

JUNE 25, 2012

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL JUNE 25, 2012 AT 6:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

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

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

Absent-

Cindy Johnson from the National MS came out and spoke about the City to Shore Bike Ride that is planned for September 29th and 30th. She thanked Mayor and Council for all there support through out the years.

Officer Wayne Bonifiglio, Vice President for Lodge 56 talked about the Irish bike tour and how the FOP hall will be used as a resting spot for the riders. Officer Bonifiglio stated that the Irish Pub Children Foundation sponsors the bike tour and its foundation is to help children who have lost a loved one in the line of duty. The bike ride will be held July 29th and Former Mayor Dave McPeak has donated 70 cases of water in honor of his wife.

DEPARTMENTAL REPORTS

ENGINEERS REPORT

A. CHANGE ORDERS AND VOUCHERS

None at this time.

B. RESOLUTION FOR CONSIDERATION

1. IMPROVEMENTS TO HILL AVENUE DRAINAGE

The Camden County Community Development is requiring the award of the Contract. Therefore, I recommend that an awarding resolution be placed on the agenda. I am hopeful that the Governing

JUNE 25, 2012

Body will be able to award a contract at the Council Meeting on June 25, 2012

2. **N.J.D.O.T. 2012 TRANSPORTATION ENHANCEMENT PROGRAM**

I recommend that the Governing Body consider passing separate resolutions, authorizing the submission of an application for the following projects:

- a. Beautification of N.J.S.H. Route 73 at the Shared Services Municipal Building
- b. Creation of Bike Lane Along Haddon and Walker Avenues

C. ENGINEER'S REPORT

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

The N.J.D.O.T. has approved the use of \$292,839.00 for the increased cost for the decorative street lighting, reducing the amount of funds available for construction to \$262,581.00.

The Contract amount, with Command Co., Inc. of Hammonton, New Jersey, is \$183,119.90.

The N.J.D.O.T. has concurred with the award of the Contract.

We will be reviewing the County's construction plans for the improvements to the intersection of Haddon and Franklin Avenues and will, then, discuss the coordination of the projects with the County representatives.

A pre-construction meeting has been scheduled for Monday, June 25, 2012, at 11:00 a.m. at the Municipal Building. I will provide an update to the Governing Body, after the pre-construction meeting.

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

Bids are scheduled to be opened on June 22, 2012 at 1:00 p.m. The County C.D.B.G. Program is requiring the Governing Body to award a contract at the Council Meeting on June 25, 2012. I will be submitting the Bid Summary and Engineer's Recommendation to the Governing Body for review and, hopeful award of a contract on June 25, 2012. The award of the contract will be conditional upon the concurrence of the award by the County C.D.B.G. program. After

JUNE 25, 2012

the receipt of the C.D.B.G. concurrence of award, we will schedule a pre-construction meeting.

3. 2012 STREET IMPROVEMENT PROGRAM

We are, currently, performing the design and preparing the bid documents for the following projects.

a. Base Bid

- 1) Mt. Vernon Avenue: Minck Avenue to Franklin Avenue *Partial N.J.D.O.T Funding*
- 2) Edgewood Avenue: Cooper Road to limit of N.J.D.O.T. Project Near Rt. 73 *Partial N.J.D.O.T. Funding*
- 3) Reconstruction of the Intersection of Grove Avenue and Cleveland Avenue *Funded in Bond Ordinance No. 2011-26*
- 4) Trench pavement improvements along Krumm Avenue from McClellan Avenue to Franklin Avenue *Funded in Bond Ordinance No. 2011-26*

b. Alternate Bid No. 1

- 1) Construction of Built up Bituminous Driveway Aprons at 136 and 138 Veterans Avenue *Funded in Bond Ordinance No. 2011-26*

c. Alternate Bid No. 2

Street Improvements at Storm Inlet, Along Mt. Vernon Avenue, at the School Property *Funded in Bond Ordinance No. 2011-26*

d. Alternate Bid No. 3

Grade and Construct Stone Surface-McClellan Avenue Dead End *Funded in Bond Ordinance No. 2011-26*

We expect to receive bids by late Summer, 2012.

4. 2012 CAMDEN COUNTY MULTI-USE TRAIL CONSTRUCTION GRANT APPLICATION

I believe that the County Open Space is reviewing the seven applications, which have been submitted to them for their consideration for funding. Since the Township must resolve the easement issues with the affected property owners, which includes Public Service and Gas Company, it is probable that the application will not be funded in this round. I believe that the Township will have a better chance in receiving funds, in the next round, as we will,

JUNE 25, 2012

hopefully, have addressed the granting of easements and it will be the second request for funding.

We attended the Board of Education meeting on May 24, 2012 to present the proposal. I had stressed the point that the proposal is strictly, conceptual and can be revised to depict the trail in another location and/or configuration on the school property.

5. N.J.D.O.T. SAFE ROUTES TO SCHOOL

The Task Force Meeting, which was scheduled for May 31, 2012 was cancelled since we are waiting for the requested documentation from the school and parents of the students.

6. CONSTRUCTION OF POROUS CONCRETE SIDEWALK ALONG N.J.S.H. ROUTE 73 NORTHBOUND-JACKSON ROAD TO EDGEWOOD AVENUE (N.J.D.O.T. FY'S 2008 AND 2009 FUNDING)

I have informed the N.J.D.O.T. Local Aid Office that the Governing Body will close out the project and submit the invoice to the N.J.D.O.T., for final reimbursement, in July 2012.

I am discussing the specifics of the multi-year maintenance guarantee with the Contractor. Once we finalize the conditions, we will submit the document to Mr. Platt for his review and acceptance.

7. CAMDEN COUNTY OPEN SPACE- RECREATION ENHANCEMENT PROGRAM

We will be performing the design and preparing the construction documents for the following projects:

- a. Surface improvements to the basketball and tennis courts at the Spruce Avenue Recreation Complex
(Round 12 funding) \$25,000
- b. Band shell at Luke Avenue Recreation Complex
(Round 10 and 12 funding) \$50,000.00

I anticipate the receipt of the bids, during the Summer of 2012. I am hopeful that the Public Works Department staff will be able to erect the band shell structure in mid to late 2012.

As discussed, we will be preparing an application for the next round of county recreation enhancement funds for a proposed dog park at the Luke Avenue Recreation Complex.

JUNE 25, 2012

8. MUNICIPAL BUILDING

a. HVAC System

Mayor Magazzu and Mr. Shellenberger have met with representatives of Tozour-Trane to discuss current operational issues and possible preventative maintenance services. Mayor Magazzu has given me the proposal for maintenance services. Once I have received the document, I will submit my recommendations to the Governing Body for your consideration.

b. Free Standing Monument Sign

We are scheduling the connection of the wiring, from the LED sign, at the Clerk's Office.

I have requested and received a price for the installation of the brick facing, on the planter walls from the Somerdale Borough Work Force. As requested by Mayor Magazzu, I will receive a quote from a contractor, too. Once I receive the quote, I will submit the prices to Mayor and Council for a possible consideration for award of contract.

c. Separation of the Security and Surveillance Systems

I have requested the contractor to submit the schedule for the performance of the work.

d. Roof Membranes

I recommend that the Governing Body authorize the preparation of bid documents for the installation of a new roof membrane and insulation, in the immediate future.

e. School Bell

Mayor Magazzu has requested that a local contractor look at the bell and submit recommendations for the construction of an attractive and functional base for setting in the lobby of the Municipal Building.

f. Irrigation and Landscaping

We are currently preparing a landscape plan for consideration for plantings in the future. We may perform the design for the irrigation systems or have this work performed by a designer.

Once the designs have been completed and accepted, we will be contacting irrigation, landscape suppliers and contractors to see if they would be willing to donate materials and services for this work.

9. STORM DRAINAGE IMPROVEMENTS

a. Storm Drainage Issues with the Southwest Portion of the Township

It is my understanding that the N.J.D.O.T. is removing the beavers from the site and eliminating the blockages, caused by the beavers, on the State property at Walker and Zulker Avenues.

b. Lester Avenue Storm Drainage and Stormwater Management

We must, still perform the surveying fieldwork, design and preparation of the construction plans. Once completed, we must submit the plans to Public Service Electric and Gas Company for their consideration for the granting of a storm drainage easement, across their property.

We had discussed, as an interim measure, the construction of the storm drainage system on Lester Avenue and stormwater basin at the Luke Avenue Recreation Area to try to alleviate some of the stormwater runoff issues. At this time, I do not foresee the Public Works Department being able to devote the necessary time to perform the construction of these interim improvements.

c. Mt. Vernon Avenue Storm Drainage at the Elementary School

On occasion, the street has flooded, due to the apparent, limited capacity of the of the drainage system and receiving ditch, which is on the Board of Education property. I have discussed the matter with Mr. Pfluger, School Buildings and Grounds Superintendent. The ditch must be reconstructed to provide additional capacity and a positive outflow.

Mr. Pfluger has provided me with an incomplete version of a topographic map for the school property. I intend to attempt to decipher the contours and perform a preliminary design for said improvements. I intend to present the preliminary proposal to Mr. Betze for his review and consideration for recommendation to the Board of Education.

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

d. Maintenance of the Spillway/Outlet Structure at Berlin Circle Plaza

We continue to contact the owners of the shopping center to remove the blockage at the spillway orifice. They continue to respond that they have someone, clean the trash grate, on a regular basis.

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

The Pinelands Commission staff held the public hearing on June 13, 2012. At that time, no comments had been submitted to The Pinelands Commission. The Pinelands Staff is hopeful that the matter will be reviewed at their Policy Committee Meeting on June 29, 2012 with formal action on July 13, 2012.

The Pinelands Commission is requiring that, as a condition of the zoning redesignation, sanitary sewer be provided to those properties along Edgewood Avenue and Allied Parkway. From my preliminary analysis, it appears that a low pressure sanitary sewer system will need to be constructed rather than the typical gravity collection system.

11. REQUEST FOR ADDITIONAL REDESIGNATION OF OTHER PINELANDS AREAS

We have met with staff members from The Pinelands Commission to discuss the rezoning of properties along Cooper Road to Regional Growth to allow for greater development and public sewer connection for these parcels. They suggested that we develop the listing of lots and supporting documentation for the request for the zoning changes. The request will not be made until after the Commission takes, hopefully, positive action on the current request for zoning changes.

12. REQUEST FOR ADDITIONAL SEWER ALLOCATION

We are trying to schedule a meeting with Papparone Housing and Mr. Kricun, P.E., from the C.C.M.U.A. to discuss the allocation issue and how it, specifically, applies to the possible sewer connection for the High Point II development in Voorhees Township.

13. NO PASSING ZONE ALONG COOPER ROAD

I must complete the engineering study and submit my recommendations to the Governing Body.

14. OWENS-CORNING GROUNDWATER CONTAMINATION

Mayor Magazzu and I attended the Community Information Center on May 16, 2012.

I have also received e-mails, from the representative for Owens-Corning. Owens-Corning had sampled water wells along East

JUNE 25, 2012

Collings Avenue. The test results revealed that the well water met the applicable groundwater quality standards. Therefore, no further action is planned, at this time.

15. POSSIBLE MULTI-WAY STOP CONDITION AT THE INTERSECCION OF MINCK AND MT.VERNON AVENUES

In my last report, I listed the M.U.T.C.D. warrants, which must be met to create a multi-way stop condition.

D. PUBLIC WORKS DEPARTMENT

1. GREASE TRAP MAINTENANCE

I will be meeting with the Construction Official to discuss the issue of the monitoring of commercial grease trap maintenance.

I recommend that the Governing Body consider amending the Ordinance to allow for the sewer staff to inspect and enforce the Regulations, in addition to the Plumbing Sub-Code Official.

2. RESPONSIBILITY OF SEWER LATERALS

Recently, we have been contacted by several residents, questioning or stating their opinion the Township's responsibility for the maintenance of the sewer lateral.

I recommend that the regulations be reviewed and any clarifications be made to clearly note the responsibilities for the ownership, maintenance and repair of the sewer laterals.

I believe the Governing Body will be discussing this matter.

3. IMPROVEMENTS TO PUMPING STATIONS

Due to the age of the pumping stations, it has become necessary to perform increased maintenance, repairs and replacements to the pumps and other components of the pumping stations. I strongly recommend that funds be allocated, in the immediate future, for this work.

4. UPGRADE AND REPLACEMENT OF RADIOS

I have submitted a letter to the Governing Body, listing the cost to upgrade the existing radio system and the other option to use a Sprint wireless system.

The FCC is requiring that we discontinue the use of the current radio band by the end of this year. Therefore, the upgrade or conversion to another system must be made by the end of the year.

5. SUMMER TASKS

The notice for the hiring of seasonal employees has been posted on the website. We have received minimal interest from this posting. We continue to experience difficulties in performing the various public works tasks, due to the reduced number of staff members on disability, vacation, personal and sick.

6. COUNTY-WIDE SOLID WASTE DISPOSAL

The County is scheduled to receive bids on August 2, 2012. The Bid Proposal has been set up for five options. The Borough is included in an overall Countywide group of municipalities (except for 3 nonparticipating municipalities). There is another option for all municipalities which do not have Waste Management or Republic as a vendor or who collect their own trash.

Since the current Township contract expires at the end of the year, the future contract would begin on January 1, 2013 and carry through the end of 2014. There is an option to extend the contract through the end of 2015.

The Township will be responsible to enter into a contract with the lowest responsible/responsible bidder.

7. AUCTION OF VEHICLES

I recommend that the impounded, retired Police and Public Works vehicles be auctioned, along with any other unused items, in the immediate future. We have been directed by the insurance inspector to remove these vehicles from the Public Works yard.

E. SHARED ENGINEERING SERVICES

1. ENGINEERING SERVICES WITH SOMERDALE BOROUGH

I must, still, prepare the Contract document and submit it to Mr. Platt's office for their review and comments.

We will continue to perform various land surveying, planning and engineering services for the Borough.

SOLICITORS REPORT

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site

JUNE 25, 2012

4. Oddmund Angel, Block 200, Lot 1
5. Clarification of Lateral Utility Lines
6. Police Operating Procedures
7. Wal-Mart Expansion Project
8. Berlin Township ADS. Estate of Raj Kumar Chopra
9. Berlin Township ADS. David Carp
10. Berlin Twp.ADS. Linda Fabrico
11. Mustafa Muhammad ADS. Berliin TWP Police Department
12. Berlin Twp. ADS. Abdul Mansary
13. Berlin Twp. ADS.Jennifer Vernacchio as Guardian Hannah Maslanka
14. Pineland Zone Changes
15. DPW Labor Negotiations
16. Open Public Records Act.
17. Alberto Silva v. Berlin Township

POLICE DEPARTMENT

Chief Jackson stated that the Department is going to hold on Tuesday August 7th a “National Night Out “where the community can come out and meet the Officers. Chief also commented that the nixle system is up and running.

MAINTENANCE DEPARTMENT

Josh Shellenberger, Maintenance Officer commented that he has being working on cleaning up the vacant properties. Josh also stated that he has been checking the water level at Shoprite and that the water level has been low.

SECOND READING AND PUBLIC HEARING ORDINANCE 2012-6 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 110 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED “TOWING AND STORAGE SERVICES”.

WHEREAS, on May 22, 2000, the Township of Berlin (“Township”) adopted Ordinance 2000-10, for the purpose of setting forth provisions governing towing contractors who desire to perform services associated with the towing and storing of motor vehicles in the Township, which is codified in Chapter 110 of the Township Code; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.49, municipalities are permitted to regulate the removal of motor vehicles from private or public property by operators engaged in such business and establish a schedule of fees or other charges which a towing operator may charge a motor vehicle owner for towing services, storage services, or both, provided that such regulations are non-discriminatory and non-exclusionary; and

JUNE 25, 2012

WHEREAS, “Daniel Mackay’s Law,” which caps storage fees for vehicles which become abandoned due to the death or incapacitation of the driver or any passenger, became effective on April 1, 2009; and

WHEREAS, the Chief of Police has requested that certain changes be made to the Township’s towing and storage regulations; and

WHEREAS, in light of the above, 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 110;

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: Section 110-4 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

The procedure for application of the Storage and Towing Fee Schedule is as follows:

- A. No person shall be liable to any person who tows or stores a private passenger automobile or other vehicle which was damaged in an accident or recovered after being reported stolen, that are disabled, impounded or towed and stored for any other legitimate reason, for any fees in excess of those permitted by the towing and storage fee schedules established in this Chapter and the Resolution of the Governing Body.
- B. The fees set forth in the Resolution for towing rates are the charges that shall apply to a private passenger automobile and other vehicles for basic towing services rendered as a result of an accident, theft recovery or other reason set forth herein and for other non-basic towing services as described in this Chapter. There shall be no additional charges for flat-bedding, waiting time, winching, cleanup cost, and additional labor, when only basic towing services as defined are provided.
- C. Tow vehicles transporting multiple passenger cars or other vehicles at one time shall receive the applicable fees for each vehicle transported.
- D. The fees set forth in the Resolution for storage fees are the storage charges per twenty-four-hour period that shall apply to a private passenger automobile and other vehicles that are stored by a person as a result of an accident, or theft recovery, disabled, impound, and all other purposes.
- E. No insurer or rating organization shall include any expense for storage of a private passenger automobile or other vehicles for more than 30

JUNE 25, 2012

days into the base for determining private passenger automobile rates or other vehicle rates used or to be used in this State.

- F. In the event a vehicle is abandoned due to the death or incapacitation of the driver or any passenger a storage fee of no more than \$100.00 shall be charged for the first seventy-two (72) hours after the vehicle is placed on the premises.
- G. Storage charges per twenty-four (24) hour period shall start at 12:01 a.m. for a twenty-four (24) hour period or fraction thereof. No storage charge shall be imposed for any day the yard is closed, such as Sundays or Holidays.

SECTION 2: Section 110-5 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

- A. An application form shall be completed by any party interested in performing private towing services. The application can be obtained from the Township Police Chief. A non-refundable application fee is required for all administrative expenses in regard to processing said application. The amount of the application fee shall be set by resolution of the governing body of the Township.
- B. All applications for said services shall be investigated and evaluated by the Township Police Chief, or his designee, as to each applicant's qualifications and background and a report shall be submitted to the Township Mayor and Council setting forth the Police Chief's findings and recommendation. Said report shall be filed within 30 days after receipt of an application. All applicants shall sign a release for information to be obtained by the Township Police Chief to complete the investigation and evaluation.
- C. All applications are subject to the approval of the Township Mayor and Council by Resolution. Only applicants which are competent and qualified and meet the conditions of this Chapter shall be approved. All approved applicants are required to execute a contract with the Township to provide such services. The form of contract shall be prepared by the Township Solicitor and incorporate terms and conditions as set forth in this Chapter and as determined by the Township Mayor and Council for providing such services. All private towing contracts shall be in the same form for all approved private towing contractors.
- D. Any party aggrieved by the decision of the Township Mayor and Council shall be entitled to a hearing before the Mayor and Council. All requests for such a hearing shall be submitted in writing within 10 days

JUNE 25, 2012

of the decision rendered by the Mayor and Council. The hearing shall be held within 30 days of receipt of the written request unless both parties consent to a later hearing date.

SECTION 3: Section 110-6 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

An applicant shall also be required to satisfy the following conditions:

- A. Provide a scaled plot plan depicting the storage facilities.
- B. Have the ability to store all vehicles within at least a six-foot high fenced enclosure ("outside secured") or building enclosure ("inside secured"). The enclosure shall be in good repair and well maintained, all gates or entryways secured by locks.
- C. Have the following vehicles, which shall be stored within two miles of the Township's municipal boundaries, immediately available for use in providing towing services:
 - (1) One standard tow truck (manufacturers equipment)
 - (2) One flat bed (manufacturers equipment)
- D. All vehicles shall be in good repair and regularly maintained. All vehicles shall be equipped with fire extinguishers and brooms. A copy of the title to all vehicles used for providing these towing services shall be filed with the Township Clerk's office.
- E. Be available on a seven-day, twenty-four-hour basis. A response time of 15 minutes from the time of call or notice is required.
- F. Maintain comprehensive liability insurance in the amount of \$1,000,000 combined single limit; garage keepers liability insurance in the amount of \$75,000 both on hook and storage. The Township shall be named as an additional insured on all insurance policies and a copy of the certificates of insurance shall be filed with the Township Clerk.
- G. Maintain and operate a storage yard within two miles of the Township's municipal boundaries, which shall be open to public on weekdays during normal business hours and on Saturdays until 12:00 p.m. All vehicles towed are required to be stored at this storage facility. If the storage yard is not owned by the

JUNE 25, 2012

applicant, a copy of the lease agreement for the property shall be provided to the Township.

- H. Provide a record of its towing experience, including the years in business and other municipalities served.
- I. Utilize only properly trained employees to perform towing services.
- J. Agree to defend, indemnify and save the Township harmless for any and all suits, judgments, costs, expenses, including attorney's fees and claims on account of breach of contract, damaged property, or personal injuries, including death, arising out of or in any way connected with the towing services to be provided.
- K. All billings for towing and storage shall be itemized for the services actually rendered pursuant to Township approved fee schedule.

SECTION 4: Section 110-7 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

The Township Police Chief and/or his designee shall maintain the list of all approved private towing contractors, which shall be limited to no more than three (3) at any given time, and shall contact each towing contractor on a regular rotating basis to provide such services. The Township Police Chief, or his designee, shall be the party responsible for enforcement of this Chapter.

SECTION 5: The Code of the Township of Berlin is hereby amended and supplemented to add a new Section 110-7.1 entitled, "Rules and Regulations," which shall provide as follows:

§ 110-7.1. Rules and Regulations.

- A. The governing body hereby designates the Police Department generally, and the Chief of Police in particular, as the supervising authority to enforce the provisions of this Chapter as well as the rules and regulations adopted hereunder.
- B. Each approved towing operator shall at all times maintain the necessary equipment to remove disabled vehicles as required by this Chapter. Prior to departure from the scene, each towing operator shall clean and clear the streets of any customary debris resulting from any motor vehicle accident at such scene and shall at all times carry the necessary equipment to perform said cleaning services.

JUNE 25, 2012

- C. Refusal to tow an abandoned or stolen motor vehicle or at the scene of a motor vehicle accident may result in the disqualification of any towing operator, and a report of said refusal shall be furnished to the Chief of Police and the Township Clerk by the investigating officer at the scene of the accident, as soon as possible.
- D. If the approved towing operator summoned is unable to respond within the time constraints specified in this Chapter, he shall so notify the individual requesting the service, and the next-named towing operator on the tow truck call list shall be called to respond.
- E. No towing operator operating in accordance with the provisions of this Chapter shall employ, either directly or indirectly, any personnel or employees of the Township of Berlin.
- F. The Berlin Township Police Department shall maintain a log record of calls to approved towing operators and said record shall be available for inspection by any approved tow operator upon reasonable notice.
- G. An individual whose motor vehicle has been towed and/or stored has the right to retrieve any of his or her personal possessions therefrom, even when said motor vehicle is within the possession of the towing operator. Personal property shall be defined to mean anything that is not permanently attached to the motor vehicle so as to be an integral part thereof. An individual seeking the retrieval of any personal items shall arrange with the towing operator to obtain said items and shall be required to execute a receipt therefor. The towing operator shall maintain copies of all said receipts.
- H. The Township of Berlin reserves the right to review the qualifications of any personnel employed by the towing operator at any time.
- I. The towing operator and any of its employees are independent contractors and do not represent, nor are they employed by, the Township of Berlin.
- J. The towing operator shall at all times be responsible for the conduct of its employees and shall be liable to the Township of Berlin and the owners of any motor vehicles towed or stored by the towing operator for any injuries, damages or costs incurred as a result of the conduct of said employees.

JUNE 25, 2012

- K. All towing operators shall comply with all State and Federal laws and regulations concerning the hiring of employees, their wages, hours and terms of employment.
- L. The Township of Berlin is not liable for any of the services performed by the towing operator unless those services are performed for municipal vehicles. The towing operator shall proceed directly against the individual owner of the motor vehicle for all fees and charges incurred.
- M. No approved towing operator shall pile or store vehicles on public streets or sidewalks.
- N. Each towing operator shall maintain a record of all vehicles towed, including the date towed, where the vehicle was stored, when the vehicle was released, and the fees charged, together with any and all other services rendered. Said records shall be maintained at the principal place of business of the towing operator as set forth on the application and said records shall be maintained for a minimum three (3) years.
- O. No approved towing operator shall be permitted to subcontract its towing services to any other provider.

SECTION 6: The Table of Contents of Chapter 110 shall be amended to add the new Section 110-7.1 - "Rules and Regulations."

SECTION 7: Except as set forth in Sections 1-6 above, the balance of Chapter 110 shall not be affected by this Ordinance.

SECTION 8: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9: 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 10: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion by Council President Morris, second by Councilman Epifanio to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2012-6.

No comments were to be heard.

JUNE 25, 2012

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

Motion by Councilman Epifanio second by Council President Morris to adopt Ordinance 2012-6 Ordinance approved by call of the roll, five members present voting in the affirmative.

FIRST READING ORDINANCE 2012- 7 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 117 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "VEHICLES AND TRAFFIC".

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Ordinance 2012-7 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012- 118 RESOLUTION TO RECOMMEND THE APPOINTMENT OF ALTERNATE CLASS 2 MEMBER OF THE PLANNING AND ZONING BOARD.

WHEREAS, N.J.S.A. 30:44-1.4 provides for the creation, membership and terms of a PLANNING BOARD; and

WHEREAS, The Mayor and Council recommended that **Samuel Sykes** be appointed class member for a two year term expiring December 31, 2014; and

NOW, THEREFORE, BE IT RESOLVED that the above named individual shall serve his respective term pursuant to the provisions set forth in the New Jersey Statutes Annotated 40:55-1 et seq., and pursuant to the Code of the Township of Berlin, Section 20-1 et seq.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-118. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012- 119 RESOLUTION APPROVING AND AUTHORIZING AMENDMENTS TO THE SHARED SERVICES AGREEMENT WITH CAMDEN COUNTY FOR ACCESS TO THE COUNTY'S ARMORED VEHICLE FOR CERTAIN CRITICAL INCIDENTS.

WHEREAS, the Township of Berlin ("Township"), is a public entity organized under the laws of the State of New Jersey; and

WHEREAS, the County of Camden ("County") is a body politic and corporate of the State of New Jersey; and

JUNE 25, 2012

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, the Township and County have entered into a Shared Services Agreement for access to and use of the County's armored vehicle; and

WHEREAS, the County has requested that the Township agree to certain amendments to the aforesaid Shared Services Agreement, which were adopted by the Board of Chosen Freeholders on April 19, 2012, as memorialized in Resolution No. 17; and

WHEREAS, the Township Solicitor has reviewed said amendments and has advised that they are acceptable as to form;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that it hereby approves and authorizes the amendments to the Shared Services Agreement for access to and use of the County's armored vehicle attached hereto as Exhibit "A"; and

BE IT FURTHER RESOLVED that the Honorable Phyllis Magazzu, Mayor of the Township of Berlin, is hereby authorized to execute any and all documentation necessary to effectuate the acceptance of said amendments.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-119. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-120 GRANTING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES.

WHEREAS, the following persons, corporations and individuals have filed applications with the Township of Berlin, County of Camden, New Jersey, for the renewal of their Plenary Retail Consumption License for the year commencing July 1, 2012 and ending June 30, 2013;

CONTROL NUMBER	NAME	T/A
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

JUNE 25, 2012

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
0406-33-005-012	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, 2012 and ending June 30, 2013.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2012-120. Resolution adopted by call of the roll, five members present voting in the affirmative.

Councilman Epifanio abstained from voting on Filomena II
Council President Morris abstained from voting on Sahara Sams Oasis

RESOLUTION 2012-121 GRANTING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE.

WHEREAS, the following persons, corporations and individuals have filed applications with the Township of Berlin, County of Camden, New Jersey, for the renewal of their Plenary Retail Distribution License for the year commencing July 1, 2012 and ending June 30, 2013;

<u>CONTROL NUMBER</u>	<u>NAME</u>	<u>T/A</u>
------------------------------	--------------------	-------------------

JUNE 25, 2012

0406-44-002-005

BZBL, Inc.
Rte. 73 and Minck Ave.
W. Berlin, NJ 08091

The Wine Shop

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the license be and is hereby granted renewal of Plenary Retail Distribution License and the Township Clerk is hereby authorized and directed to issue the new license for the year commencing July 1, 2012 and ending June 30, 2013.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-121. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-122 GRANTING RENEWAL OF CLUB LICENSE.

WHEREAS, the following persons, corporations and individuals have filed applications with the Township of Berlin, County of Camden, New Jersey, for the renewal of their Club License for the year commencing July 1, 2012 and ending June 30, 2013;

CONTROL NUMBER	NAME	T/A
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, 2012 and ending June 30, 2013.

JUNE 25, 2012

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-122. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012- 123 RESOLUTION CONFIRMING THE MAYOR IN SIGNING THE AGREEMENT WITH ATLANTIC CITY ELECTRIC FOR THE STREET SCAPE PROJECT.

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized and directed to sign an agreement with Atlantic City Electric for the purchase of forty-one street lights to be placed on Walker Avenue and Haddon Avenue in the amount of \$292,838.78.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-123. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012- 124 RESOLUTION OF THE TOWNSHIP OF BERLIN REQUESTING A SEWER CONNECTION IN VOORHEES TOWNSHIP FOR BLOCK 278, LOT 14, FOR MR. AND MRS. ZENON SWITENKO, 13 LAFAYETTE AVENUE, VOORHEES TOWNSHIP, CAMDEN COUNTY, NJ

WHEREAS, the Governing Body of the Township of Berlin recently adopted a Resolution restricting the issuance of sewer connection permits to property owners outside of the Township of Berlin; and

WHEREAS, Mr. and Mrs.Zenon Switenko owner of property located at 13 Lafayette Avenue in Voorhees Township, Block 278, Lots 14, request the last residential sewer connection permit; and

WHEREAS, the owner will paid the Township of Berlin a sewer connection fee of \$2670.00: and

WHEREAS, Mr.and Mrs.Zenon Switenko will make arrangements with a private plumber to obtain the necessary sewer connection permits.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Governing Body of the Township of Berlin, that Mr. and Mrs. Zenon Switenko be granted one the last residential sewer connection permits for the property currently known as 13 Lafayette Avenue, Voorhees Township, Block 278, Lot 14.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-124. Resolution adopted by call of the roll, five members present voting in the affirmative.

JUNE 25, 2012

RESOLUTION 2012-125 RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHTS-OF-WAY USE AGREEMENT WITH SUNESYS, LLC FOR THE INSTALLATION OF TELECOMMUNICATIONS (FIBER OPTICS) CABLE FACILITIES AND EQUIPMENT ON EXISTING UTILITY POLES WITHIN THE TOWNSHIP OF BERLIN.

WHEREAS, The Township of Berlin (“Township”), is a public entity organized under the laws of the State of New Jersey; and

WHEREAS, Sunesys, LLC (“Sunesys”) is a Delaware limited liability company which has requested permission to install telecommunications (fiber optics) cable facilities and equipment on or in existing telephone, electric or cable conduit and poles in the public rights-of-way within the Township; and

WHEREAS, the Township is authorized to grant such permission pursuant to N.J.S.A. 48:17-10 to -12; and

WHEREAS, Sunesys has agreed to pay the Township an application fee in the amount of \$1,500.00, and an occupancy fee in the amount of \$250.00 per mile; and

WHEREAS, this Resolution is necessary to grant the required permission;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that it hereby approves the Rights-of-Way Use Agreement with Sunesys, LLC attached hereto as Exhibit “A”; and,

BE IT FURTHER RESOLVED that the Honorable Phyllis Magazzu, Mayor of the Township of Berlin, is hereby authorized to execute the aforesaid agreement.

Motion by Councilman McIntosh, second by Councilman Epifanio to adopt Resolution 2012-125. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-126 RESOLUTION SUPPORTING THE INCLUSION OF THE TAB GROUP /TAB SHREDDING INC. LOCATED BLOCK 2302, LOT 1, IN THE CAMDEN COUNTY SOLID WASTE MANAGEMENT PLAN.

WHEREAS, Township of Berlin has been made aware that the Tab Group, Tab Shredding, Inc. located at 341 Cooper Road West Berlin New Jersey wishes to construct and or Operate a recycling facility within the Township of Berlin: and

JUNE 25, 2012

WHEREAS, this facility is located at Block 2302, lot1, and has been operating in the Township of Berlin since 1985 in services such as high grade waste paper and cardboard, confidential records, plastics and metals; and

WHEREAS, the Tab Group would like to add to their operations an E-Waste division, covering the recycling and de-manufacturing of computers, cell phones, copiers and all types of recycling equipment; and

WHEREAS, the above facility is acceptable to this Governing Body,

NOW THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Township of Berlin does hereby support the inclusion of the Tab Group recycling facility in the Camden County Solid Waste Management Plan.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-126. Resolution adopted by call of the roll, four members present voting in the affirmative, **Councilman McIntosh abstained.**

RESOLUTION 2012-127 LIST OF UNCOLLECTIBLE TAXES.

To the Mayor and Council to the Township of Berlin:

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

Dated June 1, 2012
Diane Zoppel, CTC - Tax Collector

NAME	DESCRIPTION	YEAR	AMOUNT	REASON
Rosalie Nicoletto	301-1.01	2012	250.00	Senior Citizen
Frank Adair	614-3.02	2012	250.00	Senior Citizen
Louise DiMedio	804-4	2012	250.00	Senior Citizen
William Ioven	805-1	2012	250.00	Senior Citizen
Dennis Zombek	1301-13	2012	250.00	Senior Citizen
Ester Edwards	1412-10	2012	250.00	Senior Citizen
Jerome McIntosh	1904-12	2012	250.00	Senior Citizen

\$ 1,750.00 TOTAL to Aug/Nov 2012

JUNE 25, 2012

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-127. Resolution adopted by call of the roll, four members present voting in the affirmative, **Councilman McIntosh abstained.**

RESOLUTION 2012-128 PAYMENT OF BILLS JUNE

Resolution 2012-128

Payment of Bills - June 25, 2012

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.

TO	ACCOUNT		AMOUNT
Robert DePersia, III, Esq.	Mun Public Defender Trust	\$	450.00
Camden County Animal Shelter	Dog Trust		552.00
Treasurer, State of NJ	Dog Trust		8.40
Walmart	Dog Trust		3.67

CONFIRMING

Various Current Fund, Sewer Operating Fund and General Capital Fund Checks	(See Bill List attached dated 5/30/12)	\$	1,012,037.97
Animal Care Equipment & Services LLC	Dog Trust		145.07
	Dog Trust		331.91
Camden County Animal Shelter	Dog Trust		552.00
Camden County Dept of Health	Dog Trust		6,020.77
Treasurer, State of NJ	Dog Trust		41.40
Walmart	Dog Trust		81.39
Camden County Clerk's Office	Berlin Twp Rehab Loan Fund		11.00
	Berlin Twp Rehab Loan Fund		11.00
Carlamere & Rowan	Planning Board Escrow #286		110.00
	Planning Board Escrow #286		95.00
	Planning Board Escrow #286		75.00
Marrazzo & Platt, PC	Planning Board Escrow #208		209.00
	Planning Board Escrow #208		551.50

JUNE 25, 2012

Robert E. DePersia, II, Esq	Mun Public Defender Trust	375.00
	Mun Public Defender Trust	300.00
America On Line	2-01-31-443-2077	32.90
Verizon Communications	2-01-20-120-2105	140.63
Verizon Communications	2-01-31-443-2077	99.99
Quinn Flags	2-01-26-310-2024	331.90
State of NJ Health Benefits	2-01-23-220-2092	55,383.64
State of NJ Health Benefits	2-01-23-220-2092	25,815.98
Ameriflex	Flex Claims Account	75.00
S & H Electric	2-01-26-310-2024	375.00
	2-07-55-502-2026	300.00
Verizon Communications	2-01-31-443-2077	99.99
America On Line	2-01-31-443-2077	34.99
Verizon Communications	2-01-20-120-2105	140.63
State of NJ Health Benefits	2-01-23-220-2092	54,762.48
State of NJ Health Benefits	2-01-23-220-2092	25,135.33
Verizon Communications	2-01-31-443-2077	99.99
Eugene Jensen	2-01-66-401-0000	400.00
Ameriflex	Flex Claims Account	75.00
Verizon Communications	2-01-31-443-2077	99.99
Township of Berlin Current Fund	Police Sick Leave Trust	19,271.18
	Planning Board Escrow	145.96
USPS Hassler	2-01-20-120-2022	2,000.00
Payroll, Current Fund	4/5/2012	52,539.02
Payroll, Sewer Operating Fund	4/5/2012	3,169.45
Payroll, Current Fund	4/12/2012	56,394.71
Payroll, Sewer Operating Fund	4/12/2012	3,500.00
Payroll, Current Fund	4/19/2012	54,395.30
Payroll, Sewer Operating Fund	4/19/2012	3,223.45
Payroll, Current Fund	4/26/2012	70,488.17
Payroll, Sewer Operating Fund	4/26/2012	3,256.84
Payroll, Current Fund	5/3/2012	56,936.17
Payroll, Sewer Operating Fund	5/3/2012	3,418.85
Payroll, Current Fund	5/10/2012	53,924.75
Payroll, Sewer Operating Fund	5/10/2012	3,168.12
Payroll, Current Fund	5/17/2012	55,397.58
Payroll, Sewer Operating Fund	5/17/2012	3,156.92
Payroll, Current Fund	5/24/2012	57,843.30
Payroll, Sewer Operating Fund	5/24/2012	3,190.96
Payroll, Current Fund	5/31/2012	75,487.89
Payroll, Sewer Operating Fund	5/31/2012	3,383.62

JUNE 25, 2012

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-128. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-129 RESOLUTION AUTHORIZING TRANSFER 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 2011/2012 Budget Appropriations be made as follows:

CURRENT FUND

	<u>ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Inside Caps:			
Salaries and Wages:			
Township Clerk	20-110-1		\$5000.00
Engineering	20-165-1	\$30,000.00	
Police	25-240-1		7,000.00
Accumulated Leave Compensation	30-415-1		26,000.00
Other Expenses:			
Mayor and Council	20-110-2		2,000.00
Township Clerk	20-120-2		
8,000.00			
Audit Services	20-135-2		5,000.00
Tax Assessment Administration	20-150-2	2,000.00	
Legal Services and Costs	20-155-2		5,000.00
Engineering Services and Costs	20-165-2		3,000.00
Liability Insurance	23-210-2	10,000.00	
Workers Compensation Insurance	23-215-2	10,000.00	
Police	25-240-2	30,000.00	
Street and Road Maintenance	26-290-2		15,000.00
Solid Waste Collection	26-305-2		5,000.00
Buildings and Grounds	26-310-2		5,000.00
Maintenance of Parks	26-375-2		3,000.00
Municipal Library	29-390-2		1,000.00
Electricity and Natural Gas	31-430-2	10,000.00	

JUNE 25, 2012

Telecommunication Charges	31-433-2	1,000.00
Water	31-445-2	1,000.00
		<hr/>
Totals		\$ 92,000.00 \$ 92,000.00

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-129. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-130 RESOLUTION ESTABLISHING POLICY AND PROCEDURES REGARDING POST ISSUANCE COMPLIANCE OF FEDERAL TAX REQUIREMENTS REGARDING TAX EXEMPT DEBT ISSUANCES.

WHEREAS, the Internal Revenue Service is now requiring issuers of tax exempt obligations to have adequate policies and procedures to monitor the arbitrage requirements and non-qualified issuer requirements: and

WHEREAS, the Township of Berlin is subject to these requirements since the Township issues annually, tax exempt obligations: and

WHEREAS, the Mayor and Council of the Township of Berlin wishes to fully comply with the requirements established by the Internal Revenue Service.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the procedures on file with the Chief Financial Officer and hereby attached be established and followed for each tax exempt issuance from the date of this resolution forward.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-130. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-131 APPOINTMENT OF TAX ASSESSOR.

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that **ANTHONY J. COLAVECCHIO** be appointed Tax Assessor for the Township of Berlin.

BE IT ALSO RESOLVED by the Mayor and Council of the Township of Berlin that **ANTHONY J. COLAVECCHIO** has served as Tax Assessor for the Township of Berlin for four consecutive years and shall be granted tenure of office upon filing with the Township Clerks office and the Division of Local Government Services a notification evidencing his compliance with said statute.

JUNE 25, 2012

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-131. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-132 RESOLUTION AUTHORIZING AND APPROVING DEVELOPERS'S AGREEMENT BETWEEN THE TOWNSHIP OF BERLIN AND WAL-MART REAL ESTATE BUSINESS TRUST.

WHEREAS, Wal-Mart Real Estate Business Trust has received approval from the Berlin Township Planning Board for the Wal-Mart Expansion Project; and

WHEREAS, in order to obligate Wal-Mart regarding the Planning Board approvals a Developers Agreement is necessary; and

WHEREAS, a Developers Agreement has been submitted by Wal-Mart and has been reviewed by the Township Solicitor and Township Auditor, attached hereto as Exhibit "A"; and,

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Developers Agreement with Wal-Mart Real Estate Business Trust a is hereby approved and authorized

BE IT FURTHER RESOLVED that the Mayor of the Township of Berlin is hereby authorized the execution of the Developers Agreement on behalf of the Township.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-132. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-133 RESOLUTION AUTHORIZING THE CANCELLATION OF CERTAIN 2011 / 2012 CURRENT FUND BUDGET APPROPRIATION BALANCES.

WHEREAS, the following Current Fund budget appropriation balance remains unexpended, due to a difference between the employer obligations for pensions, which was not determined by the State, until after our budget adoption:

	<u>ACCOUNT</u>	<u>AMOUNT</u>
Police and Firemen's Retirement System	36-475	\$141,522.00

WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance may be credited to Surplus;

JUNE 25, 2012

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, that the above listed unexpended balance in the Current Fund be cancelled.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-133. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-134 RESOLUTION CONFIRMING THE OFFICAL TAX SALE

**CONFIRMING RESOLUTION 2012-134
OF OFFICIAL TAX SALE**

N.J.S.A. 54:5-41

PURSUANT to New Jersey State Statute, following is a listing of the results of the official Berlin Township Tax Sale held on June 20, 2012 at 10:00 AM of that day in Berlin Township Court Room:

BLOCK	LOT	Qualif	PURCHASER	% BID or PREMIUM	TOTAL
202	1		US BANK CUST FOR PRO CAPITAL I LLC	\$100.00	930.84
213	5		L. FRIEDEMANN	0	421.54
216	1		US BANK CUST FOR CRESTAR CAPITAL LLC	\$3,300.00	1804.13
216	4		US BANK CUST FOR CRESTAR CAPITAL LLC	\$6,100.00	10467.34
601	1		US BANK CUST FOR CRESTAR CAPITAL LLC	18%	133.44
601	20		GARDEN STATE INVESTMENT	\$600.00	1700.68
614	1		FNA JERSEY LIEN SERVICES LLC	\$1,000.00	2840.54
616	1,2		US BANK CUST FOR PRO CAPITAL I LLC	0	534.28
702	12		US BANK CUST FOR PRO CAPITAL I LLC	2%	421.05
801	4		US BANK CUST FOR CRESTAR CAPITAL LLC	\$3,700.00	3839.33
804	11		US BANK CUST FOR CRESTAR CAPITAL LLC	\$6,100.00	5315.33
804	18		L. FRIEDEMANN	0	385.43
810	3		US BANK CUST FOR PRO CAPITAL I LLC	\$100.00	421.54
820	1.05		US BANK CUST FOR CRESTAR CAPITAL LLC	\$3,800.00	1583.27
821	5		FNA JERSEY LIEN SERVICES LLC	\$1,900.00	814.05
903	10.01 &	10.03	US BANK CUST FOR CRESTAR CAPITAL LLC	\$32,500.00	88402.35
903	10.02		US BANK CUST FOR CRESTAR CAPITAL LLC	\$8,000.00	4937.81
1002	9/8.B		GARDEN STATE INVESTMENT	18%	12944.59
1201	9		US BANK CUST FOR CRESTAR CAPITAL LLC	\$38,000.00	18584.73
1203	51	C0004	INDEPENDENT INVESTORS	\$3,600.00	1847.57
1405	4		US BANK CUST FOR TOWER DBW II	\$1,900.00	768.17

JUNE 25, 2012

1405	7,15		US BANK CUST FOR CRESTAR CAPITAL LLC	\$25,000.00	10784.07
1411	4		US BANK CUST FOR CRESTAR CAPITAL LLC	\$3,300.00	1580.97
1411	7		GARDEN STATE INVESTMENT	\$600.00	1783.64
1412	2		US BANK CUST FOR PRO CAPITAL I LLC	\$600.00	3919.93
1412	5		US BANK CUST FOR CRESTAR CAPITAL LLC	\$2,300.00	1869.33
1412	14		US BANK CUST FOR PRO CAPITAL I LLC	14%	6633.93
1412	15		TWP OF BERLIN	18%	711.34
1412	18		US BANK CUST FOR CRESTAR CAPITAL LLC	\$2,100.00	1562.50
1412	20		TWP OF BERLIN	18%	491.16
1414	3		US BANK CUST FOR PRO CAPITAL I LLC	0	521.25
1501	1		TWP OF BERLIN	18%	168979.67
1803	19		US BANK CUST FOR CRESTAR CAPITAL LLC	\$6,900.00	7489.83
1805	9		INDEPENDENT INVESTORS	\$5,700.00	7537.03
1814	7		US BANK CUST FOR PRO CAPITAL I LLC	\$2,300.00	1265.37
1814	14		TWP OF BERLIN	18%	220.33
1814	20		US BANK CUST FOR PRO CAPITAL I LLC	0	421.54
1815	12,13,14		TWP OF BERLIN	18%	1601.43
1816	2		SUNSHINE STAE CERTIFICATE IV	0	3373.36
1816	6		US BANK CUST FOR PRO CAPITAL I LLC	2%	1080.86
1818	17		US BANK CUST FOR CRESTAR CAPITAL LLC	\$2,000.00	1421.45
1902	11.02		US BANK CUST FOR CRESTAR CAPITAL LLC	\$2,200.00	1273.81
1903	3.02		GARDEN STATE INVESTMENT	\$4,600.00	3343.62
1904	10		GARDEN STATE INVESTMENT	\$2,100.00	2188.32
1904	15	C0201	GARDEN STATE INVESTMENT	\$3,900.00	2350.57
1906	2.02		US BANK CUST FOR CRESTAR CAPITAL LLC	\$4,600.00	3833.11
1907	1-6/8-9		TWP OF BERLIN	18%	6075.21
2301	11	C0001	INDEPENDENT INVESTORS	\$900.00	2984.22
2502	7.01	C0003	US BANK CUST FOR CRESTAR CAPITAL LLC	\$35,600.00	14327.61
				TOTAL	418723.47
				PREMIUMS @ \$	
				215,400.00	

DIANE MACRI-ZOPPEL, CTC

C E R T I F I C A T I O N

I, Catherine Underwood, do hereby certify that this is a true and correct copy of a resolution approved by the Governing the Governing Body of the Township of Berlin.

JUNE 25, 2012

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2012-134. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-135 AWARDED A CONTRACT FOR HILL AVENUE
STORM DRAINAGE IMPROVEMENTS IN THE TOWNSHIP OF BERLIN.**

WHEREAS, the Township of Berlin has advertised for, and received bids for the purpose of Storm Drainage Improvements for Hill Avenue on June 22, 2012 in accordance with the Local Public Contract Law; and

WHEREAS, in, the bid specifications, the Governing Body reserved the right to waive any non-conformity in respect to the bid specifications; and

WHEREAS, the bid specification included a bid submission contingency of 10% of the construction cost of the project; and

WHEREAS, the Mayor and Council of the Township of Berlin hereby waives the 10% bid construction cost contingent; and

WHEREAS, DSC Construction Inc., 308 Lexington Avenue, Bayville, New Jersey is the lowest qualified bidder for the project in the amount of, \$278,096.00; and

WHEREAS, the Township Engineer has recommended by letter, that the Township award DSC Construction Inc., the contract for the Hill Avenue Storm Drainage Improvements Project.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that DSC Construction Inc. is hereby awarded the Hill Avenue Storm Drainage Improvements Project and the Mayor is hereby authorized to execute a contract and any other necessary documents with DSC Construction Inc., subject to the Township Solicitors review and approval and conditional upon the following:

1. That a certificate has been received from the Municipal Treasurer stating that funds are available for this Contract.
2. That all funds for this Contract shall be charged to _____(Budget Account Number or Ordinance Number).
3. That the bid documents and bidding procedures have been reviewed and approved by the Township Solicitor
4. That the bid documents, bidding procedures and award of contract be reviewed and approved by the Camden County Community Development Block Grant Program.

JUNE 25, 2012

5. That the presiding officer of this body be and is hereby directed to sign for and on its behalf the Contract for said services.

6. That the clerk of this body be and is hereby directed to seal said Contract with the corporate seal of this body and attest to the same.

7. This Resolution hereby authorizes the Mayor and Clerk to endorse the Contract document.

Public Hearing

Motion by Council President Morris, second by Councilwoman Bodanza to open public hearing. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public his comments and concerns.

Mr. James DiNatale, President of Site Enterprises Inc. had formally submitted by a letter protesting the bid submitted by DSC Construction stating that the bid failed to include the 10% contingencies item in their bid totals thus rendering their bid incomplete, so the bid should be considered as an unresponsive bid. Mr. John Wade spoke to Mayor and Council of his concerns.

No more comments were to be heard.

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

Township Solicitor Stuart Platt stated that under the local Public Contract law there are certain conditions to the law that can be waived and then there are others that can be fatal like not submitted a bid bond or surety. This in fact is a condition that can be waived and DSC Construction has met all of the other requirements in the bid. It is my opinion that the Governing body can waive this contingency and award the contract if they choose to do so.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-135. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-136 RESOLUTION APPROVING THE CONTRACT AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT BETWEEN THE TOWNSHIP OF BERLIN AND THE BERLIN TOWNSHIP PUBLIC WORKS DEPARTMENT

WHEREAS, there exists a need for a contractual understanding of employment services to be rendered to the Township of Berlin by the Berlin Township Public Works Department; and

JUNE 25, 2012

WHEREAS, negotiations for such a contractual understanding were undertaken and completed between representatives from the Township of Berlin and the Berlin Township Public Works Department; and

WHEREAS, the terms and conditions of said contractual understanding are incorporated into a written document identified as the Contract between the Township of Berlin and the Berlin Township Public Works Department as herein above described, be approved subject to review by the Solicitor.

BE IT FURTHER RESOLVED, that the appropriate Township Officials be authorized to sign and execute said contract for the period of January 1, 2012 to December 31, 2012.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-136. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-137 AUTHORIZING THE MAYOR IN ENDORSING THE N.J.D.O.T. 2012 TRANSPORTATION ENHANCEMENT PROGRAM APPLICATION SUBMISSION

WHEREAS, the Township of Berlin desires to submit an application to the N.J.D.O.T 2012 Transportation Enhancement program for the beautification of N.J.S.H. Route 73 at the Shared Services Municipal Building; and

BE IT RESOLVED, that the Mayor and Council of the Township of Berlin formally approves the application submission for the 2012 Transportation Enhancement Program; and

BE IT FURTHER RESOLVED, that the Mayor of the Township of Berlin is authorized to sign the application and any other respective documentation.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-137. Resolution adopted by call of the roll, five members present voting in the affirmative.

Approval of Business Licenses

- 1) Marcelo's Auto Body, Marcelo A. Galligani**, 45 Haddon Avenue, West Berlin. Auto Body repairing and painting shop.
- 2) Thosani Inc., Jitendra H Thosani**, 150 Cooper Road Building E12, West Berlin. Supply after market electronic sub-assembly to department of defense.

JUNE 25, 2012

3) Pineapple Restaurant Inc., Jian F.Lin. 439 North Route 73 West Berlin .Asian Restaurant owner serving food.

4) Bluewire Media, Steve M.Acito. 432 Kelly Drive, Suite C, West Berlin. Advertising Agency.

5) Bruno Designs, Joseph R. Bruno. 447 Commerce Lane, West Berlin. Car audio and mobile electronic sales and installation services.

6) Buy N Sell It All & KC Embroidery, Cliff Richards 420 Commerce Lane Suite 4, West Berlin . Retail Thrift Shop Selling Household Items.

7) American Gutter Guards LLC, Matthew J. Golonka. 424 Commerce Lane West Berlin, Suite 6. Gutter Service.

8) Ben Franklin Plumbing, James Devine 430 Commerce Lane Unit D-2. Plumbing business and Services.

9) Darowe Corp DBA Majestic Home Remodeling, Wisam Emachah.575 Route 73 North Suite C-3. Home remodeling, windows, doors and siding.

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

Approval for Animal Permit

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

Mr. Williams stated that he has contacted all of his neighbors and advertised as stated per the ordinance.

Mayor Magazzu asked if anyone from the public was here in regards to the Animal Permit (6 chickens).

Mr. Ron Schon, 350 Blaine stated that he lives across the street and that would not know that he has chickens, you don't hear anything from them.

Motion by Council President Morris, second by Councilwoman Bodanza to approve Animal Permit. Animal Permit approved by call of the roll, five members present voting in the affirmative.

Approval of Minutes for May 14, 2012

JUNE 25, 2012

Motion by Councilman McIntosh, second by Councilman Epifanio to approve the minutes for May 14, 2012. Motion carried by voice vote, five present voting in the affirmative.

Approval of Closed Session Minutes for May 14, 2012

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve the minutes for May 14, 2012. Motion carried by voice vote, five present voting in the affirmative

Consent Agenda

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

Correspondence Calendar for May 2012

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

All Other Business

Councilwoman Bodanza gave an update of the 4th of July event and stated that the parade will begin at 9:00 and the West Berlin Fire Station and proceed to the Berlin Park where they will have festivities throughout the day. Fireworks will begin at dusk.

Mayor Magazzu thanked the Leo and Lions Club for there donations of 5 weeping Cherry Trees that they help plant on Haddon Avenue. Thank you!

Mayor Magazzu also commented the Township is planning to have a community Yard Sale Event in the Fall and will keep everyone informed as we get closer to the date.

Public Portion

Motion by Councilman Epifanio, second by Council President 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.

JUNE 25, 2012

Mr. Zenon Switenko, 13 Lafayette, Voorhees Township has stated that Voorhees Township has changed his lot and block number and asked the Township Clerk and Tax Office to make the appropriate changes.

Richard Oliver, 312 Minick Avenue stated that he was here 2 months ago about the cars speeding down Minick Avenue and wanted to see what the town was doing with the speeding issue.

Township Engineer remarked that there is a national standard that would apply for the placement of multi traffic sign (MUTCA). The Engineer stated that a study would need to be done to see if it warrants a multi traffic stop sign. Which would consist of traffic count for an 8 hour period along other document like any traffic accidents that have occurred on Minick Avenue. Those results would determine if we can put up the sign. If we meet the standard from the MUTCA then we could proceed from that point with the sign.

Richard asked if there was more traffic on the 4 way stop sign Harrison Avenue then on Minick.

Engineer responded that he did not do a traffic count on that intersection to answer that.

Chief of Police replied that his department monitored the intersection with radar and police vehicles.

Mayor Magazzu commented to proceed with the traffic study and collect all the necessary documents to be submitted.

Motion by Council President Morris, second by Councilwoman Bodanza to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public.

Adjourn

Motion by Councilman McIntosh, second by Council President Morris to adjourn the meeting at 7:23 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 7:23 pm

Catherine Underwood, Township Clerk

JUNE 25, 2012