

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL AUGUST 6, 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, Councilman Epifanio, Councilman McIntosh, Councilwoman Bodanza, Mayor Magazzu

Also Present- Solicitor, Stuart Platt, Lieutenant Lenny Check, CFO, Lori Campisano

Absent- Maintenance Officer, Josh Shellenberger.

Departmental Reports

ENGINEERS REPORT

A. CHANGE ORDERS AND VOUCHERS

1. I recommend that the Governing Body consider approving Change Order Number 1, which increases the quantity for the gabions item.

B. RESOLUTION FOR CONSIDERATION

1. Improvements to Hill Avenue Storm Drainage - approving Change Order Number 1.
2. Authorize the Planning Board to research the possible zoning redesignation of additional lots, within the Pinelands Area and authorize our office to research the matter and prepare report to the Planning Board.
3. Conditionally authorize the connection of the High Point 2 residential development in Voorhees Township, to the Berlin Township sewer collection system and for the Township to enter into an intermunicipal services agreement for said connection with Voorhees Township and the developer.

4. Authorize the release of the performance guaranty for Anthony Pinto, A. T. & T., 330 N. Route 73 with conditions.

C. ENGINEER'S REPORT

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

The contractor for Atlantic City Electric, Kline Construction, is expected to commence with the installation of the decorative post mounted street lights on July 30, 2012. They are expected to start at Jefferson Avenue and work towards Lucas Avenue (at Walker Avenue).

Command Company, Inc., the streetscape contractor, is expected to commence with the construction of the brick paver and concrete sidewalk in the beginning of August, 2012.

We had altered the sidewalk design along Berlin Eye Care and Keller's Auto Repair to accommodate the future widening of Haddon Avenue, under the County project for the improvements to the intersection of Haddon and Franklin Avenues.

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

The Pre-construction meeting was held on July 26, 2012. The anticipated commencement date is in the beginning of August, 2012. I have requested that the Governing Body consider approving Change Order Number 1, which would increase the quantity for Item No. 27, Gabions to the correct amount for construction.

3. 2012 STREET IMPROVEMENT PROGRAM

We are still 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

We have requested that the application be withdrawn due to difficulties with obtaining the necessary easements and conflicts with existing improvements.

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

We will be requesting a meeting with the recently appointed school superintendent to discuss the application and request their support for the project. We expect to submit application to the N.J.D.O.T., at the end of the year.

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)

We must close out this project and submit for N.J.D.O.T. reimbursement, in the immediate future. I must resolve the issuance of a multi-year maintenance guarantee with the contractor.

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.

The next round of funding will be allotted in the Spring of 2013.

I recommend that a project be selected, letters of support be prepared and the application be submitted to the County by the end of this year.

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

The Pinelands Commission has approved Ordinance no. 2012-1. We must revise the Zoning Map to reflect the changes in the zoning districts.

There is no mention in the approving Pinelands Resolution No. PC4-12-25 of requiring the construction of sanitary sewer to service the affected lots. I would imagine that this matter will rise to the attention of all when the first owner applies to connect to the sanitary sewer collection system.

9. REQUEST FOR ADDITIONAL REDESIGNATION OF OTHER PINELANDS AREAS

Now that The Pinelands Commission has approved the initial request for redesignation. I recommend that the Governing Body authorize our office to prepare the listing of lots and supporting documentation for the redesignation of zoning for other lots, within the Pinelands area. Once our recommendation report has been completed, we would submit it to the Planning Board for their review, comments and, hopeful, recommendation to the Governing Body.

10. REQUEST FOR ADDITIONAL SEWER ALLOCATION

Mayor Magazzu and I have met with Mr. Kricun, P.E., C.C.M.U.A. Executive Director and Chief Engineer. Mr. Kricun had informed us that the upgrade to their system is under construction and is expected to be completed in the Fall of 2013. He has stated that the C.C.M.U.A. will fully endorse Treatment Works Approval applications for developments in Berlin Township, up to the requested allocation of 1,025,000 gpd, when construction for the C.C.M.U.A. project has been completed.

Mr. Kricun has noted that the C.C.M.U.A. is able to provide “dry” sewer endorsements, under the increased allocation amount, conditional upon the completion of the upgrade project. He also noted that, on a case-by-case basis, the C.C.M.U.A. may be able to approve some “wet” endorsements, under certain conditions.

11. REQUEST TO CONNECT HIGHPOINT 2 DEVELOPMENT TO THE TOWNSHIP SANITARY SEWER COLLECTION SYSTEM

Representatives of Paparone, developer for the High Point 2 residential developer, within Voorhees Township, has continued to request that the Governing Body allow the proposed 49 dwelling development to connect to the Berlin Township sanitary sewer collection system, which will allow for gravity flow in lieu of construction of a pumping station and force main.

The Township has previously approved this connection but the agreement has expired. Therefore, it would be necessary, if acceptable to the Governing Body, to enter into an agreement with the developer and Voorhees Township for said collection and conveyance of the 14,700 gpd flow. Any consideration for the connection of this development would be conditional upon the lifting

of the sewer connection ban for the development, the C.C.M.U.A. increasing the allocation for the Township (which is dependent upon the completion of the C.C.M.U.A. upgrade project) and the developer paying the necessary, respective fees and reimbursement for costs, incurred by the Township.

The developer has informed me that they will be attending the Council Meeting, on August 6, 2012, to discuss any issues and/or answer any questions from the Governing Body.

12.N.J.D.E.P. REDUCTION OF THE SEWER SERVICE AREA

In, April, 2011, we had requested that the N.J.D.E.P. amend the draft Sewer Service Area map to include certain parcels, which were to be excluded from being able to be serviced by public sanitary sewer. We had, also, contacted the affected property owners so that they could respond to the N.J.D.E.P.

I have received a letter from the N.J.D.E.P., dated July 16, 2012, where they have determined which parcels could continue to be included within the Sewer Service Area. They have excluded part of the Montebello development, which I believe is in error, proposed Pinedge III development, existing vacant parcels within the Pinedge business park, Dandrea parcel on Cooper Road, Berger parcel at the corner of Cooper Road and Edgewood Avenue and adjacent parcels to the Berger parcel.

13.MUNICIPAL BUILDING

a. HVAC System

No update.

b. Free Standing Monument Sign

The LED sign has been connected to electric. We are awaiting the connection to the cable jack to complete the installation of the sign

As directed by Mayor Magazzu, I must obtain a price from a contractor for the installation of the brick facing on the planter box.

c. Separation of the Security and Surveillance Systems

I am still trying to obtain a 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 have submitted an application for funding for landscaping and irrigation for the front yard of the Municipal Building, under the Beautification category in the Transportation Enhancement Program.

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.

14. 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. has removed the beavers from the site and eliminated 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.

15.NO PASSING ZONE ALONG COOPER ROAD

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

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

At the Council Meeting on June 25, 2012, it was discussed that traffic counts would be performed in the summer and after the commencement of the school year.

17. REQUEST FOR RELEASE OF PERFORMANCE GUARANTY ANTHONY PINTO, A.T. & T. STORE, 330 N. ROUTE 73

The applicant has completed all site improvements, excepting for improvements to site lighting. I recommend that the Governing Body consider releasing the performance guaranty, conditional upon the posting of a guarantee for the remaining site lighting and the posting of the maintenance guaranty.

18. 2012 CLEAN WATER NEEDS SURVEY

The N.J.D.E.P. is requesting that all municipalities within the State, submit any existing or new infrastructure improvement needs, for the next 20 years, for sanitary sewer and storm water. The deadline date, for the submission of this information, has been extended to August 31, 2012.

The inclusion of the Township's needs information in the State's Needs Survey is critical since the State share of Federal funding is based on these results.

I strongly suggest that the Needs Survey be submitted. I will provide any assistance, which is determined to be necessary.

D. PUBLIC WORKS DEPARTMENT

1. TRASH TRUCKS

Several of the trash/ recycling trucks have broken down and have needed extensive repairs. Lindenwold and Berlin Boroughs have allowed us to use their trash trucks, over the past few weeks, while our trucks are being rebuilt/repared. Due to the age and use of the trash trucks, it is necessary to replace the trash trucks.

We will be preparing bid documents for a new trash truck with options for trading in one of the existing trash trucks.

2. 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.

3. 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.

4. 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.

5. 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 before the end of this year.

6. SUMMER TASKS

At this time, we have hired one individual for temporary summer employment, which is one of the individuals, which was laid off from our department. We have received applications from other candidates, but have not hired anyone, at this time.

7. COUNTY-WIDE SOLID WASTE DISPOSAL

I believe that the County is still scheduled to receive bids on August 2, 2012 and will be submitting the bid results to all participating municipalities.

It will be necessary for the Township to enter into a contract with the lowest responsible bidder for commencement on January 1, 2013.

8. 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.

9. EMPLOYEE CONTRACT FOR THE DEPARTMENT

The Contract for 2012 has been signed by both parties.

E. SHARED ENGINEERING SERVICES

1. ENGINEERING SERVICES WITH SOMERDALE BOROUGH

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

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

SOLICITORS REPORT

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Clarification of Lateral Utility Lines
5. Police Operating Procedures
6. Wal-Mart Expansion Project
7. Berlin Township ADS. Estate of Raj Kumar Chopra
8. Berlin Township ADS. David Carp
9. Berlin Twp.ADS. Linda Fabrico
10. Mustafa Muhammad ADS. Berliin TWP Police Department

11. Berlin Twp. ADS. Abdul Mansary
12. Berlin Twp. ADS. Jennifer Vernacchio as Guardian Hannah Maslanka
13. Pineland Zone Changes
14. Open Public Records Act.
15. Fire Safety Ordinance.

POLICE DEPARTMENT

Lieutenant Lenny Check reported that they were not able to get the paper work in for the National Night Out and remarked that the Police department would like to do something at the next event like the Fall Festival or Halloween. Construction work on Franklin Avenue is completed the construction on Haddon Avenue was on going with no issues. Lt. Check stated that he had asked Command Construction to push back their start date so that Kline could finish up their job so that traffic is not jammed up on Haddon Avenue. He also report that an arrest was made on the air conditioning thefts in the Industrial Park.

SECOND READING AND PUBLIC HEARING 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”

WHEREAS, complaints have been received by residents regarding use of Lester Avenue by large vehicles with high vehicle weights; and

WHEREAS, the Governing Body discussed the residents’ concerns at the March 26, 2012 meeting of Mayor and Township Council and, as a result of said discussion, requested the Berlin Township Police Department investigate said complaints and furnish recommendations regarding same; and

WHEREAS, the Berlin Township Police Department conducted an investigation regarding the aforementioned complaints and the Chief of Police has made written recommendations regarding imposition of vehicle weight restrictions for traffic using Lester Avenue and Boyer Avenue, installation of traffic control signage for both streets and revisions to the traffic control provisions of §117-9.2 of the Code regarding street and highway construction and maintenance; and

WHEREAS, in accordance with the foregoing, the Mayor and Township Council have deemed it in the best interest of the public health, safety and welfare to amend Chapter 117 of the Code of the Township of Winslow entitled “Vehicles and Traffic.”

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 117-17 of the Code of the Township of Berlin, entitled “Vehicles over designated weight excluded from certain streets,” is hereby revised, amended and supplemented by adding the following:

<u>Name of Street</u>	<u>Weight</u>	<u>Location</u>
Lester Avenue	5 Ton	From Haddon Avenue to Pine Avenue
Boyer Avenue	5 Ton	From Haddon Avenue to First Avenue

SECTION 2. Upon the adoption of this Ordinance, “Local Traffic Only – No Thru Traffic” signs shall be posted in accordance with the Manual on Uniform Traffic Control Devices at the following locations:

- (1) On Lester Avenue at the intersection of Lester Avenue and Haddon Avenue, such sign to be visible to traffic on Haddon Avenue; and
- (2) On Boyer Avenue at the intersection of Boyer Avenue and Haddon Avenue, such sign to be visible to traffic on Haddon Avenue.

SECTION 3: Section 117-9.2 of the Code of the Township of Berlin, entitled “Traffic controls for street and highway construction and maintenance operation and adoption of Manual on Uniform Traffic Control Devices for Streets and Highways,” is hereby revised, amended and supplemented by deleting Subsection E and replacing it with the following:

- E.** Directing Traffic. Police Officers shall be posted at all construction or maintenance sites when determined by the Police Department that same is necessary to provide for the safe and expeditious movement of traffic.

SECTION 4: Except as set forth in Sections 1-6 above, the balance of Chapter 110 shall not be affected by this Ordinance.

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

SECTION 6: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

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

Motion by Council President Morris, second by Councilwoman Bodanza to open the meeting to the public. Motion carried by voice vote, all present voting in

favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2012-7.

No comments were to be heard.

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

Motion by Council President Morris second by Councilman Epifanio to adopt Ordinance 2012-7 Ordinance approved by call of the roll, five members present voting in the affirmative.

ORDINANCE 2012- 8 AMENDING ORDINANCE 2011-25 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 2011-25 on December 12, 2011 fixing and determining salary ranges for the officers and employees for the calendar year 2012; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary ranges for the calendar year 2012 effective January 1, 2012 as follows:

POSITIONSALARY RANGE.....	
	FROM	TO
Employees of Public Works Department hr.	\$ 15.00 per hr.	\$ 24.76 per
Temporary Public Works Employees hr.	0.00 per hr.	12.00 per

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary ranges for the calendar year 2012 effective July 1, 2012 as follows:

POSITIONSALARY RANGE.....	
	FROM	TO
Plumbing Inspector	\$ 5,000.00 per yr.	\$10,000.00 per yr.
Public Works/Engineering		
- Clerk Typist	26,000.00	31,000.00
- Clerk Typist (with Registrar Cert.)	26,000.00	31,000.00

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

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 2012-8.

No comments were to be heard.

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

Motion by Council President Morris second by Councilwoman Bodanza to adopt Ordinance 2012-8 Ordinance approved by call of the roll, five members present voting in the affirmative.

ORDINANCE 2012- 9 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 125 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED “WATER AND SEWER”

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Ordinance 2012-9 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012- 144 RESOLUTION TO ADOPT THE YEAR 34 COMMUNITY DEVELOPMENT GRANT AGREEMENT

WHEREAS, A Cooperative Agreement was heretofore entered into between the Township of Berlin and the County of Camden for the establishment of a cooperative means of conducting certain community development activities; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-4 et seq.) permits local units such as counties and municipalities to enter into agreements for the provision of joint services; and

WHEREAS, the County has achieved “Urban County” status in accordance with the requirements set forth in Title I of the Housing and Community Development Act of 1974, as amended and the Housing and Urban-Rural Recovery Act of 1983; and

WHEREAS, the County has entered into a Grant Agreement with the U.S. Department of Housing and Urban Development under Title I of the Housing and Community Development Act, as amended, for an Entitlement Grant; and

WHEREAS, this Grant is administered for the County by the County’s Community Development Office; and

WHEREAS, the Township of Name of Berlin has proposed certain activities to be carried out under the 34th Year Program: and

WHEREAS, the County has approved funding for eligible project(s) of the Township of Berlin from said grant and desires the Township of Berlin to undertake said project(s)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, that the Year 34 Municipal CDBG Grant Agreement be adopted between the Township of Berlin and the County of Camden, a copy of the Agreement which is attached thereof; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its enactment as provided by law.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2012-144. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012- 145 RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN AGREEMENT FOR SHARED SERVICES BETWEEN BERLIN TOWNSHIP AND WINSLOW TOWNSHIP FOR ANIMAL CONTROL SERVICES

WHEREAS, the Township of Berlin desires to Share Services by and between the Berlin Township and Winslow Township; and

WHEREAS, both Winslow Township and Berlin Township recognize the need to share animal control services in the event of the absence of their respective animal control officers; and

WHEREAS, the Township of Berlin has determined that a shared service agreement with Winslow Township would be beneficial to Winslow Township and Berlin Township.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the shared services agreement between Berlin Township and Winslow Township is hereby approved.

Motion by Councilman Epifanio, second by Council President Morris to adopt Resolution 2012-145. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-146 AUTHORIZING AND RATIFYING THE EXECUTION OF THAT CERTAIN DOCUMENT, ENTITLED "AMENDMENT TO DEED OF EASEMENT" AS REQUIRED BY AND IN FURTHERANCE OF THE POST-APPROVAL OBLIGATIONS OF WAL-MART REAL ESTATE BUSINESS TRUST REGARDING THE WAL-MART EXPANSION PROJECT

WHEREAS, on October 8, 2008, the Planning Board of the Township of Berlin granted Preliminary and Final Site Plan approval to Wal-Mart Real Estate Business Trust (“Wal-Mart”) for development plans to expand the existing Wal-Mart Retail Center located on the Existing Store Property (the “Expansion Project”), which approval was memorialized in a Resolution of Approval on November 25, 2008; and

WHEREAS, on August 4, 2009, the Planning Board re-voted to approve the Preliminary and Final Site Plan application for the Expansion Project, which approval was memorialized in a Resolution of Approval on August 4, 2009; and

WHEREAS, the aforementioned approvals and resolutions contained certain post-approval conditions which Wal-Mart is required to satisfy in furtherance of the Expansion Project; and

WHEREAS, as part of the aforementioned conditions of approval of the Expansion Project, Wal-Mart submitted to the Governing Body certain post-approval documents for review and approval by the Township Solicitor; and

WHEREAS, the Township Solicitor required changes to be made to said post-approval documents which changes were accepted, incorporated and made by Wal-Mart; and

WHEREAS, certain post-approval documents deemed necessary and/or made a condition of the approvals for the Expansion Project require the approval of the Governing Body and authorization of the Governing Body for execution thereof by the Mayor; and

WHEREAS, on June 27, 2012 the Mayor executed a certain document, entitled “Amendment to Deed of Easement,” in furtherance of and/or as partial satisfaction of Wal-Mart’s aforementioned post-approval obligations; and

WHEREAS, the Governing Body acknowledges and agrees that the Amendment to Deed of Easement is a necessary document towards Wal-Mart’s fulfillment of its post-approval obligations; and

WHEREAS, the Governing Body is of the opinion that, for all of the reasons set forth above, it is appropriate to authorize, ratify and confirm the Mayor’s execution of said document;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Amendment to Deed of Easement document be and is hereby approved and accepted by the Township of Berlin as part of the post-approval requirements established by the Planning Board’s approval of the Expansion Project;

BE IT FURTHER RESOLVED that the Mayor of the Township of Berlin is hereby authorized to execute the Amendment to Deed of Easement in the form approved

by the Township Solicitor and that the Mayor's execution of same on June 27, 2012 be and is hereby approved, ratified and confirmed.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-146. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-147 CHANGE ORDER NO. 1 FOR HILL AVENUE STORM DRAINAGE PROJECT

WHEREAS, it is necessary to make a change order for the Hill Avenue Storm drainage project in the Township of Berlin, Camden County, New Jersey; and

WHEREAS, item # 27 "Gabions" was listed incorrectly on the bid proposal at 68 c.y. instead of 144 c.y., and increase of 76 c.y. ;and

WHEREAS, the increase in the Gabion quality resulted in an increase to the contract amount by \$13,300 (4.48% increase to the contract amount); and

WHEREAS certification has been received by the Chief Financial Officer that sufficient funds have been allocated for this Change Order;

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin Mayor and Council that Change Order No. 1 in the amount of \$13,300 if hereby authorized and approved.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2012-147. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012- 148 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE BOND FOR ANTHONY PINTO, A.T.&T STORE, 330 ROUTE 73 NORTH BLOCK 810 LOT 1.04 AND POSTING OF MAINTENANCE BOND

WHEREAS, Anthony Pinto, A.T.&T Store 330 Route 73 North; Block 810, Lot1.04, West Berlin, New Jersey; has requested the release of their Performance Bond #1059749; and

WHEREAS, the Engineer has recommended that the Township grant the request for the release of the Performance Bond # 1059749 contingent upon the posting of a two year Maintenance Bond in the amount of \$ 4,534.50, and to also included the following conditions.

1) Completion of the site lighting or posting of a separate guarantee for the completion of the site lighting

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 # 1059749 is hereby granted with the conditions stated above.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2012-148. Resolution adopted by call of the roll, five members present voting in the affirmative.

Animal Renewal Permits

Joseph Romeo, 212 North Avenue (2 Horses)	2012-1
Robert Johnson, 201 Taunton Avenue (5 chix /1rooster)	2012-2
Joseph Fabrico, 149 McClellan (2 Horses)	2012-3
Delores Ross, 177 Third Avenue (Pigeons)	2012-4
Linda Townsend, 165 Collings Avenue (15 Chickens)	2012-5
Frank Carns 229 Second Avenue (4 Chickens)	2012-6
Cosette Worthington 201 Chestnut Avenue (5 Chix 1 Goat)	2012-7
William Reynolds 355 Blaine Avenue (6 Chickens)	2012-8

- All renewals will be for one year except for Robert Johnson who will be up for renewal on October 22, 2012.

Motion by Council President Morris, second by Councilman Epifanio to approve animal permits. Motion carried by voice vote, all present voting in the affirmative.

Kennel License Renewals

- 1) Pet Smart Inc. #567, 215 Route 73 North, West Berlin NJ 08091
- 2) Best Friends Pet Care, 585 Route 73 North, West Berlin NJ 08091

Motion by Council President Morris, second by Councilman Epifanio to approve Kennel License. Motion carried by voice vote, all present voting in the affirmative.

RESOLUTION 2012-149 AUTHORIZING THE PLANNING BOARD TO RESEARCH THE POSSIBLE ZONING REDESIGNATION WITHIN THE PINELANDS AREA

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Engineer is hereby authorized to research the possible zoning re-designation, of additional lots, within the Pinelands Area and prepare a report for the Planning and Zoning Board.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2012-149. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-150 AUTHORIZING ADVERTISEMENT OF A BID
OPENING FOR PURCHASE OF A NEW TRASH TRUCK**

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that the Public Work's Director is hereby authorized to advertise and accept bids for the purchase of a new Trash Truck.

Motion by Council President Morris, second by Councilwoman Epifanio to adopt Resolution 2012-150. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012-151 CONDITIONALLY AUTHORIZING THE SEWER
CONNECTION OF THE HIGH POINT 2 RESIDENTIAL DEVELOPMENT**

BE IT RESOLVED by the Mayor and Council of the Township of Berlin conditionally authorize the connection of the High Point 2 residential development in Voorhees Township , to the Berlin Township sewer collection system; and

BE IT FURTHER RESOLVED that the Township of Berlin and Voorhees Township enter into an intermunicipal services agreement for said connection with Voorhees Township and the developer.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2012-151. Resolution adopted by call of the roll, five members present voting in the affirmative.

Approval of Minutes for June 25, 2012

Motion by Councilman McIntosh, second by Councilman Epifanio to approve the minutes for June 25, 2012. Motion carried by voice vote, five present voting in the affirmative.

Approval of Minutes for July 2, 2012

Motion by Councilman McIntosh, second by Councilman Epifanio to approve the minutes for July 2, 2012. Motion carried by voice vote, four present voting in the affirmative, one abstain.

Consent Agenda

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

Correspondence Calendar for June 2012

Motion carried by Councilwoman Bodanza, second by Councilman Epifanio to receive and file the correspondence calendar for June. Motion carried by voice vote, all present voting in the affirmative.

All Other Business

Mayor Magazzu stated that Mayor and Council received a letter from the Melton family asking that Mayor and Council consider renaming one of the recreation area or parks in honor of Todd Eric Melton.

Council President stated that it is a good idea, but that we should look in to it further.

Mayor and Council all agreed.

Public Portion

Motion by Council President, 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.

Bob Lightcap, Lincoln Ave remarked about the article in the Courier Post paper in regards to an ethic complaint. Bob asked "if the Mayor was going to pay back restitution for a position that you weren't suppose to have". He also asked if "the Mayor was going to step down, and if she was going to continue to take money for a position that she was not suppose to take in the first place".

Mr. Lightcap also asked Council President what his thoughts were and what he was going to do what getting the money back for the tax payers. Bob remarked that Council President spoke on transparency when he took office and this new system of answer question seems more of a shield then transparency.

Mr. Lightcap also commented that when he called the township about getting two yellow trash cans he was told that he would have to purchase them. Why

Motion by Councilman McIntosh, second by Councilman Epifanio 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.

RESPONSE

Mayor Magazzu replied by a statement. This was an administrative decision that was suggested to Mayor and Council and we relied on the Township Solicitor at all times. I had the opportunity to have a hearing and I choose not to. I did not want to put any financial burden on the town.

The salary of the Mayor position was divided into separate positions to ensure that a Mayor would be required to perform the day to day administrative function to earn the this salary. There was no financial gain and definitely not done intentionally. All we did was divide my salary into two positions. Not create a new position.

When we learned of administrative error, which by the way was prior to the filing of the complaint, the Township Council took immediate steps to resolve this matter.

The second complaint, also filed by our political opposition, Audrey Lightcap, well not the second, several others were dismissed , was a complaint that I voted on the Custodian salary, This was not just his salary, but all the salaries for Berlin Township employees. Just to make it clear again, I was not involved in the initial hiring of the maintenance position. My understanding is that he was the only qualified applicant willing to accept the position both at the time the position was established and when the Township rehired the position (it is important to note that I also participated in the vote to layoff that position). . Finally, my vote on these issues did not act as the deciding vote. **Again I relied on the advice of the Township Solicitor at all times** as to my limited participation in both actions. At all times, I was acting in the best interests of the Township and will continue to do so in the future.

This all being said and in the interest of resolving this matter, I accepted the lowest fine by law that DCA issues. And the one fine was waived. It did not serve anyone's interest to prolong this matter with litigation. But by accepting the fine, I continue to maintain my innocence in the matter and by accepting this fine is certainly not an admission of wrong doing on my part or anyone on council. Again myself and council relied on our advise from our former legal council on this administrative matter. I have and will continue to devote my time with the Township in an effort to save taxpayers' money.

Council President Morris remarked that I have and I will always be transparent.

Mr. Lightcap shouted comments from his seat.

Council President stated that I listened to you when you spoke. We are going to be civil. This is why we do it this way so that we can be able to answer question that are opposed.

Mr. Lightcap continued to shout out comments from his seat.

Council President stated he was not going to answer any further.

Chuck Riebel stated that we do not charge for yellow recycling trash cans and never have.

Mr. Lightcap asked if he called tomorrow then he would be able to get the recyclable trash cans.

Chuck Riebel remarked absolutely just like you and any other resident.

Adjourn

Motion by Council President Morris, second by Councilman Epifanio to adjourn the meeting at 7:16 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 7:16 pm

Catherine Underwood, Township Clerk