosh, second by Councilman Morris to adjourn the meeting at 8:10 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 8:10 pm

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Jamey Eggers, Township Clerk

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