

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL AUGUST 8, 2011 AT 6:30 P.M.**

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

All in attendance joined in the Salute to the Flag.

**ROLL CALL**

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

**Also Present-** Stuart Platt, Solicitor, Chuck Riebel, Engineer/ Director Public Works, Lt. Check, Lori Campisano, CFO  
Joshua Shellenberger, Maintenance

**Absent-** Councilman DiGangi

Mayor Magazzu opened the meeting to Ruth McCullen who talked about the "Susan Marie Rupp Foundation" and National Ovarian Cancer Awareness Month.

Ruth McCullen asked permission from Mayor and Council for their volunteers to tie Teal ribbons around town in support of Ovarian Cancer awareness month.

Motion by Council President Morris, second by Councilman McIntosh to acknowledge September as National Ovarian Cancer Awareness Month by call of the roll, four members present voting in the affirmative.

**PROCLAMATION: OVARIAN CANCER AWARENESS MONTH**

**WHEREAS**, Ovarian cancer is called the "silent disease" because its symptoms are often vague or subtle, and a woman's lifetime risk of getting Ovarian cancer is 1 in 72; and

**WHEREAS**, there is no early detection test for Ovarian Cancer, the leading cause of gynecological cancer deaths in the United States, and where each year, more than

22,000 women are diagnosed with the disease and approximately 16,000 die from it; and

**WHEREAS**, if it can be detected in it's early stages, survival from Ovarian Cancer is 90-95 percent. However, the five year survival rate for the disease is only 28 percent because it usually is not detected until the later stages; and

**WHEREAS**, the ovarian Cancer awareness campaign was launched nationwide by the Ovarian Cancer National Alliance, Washington DC, to promote public awareness of this silent disease. A visual aid was established by utilizing the recognized cancer ribbon logo, with the ribbon color in teal.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Berlin, New Jersey joins the Ovarian Cancer National Alliance and the nation in declaring the month of September as Ovarian Cancer Awareness month and support the goals of this awareness campaign.

## **ENGINEER'S REPORT/ DIRECTORS REPORT**

### **A. CHANGE ORDERS AND VOUCHERS**

None

### **B. REQUESTED ORDINANCES AND RESOLUTIONS**

1. Authorizing the submission of application for the N.J.D.O.T FY2012 Municipal Aid Program.
2. Accepting the Open Space Recreation Enhancement Funding from Camden County
3. Releasing the Cash Performance Guarantee for Filomena Plaza, Cross Keys Road and Fairfax Avenue.

### **C. ENGINEER'S REPORT**

#### **1. 2011 Street Improvement Program**

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

The estimated construction and materials testing cost is \$296,000. Ms. Campisano has informed me that there are sufficient funds in Ordinance 2007-8 to cover the estimated cost, over the N.J.D.O.T. funding.

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

b. Mt Vernon Avenue – Franklin to Minck Avenue

(N.J.D.O.T. Funding \$180,000)

(Project No. E-10-0002)

The estimated construction and materials testing costs are \$223,000. Ms. Campisano has informed me that there are sufficient funds in Ordinance 2008-7 to cover the estimated costs.

We have completed the surveying work and are performing the design and preparation of the bid documents.

c. Hill Avenue – Fairview Avenue to End

(C.D.B.G. Year 32 - \$30,257 and Year 33 - \$29,200 +/- Funding)

I had mentioned, in the past, that the County C.D.B.G Program has informed us that the Year 33 funds have been reduced by the Federal agency. We are preparing the construction plans and specifications. I am anticipating that the project will be performed in phases. The scope of the construction, which may consist of only the storm drainage improvements, will be limited to the available C.D.B.G. funds.

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

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

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

**2. Porous Concrete Sidewalk Along N.J.S.H. Route 73 Northbound**

**Jackson Road to Edgewood Avenue**

**(N.J.D.O.T. FY 2008 and 2009 Funding- \$320,000)**

**(Project No. E-10-0004)**

The second reconstruction meeting was held on June 17, 2011. The contractor is expected to commence with construction during the week of August 15, 2011.

The N.J. Pineland Commission has approved the proposed development application.

The Township staff will be performing the contract administration and construction inspection.

**3. Haddon Avenue Street Scope, Phases 1 and 3**

**(Federal and State Aid - \$677,000)**

I question if the Township has received the revised proposal for the decorative street lighting.

It is expected that the N.J.D.O.T. will be authorizing the advertisement for bids, within the next month. Key Engineers, Inc. is making the final revisions to the plans, which they will be forwarding to the N.J.D.O.T.

**4. Camden County Open Space, Recreation Enhancement Applications**

The County has informed the Township that they have allotted \$25,000 for each of the following projects:

a. Improvements to Basketball and Tennis Courts at the Spruce Avenue Recreation Complex

Estimated Construction Cost	\$28,798
-----------------------------	----------

b. Band Shell at Luke Avenue at Luke Avenue Recreation Complex

Estimated Materials//Construction Cost	\$56,100
--	----------

Previous County Open Space Round 10 Funding	\$25,000
---	----------

Total County Open Space Funding	\$50,000
---------------------------------	----------

(The estimated cost is based on the Public Works Staff Performing the construction)

The County has requested that the Township sign the Agreement documents, for each project, and return them to the County. I recommend that, if the Agreement is acceptable to the Mayor and Council and Mr. Platt, Esq., the Governing Body pass a resolution, accepting the funding and authorize Mayor Magazzu to sign the Agreements. Once signed, I recommend they be sent to the County in the immediate future.

**5. N.J.D.O.T. FY 2012 Municipal Aid Applications**

The N.J.D.O.T. has announced the acceptance of electronically filed applications by September 23, 2011. In the past applications have been made for the remaining streets, in need of improvement, in the East Berlin Section and Katherine Avenue. Recently, a resident had requested that improvements be made to Oak Avenue. The N.J.D.O.T. limits the number of street improvements applications to a maximum of two applications/streets.

I recommend that the Governing Body consider passing resolution(s) authorizing the submission of the applications for the selected streets

**6. Energy Savings Improvement at the Public Works Buildings – N.J. Energy Efficiency and Conservation Block Grant Program**

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

**7. Possible Photovoltaic System (Solar Panels) for Township Buildings**

I had provided the solar panel installer copies of the electric bills, as he requested. I am waiting for his report or potential energy savings measures for the various public buildings.

**8. Municipal Building**

a. HVAC System

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

b. Possible Separation of Electronic Door Access and Surveillance Systems

We are waiting for the response from the manufacturer's representative, regarding the use of the proposed software to separate the Police Department and Administrative sections.

c. Landscaping and Irrigation System

We have commenced with the preparation of landscape layouts. Once completed, we will request landscapers, landscape materials, supplies and irrigation contractors for their contribution of materials and services.

d. Monument Sign Along Route 73

We have received the quotes for the fabrication and erection of the sign, using existing foundation and steel posts. The low quoter for all three types of signs is General Sign Company of West Berlin, N.J.

The quotes are:

Option A:	Township Designed Sign	\$19,900
Option B:	Smaller Sign to Allow for LED Board	\$19,600
Option C:	Township Sign with Red LED Board	\$30,900
Option D:	Township Sign with Color LED Board	\$32,800

I believe that the quote threshold is \$29,000 since Ms. Campisano is a N.J. Qualified Purchasing Agent.

If the Governing Body decides to award Option C or D, it will be necessary for us to prepare bid specifications and receive formal bids.

If the Governing Body would like to award a contract for Option A or Option B, I recommend that the awarding resolution be passed at the Council Meeting on August 8, 2011, conditional upon the certification of the availability of funds by Ms. Campisano and any other Conditions, determined by the Governing Body.

e. School Bell

No update to report.

f. Winter Holiday Tree

I believe that there has been some discussion to plant a tree, which is visible from Route 73, and/or purchase a tall artificial tree for placement in the lobby of the Municipal Building. The tree(s) would be decorated for the holiday season. I recommend that the Governing Body provide direction so that the necessary action can be taken, in advance of the season.

**9. Library**

No additional information to report.

**10. Bate Avenue (former Municipal Building and Playground) Site**

We are nearing the completion of the surveying work for the outbounds of the property. Once completed, we will prepare and submit the survey plan.

**11. Lester Avenue Storm Drainage and Stormwater Management Systems**

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

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

#### **12. Drainage Issues Within the Southwest Portion of the Township**

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

#### **13. Redesignation of Pinelands Zoning and Extension of Sanitary Sewer to Allied Parkway and Edgewood Avenue**

Ordinance 2011-12 was adopted by the Governing Body on June 27,2011. I believe that Ms. Underwood has submitted three originals, which have been signed and sealed, to the N.J. Pinelands Commission. Once they have received the original ordinances, they will consider the request and inform the Township of their position.

#### **14. Land Use Ordinances – Recommend by the Pinelands Commission**

The Pinelands Commission has sent a letter to the Township, requiring that the Township amend land use ordinances, which are consistent with the Pinelands Comprehensive Management Plan. The amendments consist of revised definitions application requirements, standards for forestry management, wetlands management and clustering requirements for the R-1 Residential zoning district.

They have provided the Township with a sample ordinance.

I recommend that the correspondence from the Pinelands Commission be forwarded to the Planning Board for their review and recommendations

#### **15. Request for Additional Sanitary Sewer Allocation**

Mr. Kricun from the C.C.M.U.A has met with representatives of the N.J.D.E.P. to discuss the matter. He has informed me that he must submit a letter to the N.J.D.E.P, formally, submitting the request for the increase in allocation.

The increase in allocation would include the allocation for the 54 homes within the High Point II development, within Voorhees Township.

**16. N.J.D.E.P. Draft Sewer Service Map**

The N.J.D.E.P. is currently considering the request for several lots to remain within the sewer service area. For some of the lots-in-question, they may be requiring additional information from the respective property owners.

**17. Traffic Signal Maintenance and Repair Program**

I have submitted the specifications for the Township contract to Mr. Platt for his review and comments. Once I receive his comments, we will make the necessary revisions and solicit quotes.

The County Shared Services is compiling information for all of the traffic signals, throughout the County. After they receive the information, I believe that they will contact the municipalities to see if they would be interested in participating in a County wide program.

I believe that the intent of the County is to receive bids for services in 2012.

**18. Bids for Trash Disposal**

Bids are scheduled to be received on September 22, 2011. As recommended by Mr. Platt, Esq., we have requested that the participating municipalities sign a letter holding the Township harmless and another letter accepting the bid specifications.

**19. Recycling Contract**

The current countywide recycling contract expires at the end of the year. The committee for Recycling in Camden County (RICC) is discussing a possible 5 year extension with the Contractor or considering the possibility of the bidding services.

**20. Capital Improvements Program**

There are many improvements to streets, sanitary, storm, recreation, which are in need of immediate action.

I strongly recommend that the Governing Body consider the development of a long term capital improvement program, which will identify and prioritize the immediate and long term improvements.

**21. Bond Reduction Request, Filomena Plaza  
Cross Keys Road and Fairfax Avenue**

I have received a request from the owner for the release of the performance guarantee. I have inspected the site and recommend that the Governing Body consider the cost performance guarantee.

**D. PUBLIC WORKS DEPARTMENT**

**1. Request for the Appointment of Deputy Director**

I request that the Governing Body consider the appointment of a Deputy Director to assist with the management and supervision of the Department staff. I would be glad to discuss this matter, in further detail, with the Governing Body.

**2. N.J.D.E.P Diesel Retrofit Program**

I have submitted the information, regarding the diesel powered vehicles and equipment, to Johnson and Towers for their preparation of costs estimates for the retrofit equipment. The N.J.D.E.P state contract is requiring that the cost estimates be submitted to them by September 8, 2011. The State pays for the cost for the retrofit equipment.

**3. Grease Trap Maintenance**

I had reported on this matter, last month. I recommend that the inspection and enforcement actions be taken by the Township.

**4. Performance of Tasks**

The Department staff continues to strive to perform all duties, with the reduced staff due to the layoffs, vacations, illnesses, etc. We have reduced the frequency of street sweeping in an attempt to perform more pressing duties.

**5. Shared Services**

a. Winslow Township Planning Board Conflict Engineer

I am currently performing a plan review and will be attending the Planning Board Meeting on August 18, 2011

b. Somerdale Borough Engineer

I must perform the design and prepare the bid documents for several street improvement projects.

I am also providing assistance with the possible shared services construction project for street improvements with Lawnside Borough.

I am also assisting with the establishment of an in-house site inspection staff.

**RESOLUTION 2011-156 RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RESTORATION OF OAK AVENUE AND**

**WHEREAS**, the Township of Berlin desires to submit an application to the New Jersey Department of Transportation for FY2012 Municipal Aid Funding for the above noted project; and

**NOW, THEREFORE BE IT RESOLVED**, that the Council of the Township of Berlin formally approves the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation on behalf of the Township of Berlin.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2011-156. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2011-157 AUTHORIZING THE ENGINEER TO WRITE A LETTER TO PINELAND COMMISSION REQUESTING AN EXTENSION TO AMEND BERLIN TOWNSHIP ORDINANCE**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the Engineer is hereby authorized to write a letter to Pineland Commission request an extension to amend Berlin Township Ordinance.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-156. Resolution adopted by call of the roll, four members present voting in the affirmative

**SOLICITOR'S REPORT**

1. Water Agreement with Berlin Borough
2. Berlin Township ADS. David Carp
3. Berlin Twp.ADS. Yimei Edmiston Feng Lian Jiang

4. C & M Repair Environmental
5. Bate Avenue Property Former Municipal Site
6. Oddmund Angel, Block 200, Lot 1
7. Berlin Twp.ADS. Linda Fabrico
8. Berlin Twp.ADS. Joel Sussman
9. Clarification of Lateral Utility Lines
10. Police Operating Procedures
11. Township Civilian Organization Chart
12. Mustafa A. Muhammad v. Berlin Twp. Police Department
13. Sergeant William Hill
14. Wal-Mart Expansion Project
15. Berlin Township Athletic Association
16. Solid Waste Disposal
17. Berlin Township ADS. Estate of Raj Kumar Chopra
18. Organizational Chart Ordinance
19. Use of Athletic Fields Ordinance

#### **POLICE DEPARTMENT REPORT**

Lt. Lenny Check reported that several vehicles have been broken into in the areas of Pine Crest and Centaurian Drive. Lenny stated that they are going to put a notice on the webpage informing residents of the recent break in.

#### **PROPERTY MAINTENANCE REPORT**

Joshua Shellenberger commented that he has been dealing with high grass and weed issues. Josh also stated that he has been seeing a lot of dumping of yard waste along Cushman Avenue, which he has been cleaning up. He reported that they have finally contacted the resident on Warren with all the outstanding violations and is working on getting the property back in order.

#### **ORDINANCE 2011-13 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 22 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "POLICE DEPARTMENT"**

Motion by Council President Morris, second by Councilman McIntosh to Table Ordinance 2011-13 for further review. By call of the roll, four members present voting in the affirmative

#### **SECOND READING AND PUBLIC HEARING ORDINANCE 2011-17 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 129 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ZONING"**

**WHEREAS**, the Zoning Ordinance of the Township of Berlin (“Township”) is codified in Chapter 129 of the Township Code; and

**WHEREAS**, the Governing Body is authorized under the Municipal Land Use Law, N.J.S.A. 40:55D-62, to amend the Township’s land use regulations; and

**WHEREAS**, the Governing Body has determined that it is in the best interest of the public health, safety and welfare of the Township and its residents to amend Chapter 129;

**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 129-4 contained in Article II (“Definitions and Word Usage”) of Chapter 129 of the Code of the Township of Berlin is hereby amended, revised and supplemented to include the following definition:

**§ 129-4. General Definitions and word usage.**

A. Certain words, phrases and terms in this chapter are defined for the purpose thereof as follows:

**KENNEL - a** premise or establishment wherein or whereon more than three dogs and/or cats are owned, or the business of boarding or selling dogs and/or cats or breeding dogs and/or cats for sale is carried on, except for a pet shop.

**SECTION 2:** Article IX (“Highway Commercial Zones, C-1 and C-2, C-2RD and C-3”) of Chapter 129 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

**§ 129-47. Permitted uses.**

The following uses shall be permitted in Commercial Zones C-1, C-2, C-2RD and C-3:

A. – M. [NO CHANGE]

N. Kennels

**SECTION 3:** Article X (“Commercial-Industrial Zone, C-2I) of Chapter 129 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

**§ 129-47. Permitted uses.**

The following uses shall be permitted in the Commercial-Industrial Zone C2-I:

A. [NO CHANGE]

B. Kennels

**SECTION 4:** Except as set forth in Sections 1-3 above, the balance of Chapter 129 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 Councilwoman Bodanza President , 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 for questions or comments on Ordinance 2011-17.

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 Councilwoman Bodanza second by Council President Morris to approve Ordinance 2011-17 Ordinance approved by call of the roll, four members present voting in the affirmative.

**FIRST READING ORDINANCE 2011- 18 STATE FISCAL YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK(N.J.S.A. 40A: 4-45.14)**

Motion by Councilman McIntosh, second by Council President Morris to adopt Ordinance 2011-18 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**FIRST READING ORDINANCE 2011-19 AMENDING ORDINANCES 2011-15 and 2009-1 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REVISING CHAPTER 85 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "PARKS AND RECREATION"**

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Ordinance 2011-19 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**FIRST READING ORDINANCE 2011-20 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, AMENDING CHAPTER 3 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ADMINISTRATION OF GOVERNMENT"**

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Ordinance 2011-20 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2011- 147 RESOLUTION FOR PLACE TO PLACE TRANSFER, EXTENSION OF PREMISES ON LIQUOR LICENSE FOR SAHARA SAM'S OASIS LLC.**

**WHEREAS**, an application has been filed for a place- to place transfer of Plenary Retail Consumption License 0406 33 007, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized: and

**WHEREAS**, the submitted application form is completed in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of Berlin does hereby approve, effective August 8, 2011, the expansion of the aforesaid Plenary Retail Consumption Licensed premises located at 535 North Route 73, West Berlin to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2011-147. Resolution adopted by call of the roll, three members present voting in the affirmative, one abstained.

**RESOLUTION 2011- 148 RESOLUTION TO RELEASE BALANCES ON ESCROW ACCOUNTS**

**WHEREAS**, the following escrow balances remain open with the Township of Berlin; and

**WHEREAS**, all issues relating to the escrow amounts have been satisfactorily completed; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the following escrows are hereby released:

<b>ESCROW ACCOUNT</b>	<b>NAME</b>	<b>BLOCK/ LOT</b>	<b>AMOUNT</b>
158 0023	Just Four Wheels 499 Route 73	1101/12	\$930.39
166 00020	Taunton Run 401-455 Taunton Road	1904/14.01	\$1.75
270 00050	Maple Avenue LLC 340 Chestnut Avenue	2103/134	\$110.83
356	Latoya Harvey 227 Pine Avenue	512/4	\$5.79
322	Orthopedic Sports Specialists 798 route 73 South	1601/1	\$453.00
312	Jackson Pointe	1604/ 1,2,3, 4 &5	\$1767.00
310	Ricks Auto Body 401 North Route 73	1101/3	\$642.50
290	Matt Cudeyro 405 Lincoln Avenue	903/18	\$189.50
283	Modells 200 Route 73 North 116 Walker Avenue	703/1	\$450.00

Motion by Councilwoman Bodanza, second by Councilman President Morris to adopt Resolution 2011-148. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2011-149 RESOLUTION AUTHORIZING THE USE OF THE AN ALTERNATE METHOD FOR CALCULATING THE RESERVE FOR UNCOLLECTED TAXES FOR THE SFY 2012 BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-4c enacted in 1997, provides alternate methods of calculating the Reserve for Uncollected Taxes: and

**WHEREAS**, the Mayor and Council of the Township of Berlin has determined that it is in it's best interest to use an alternate method, which permits the use of a three-year

average, instead of using the prior year tax collection rate for calculating the Reserve for Uncollected Taxes for the SFY 2012 Budget; and

**WHEREAS**, the three-year tax collection rate average is computed as follows:

Year	Tax Collection Rate
SFY 2009	99.95%
SFY 2010	99.72%
SFY 2011	99.61%

3 Year Average computes to 99.76%

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the three-year tax collection rate average of 99.76% be used when calculating the Reserve for Uncollected Taxes for the SFY 2012 Budget.

Motion by Councilwoman Bodanza, second by Councilman President Morris to adopt Resolution 2011-149. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2011-150 RESOLUTION TO INTRODUCE THE 2012 FISCAL YEAR BUDGET**

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, County of Camden, New Jersey, that the budget shall constitute appropriations for the purpose stated herein set forth as appropriations and authorization of the amount of \$6,081,681.26 for the local tax to be raised by taxation for Municipal Purposes and \$139,152.00 for the local tax to be raised by taxation for Municipal Open Space, Recreation, Farmland and Historic Preservation and certification to the County Board of Taxation; and

**BE IT FURTHER RESOLVED** that said budget be published in the Courier Post Newspaper in the issue of August 31, 2011. The Governing Body of the Township of Berlin does hereby approve the following Budget for the Fiscal Year 2012. Notice is hereby given that the Budget and Tax Resolution was approved by the Township Council of the Township of Berlin, County of Camden on August 8, 2011. A hearing on the budget and tax resolution will be held at the Berlin Township Municipal Hall – A Shared Services Center, 135 Route 73 South, West Berlin, NJ 08091 on September 12, 2011 at 6:30 p.m.; at time and place objections to said budget and tax resolution for the fiscal year 2012 may be presented by taxpayers or other interested persons.

Motion by Councilman McIntosh, second by Councilman President Morris to adopt Resolution 2011-150. Resolution adopted by call of the roll, four members present voting in the affirmative.

**Resolution 2011- 151**

**Payment of Bills August 8, 2011**

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

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

<b>TO</b>	<b>ACCOUNT</b>		<b>AMOUNT</b>
Charles Block, Esq.	Mun Public Defender Trust	\$	375.00
Peter Bonfiglio, Esq.	Mun Public Defender Trust		225.00
Robert D. DePersia, II, Esq.	Mun Public Defender Trust		150.00
Carlamere & Rowan	Planning Board Esc # 361		100.00
	Planning Board Esc # 365		95.00
	Planning Board Esc # 367		125.00
	Planning Board Esc # 368		75.00
Rick Harris	Planning Board Esc # 222		1,744.50
John Iannelli, Esq.	Mun Public Defender Trust		900.00
Marrazzo & Platt PC	Planning Board Esc # 208		1,023.00
Blackwood Animal Hospital	Dog Trust		151.00
Camden County Animal Shelter	Dog Trust		544.00

**CONFIRMING**

Various Current Fund Checks	(See Scheduled Payment Report Dated 7/27/11)	\$	832,185.05
Various Sewer Operating Checks	(See Scheduled Payment Report Dated 7/27/11)		1,488.51
Various General Capital Checks	(See Scheduled Payment Report Dated 7/27/11)		1,986.59
America On Line	01-201-20-120-2105		32.90
Verizon Communications	01-201-20-120-2105		145.75
Township of Berlin Snow Trust	01-201-26-290-2147		8,000.00
Verizon Communications	01-201-20-120-2105		99.99
Chief Jackson, Petty Cash	Various Accounts		110.93
USPS Hasler	01-201-20-120-2022		2,000.00
State of NJ Health Benefits	01-201-23-220-2092		52,445.81
State of NJ Health Benefits	01-201-23-220-2092		20,756.88
TD Bank, NA	07-240-55-540-3000		105,344.38
	07-201-55-522-2105		11,394.37
TD Bank, NA	01-201-45-930-2105		281,536.64

Dale Gadzia Construction	01-203-26-310-2024	550.00
Verizon Communications	01-201-20-120-2105	99.99
Chief Jackson, Petty Cash	01-103-01-003-3000	300.00
Tree Works	01-117-04-006-3000	750.00
Lowes	01-203-20-165-2105	0.71
Catherine Underwood, Petty Cash	01-103-01-002-3000	100.00
Verizon Communications	01-201-20-120-2105	140.54
Verizon Communications	01-201-20-120-2105	99.99
Treasurer, State of NJ	Dog Trust	11.40
State of NJ Health Benefits	01-201-23-220-2092	52,445.81
State of NJ Health Benefits	01-201-23-220-2092	20,756.88
Payroll, Current Fund	6/2/2011	57,402.14
Payroll, Sewer Operating Fund	6/2/2011	3,281.97
Payroll, Current Fund	6/9/2011	57,990.81
Payroll, Sewer Operating Fund	6/9/2011	3,350.60
Payroll, Current Fund	6/16/2011	83,569.88
Payroll, Sewer Operating Fund	6/16/2011	4,638.80
Payroll, Current Fund	6/23/2011	53,808.78
Payroll, Sewer Operating Fund	6/23/2011	3,160.20
Payroll, Current Fund	6/30/2011	74,780.46
Payroll, Sewer Operating Fund	6/30/2011	3,143.39
Payroll, Current Fund	7/7/2011	55,426.86
Payroll, Sewer Operating Fund	7/7/2011	3,143.39
Payroll, Current Fund	7/14/2011	59,587.67
Payroll, Sewer Operating Fund	7/14/2011	3,132.20
Payroll, Current Fund	7/21/2011	54,961.56
Payroll, Sewer Operating Fund	7/21/2011	3,137.80
Payroll, Current Fund	7/28/2011	71,336.11
Payroll, Sewer Operating Fund	7/28/2011	3,143.39

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2011-151. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2011-152 REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR PREMIUMS RECEIVED AT TAX SALE**

**WHEREAS,** permission is required of the Director of the Division of Local Government Services for approval as a dedicated by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

**WHEREAS**, State Statute provides that the Tax Collector may collect premiums at tax sale; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey as follows:

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Premiums Received at Tax Sale created in accordance with the provisions N.J.S.A.40:4-39; and
2. The municipal clerk of the Township of Berlin is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-152. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2011-153 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: August 3, 2011**

**Diane Zoppel, CTC - Tax Collector**

<b>NAME</b>	<b>YEAR</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>	<b>REASON</b>
<b>Emily LaScala</b>	<b>2011</b>	<b>704-1</b>	<b>250.00</b>	<b>Senior Citizen</b>
<b>Vlasia Pechlivanoglou</b>	<b>2011</b>	<b>805-21</b>	<b>250.00</b>	<b>Disabled Person</b>

**\$ 500.00 TOTAL to Nov. 2011**

**By resolution of the Mayor and Council of the Township of Berlin, the taxes listed above have been ordered remitted and the Collector relieved thereof.**

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-153. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2011-154 AUTHORIZING THE MAYOR TO SIGN AGREEMENT WITH THE COUNTY OF CAMDEN COUNTY OPEN SPACE TRUST FUND FOR ROUND 12 "RECREATION FACILITY ENHANCEMENT"**

**WHEREAS**, the Township of Berlin has been approved for funding from the Camden County Open Space Trust fund for Round 12 "Recreation Facility Enhancement" for the following areas, Spruce Avenue Recreation Complex and Luke Avenue Recreation Complex, which also includes round 10 funding.

<b>Luke Avenue Recreation Complex</b>	<b>Round 10</b>	<b>\$25,000.00</b>
	<b>Round 12</b>	<b>\$25,000.00</b>
<b>Spruce Avenue Recreation Complex</b>	<b>Round 12</b>	<b>\$25,000.00</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Township of Berlin, County of Camden and State of New Jersey, that the Mayor is hereby authorized to execute the attached Agreement on behalf of the Township of Berlin contingent of review and approval of the contract from Township solicitor.

Stuart Platt, Township Solicitors asked the Governing Body to table this resolution until after executive session. After Executive Session the Governing Body may take action on resolution 2011-154.

**RESOLUTION 2011- 155 RESOLUTION REQUESTING THE RELEASE OF CASH PERFORMANCE GUARANTEE FOR FILOMENA PLAZA.**

**WHEREAS**, Filomena Plaza, Cross-Keys Road and Fairfax Avenue, West Berlin, New Jersey; Block 101, Lots 2 and 3, has requested the release of their cash Performance Guarantee; and

**WHEREAS**, the Engineer has recommended that the Township Grant the request for the release of the cash performance guarantee contingent upon posting cash in the amount of \$ 8,694.71 .

**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 cash Performance guarantee for Filomena Plaza, in the amount of \$ 8,694.71

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-155. Resolution adopted by call of the roll, four members present voting in the affirmative.

### **Approval of Kennel License/Pet Shop**

1) Best Friends Pet Care Kennel, 585 Route 73 North, West Berlin.

Motion by Council President, second by Councilman McIntosh to approve Kennel License. License approved by call of the roll, four members present voting in the affirmative.

### **APPROVAL OF CORRESPONDENCE CALENDAR FOR JUNE and JULY**

Motion carried by Council President Morris, second by Councilwoman Bodanza to receive and file the correspondence calendar for June and July 2011. Motion carried by voice vote, all present voting in the affirmative.

### **CONSENT AGENDA**

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

### **APPROVAL OF MEETING MINUTES FROM JUNE 27, 2011**

Motion by Councilman McIntosh, second by Council President Morris to approve the minutes for June 27, 2011. Motion carried by voice vote, four present voting in the affirmative.

### **APPROVAL OF CLOSED SESSION MEETING MINUTES FROM JUNE 27, 2011**

Motion by Councilman McIntosh, second by Council President Morris to approve the closed session minutes for June 27, 2011. Motion carried by voice vote, four present voting in the affirmative.

### **ALL OTHER BUSINESS**

Catherine Underwood, Township Clerk talked about the 96 League of Municipalities the required classes that the Governing Body needs to take. This is what is required in the Best Practice Checklist. The Best Practice Checklist will determine how much of our aid we will receive.

President of BTAA Michael Dodge addressed Mayor and Council and asked them to grant waivers for the following teams.

	Berlin Resident	Non-Resident
Red Bulls	4	13
Synergy	6	11
Firecrackers	2	16

These teams do not meet the Priority Use as stated in Township Ordinance 2011-15 Chapter 85.

Michael Dodge stated that without these teams the soccer program would not meet the referee criteria and BTAA would no longer have a soccer program.

**RESOLUTION 2011-158 RESOLUTION GRANTING WAIVER FOR RED BULLS GIRLS SOCCER TEAM.**

**WHEREAS**, the Code of the Township of Berlin requires that any member team of the Berlin Township Athletic Association("BTAA") have at least 51% of its players Berlin Township residents in or to have priority use of the Township Athletic facilities unless a waiver upon good cause is granted by the Governing Body; and

**WHEREAS, the** Red Bulls Girls soccer team does not meet the 51% eligibility for priority use of the Berlin Township Athletic Fields, as set forth below; and

	Berlin Resident	Non-Resident
<b>Red Bulls Soccer</b>	<b>4</b>	<b>13</b>

**WHEREAS**, the BTAA has requested, a wavier to allow the Red Bulls Girls Soccer Team priority use if the Berlin Township athletic fields based upon the team make-up set forth above.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that based upon good cause shown a waiver is granted for the Red Bulls Girls Soccer Team based upon the team make-up set forth above.

**BE IT FURTHER RESOLVED**, that any changes to the conditions to which this waiver is granted and or the team make-up set forth above shall result in the rescission of the waiver granted herein and revocation of any permits issued in connection therewith and shall require another application by the BTAA for a waiver to the Governing Body.

Motion by Council President Morris, second by Councilwoman Bondanza to adopt Resolution 2011-158. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2011-159 RESOLUTION GRANTING WAIVER FOR SYNERGY GIRLS SOCCER TEAM.**

**WHEREAS**, the Code of the Township of Berlin requires that any member team of the Berlin Township Athletic Association("BTAA") have at least 51% of its players Berlin Township residents in or to have priority use of the Township Athletic facilities unless a waiver upon good cause is granted by the Governing Body; and

**WHEREAS**, the Synergy Girls soccer team does not meet the 51% eligibility for priority use of the Berlin Township Athletic Fields, as set forth below; and

	<b>Berlin Resident</b>	<b>Non-Resident</b>
<b>SYNERGY</b>	<b>6</b>	<b>11</b>

**WHEREAS**, the BTAA has requested, a wavier to allow the Synergy Girls Soccer Team priority use if the Berlin Township athletic fields based upon the team make-up set forth above.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that based upon good cause shown a waiver is granted for the Synergy Girls Soccer Team based upon the team make-up set forth above.

**BE IT FURTHER RESOLVED**, that any changes to the conditions to which this waiver is granted and or the team make-up set forth above shall result in the rescission of the waiver granted herein and revocation of any permits issued in connection therewith and shall require another application by the BTAA for a waiver to the Governing Body.

Motion by Council President Morris, second by Councilwoman Bondanza to adopt Resolution 2011-159. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2011-160 RESOLUTION GRANTING WAIVER FOR FIRECRACKERS BOYS SOCCER TEAM.**

**WHEREAS**, the Code of the Township of Berlin requires that any member team of the Berlin Township Athletic Association("BTAA") have at least 51% of its players Berlin Township residents in or to have priority use of the Township Athletic facilities unless a waiver upon good cause is granted by the Governing Body; and

**WHEREAS**, the Firecracker boys soccer team does not meet the 51% eligibility for priority use of the Berlin Township Athletic Fields, as set forth below; and

	<b>Berlin Resident</b>	<b>Non-Resident</b>
<b>FIRECRACKERS</b>	<b>2</b>	<b>16</b>

**WHEREAS**, the BTAA has requested, a wavier to allow the Firecrackers Boys Soccer Team priority use if the Berlin Township athletic fields based upon the team make-up set forth above.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that based upon good cause shown a waiver is granted for the Firecrackers boys Soccer Team based upon the team make-up set forth above.

**BE IT FURTHER RESOLVED**, that any changes to the conditions to which this waiver is granted and or the team make-up set forth above shall result in the rescission of the waiver granted herein and revocation of any permits issued in connection therewith and shall require another application by the BTAA for a waiver to the Governing Body.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-160. Resolution adopted by call of the roll, four members present voting in the affirmative.

President Michael Dodge thanked Mayor and Council.

**PUBLIC PORTION**

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.

Michael Dodge asked Township Solicitor to clarify what the ordinance means by priority use within the Berlin Township Athletic Association means. We feel these teams that you granted a wavier are part of BTAA.

Stuart Platt, Township Solicitor stated that the BTAA gets priority use of the fields before any outside team or organizations as long as your team meets the requirements in the ordinance meaning the team member are majority Berlin Township residents or seeks a waiver like tonight.

Stuart stated that tonight we introduced an ordinance that will have in place a \$100.00 fee for residents who do not live in the Township.

Michael Dodge asked how will the reimbursements for the background checks going to be handled and determined.

Mayor stated due to the confusion in the beginning, we the Township will reimburse Township residents. The governing body would need to take action on that tonight.

Michael remarked any coach out of town....

Mayor replied that the coaches out of town would be responsible to pay or the BTAA could. How ever way you want to handle it, until all are exempt through the paper work that you need to submit.

Mayor Magazzu asked Michael if the school was in touch with them about the BTAA Club House because there is some confusions as to who has insurance on the building.

Ed Gonzalez, BTAA Board Member, Coach Synergy commented about the increased fees for non resident may cause these teams to leave and play elsewhere leaving no soccer program and empty fields.

Stuart, Solicitor asked what the fee for BTAA ?

Ed Gonzalez responded \$60.00 per season.

Mayor Magazzu responded the surrounding Towns fee in Stratford is \$125.00, Blackwood \$110.00, Hammonton \$225.00 and the reason that ours is \$60.00 is because we give your organization a significant amount of money.

Ed Gonzalez stated that those fees are for Fall and Spring.

Mayor Magazzu said that those town's registration forms do not say Fall and Spring. Mayor commented that we are the only town that gives money to Athletic Association.

Ed remarked that we did not take any money this season from the Township.

Mayor Magazzu stated that's because you have \$45,000.00 in the bank.

Ed replied we can stay afloat without taking the funds, and we realized that, so if we don't need it why take it.

Maryann Rabattino, 244 Centaurian Drive talked about her mother's car that was bashed by a brick last week. She asked the governing body if they could look into getting more patrol cars out on the streets to prevent this to happen again and possibility of a neighborhood watch.

Alberto Silva stated that BTAA is here to provide athletic programs for the children and that they are volunteers who take time out of their lives to do this. Al asked if the Interboro Hornets had complied with the new ordinance as well and implied that it seems to be a double standard with them. We were ordered off the fields and pad lock out of our fields and to have our out- of- town players pay \$100.00 per player is total unsupportive. We suggest a small fee of \$25.00 to help off set the cost of the fields. Interboro Hornets approximately 150 members pay \$2000.00 for the use of the fields.

Al asked who gave the order to lock the fields?

Mayor Magazzu responded that the parking lot was locked but the fields were open.

Chuck stated that the fields were closed in order for the grass to rest.

Mayor Magazzu stated there was an adult league that had been playing on the fields.

Chuck stated the parking lots were locked but the fields weren't

Al Silva asked again who ordered the fields locked.

Stuart Platt, Township solicitor remarked that the parking lots were locked but the Governing Body is unaware of the order of the fields being locked.

Al Silva asked Council members if they had a Township email address.

Councilmember McIntosh replied no.  
Councilwoman Bodanza replied no.  
Council President Morris replied no.

Council President responded that you email me all the time on my home email address, how do you not know that.

Councilwoman Bodanza said I live a few house away if you needed to get in touch with me.

Mayor Magazzu replied that anytime anyone needs to get a hold of any of else it could be sent to the Township and we would receive it.

Al stated that he would have liked to get a hold of the Council members individually to see what their feeling were on a few of the issues brought up

tonight. Al commented that the way that we have been treated recently has been unfair.

Mayor Magazzu stated we just granted you three waivers.

Al said but you are going to impose \$100 fee for out of town residents at next months meeting. It is a little overwhelming at these financial times.

Mrs. Ketchum, Hammonton NJ remarked you are asking out of town residents to pay \$100.00 per sport, per season, when my son will be playing three sports here in Berlin Township because Winslow Township does not have dek hockey or a good athletic program.

Mayor Magazzu replied yes.

Mrs. Ketchum asked for what reasons.

Mayor Magazzu replied the same reasons why Winslow Township can't afford these programs we want to make sure we can afford them for our residents. Your taxes don't pay for our facilities.

Mr. Ketchum remarked that you don't have a lot of kids in Berlin Township children participating already. We just want to play here, that's why we are here tonight. Make it reasonable for us to keep playing here.

Denise Roroha, 320 Thurman Avenue said that her daughter loves to play soccer and is on John Ingram team for the last four seasons. It's a team, a team in existence. I feel that if you want to start charging people make it from this point forward. The teams in existence now you need to grandfather them in and not charge them, because I don't want this team to disband because of the fee.

Denise stated that her water bill/ sewer payment was taken out of her account prior to the due date. But because the Township is not set up for Electronic payment had to mail out the payment to the Township. Due to these circumstances our bill got paid late and our water was shut off. The tax collector was very unwilling to help. Her words were I can't help you. I believe as a public employee she should be trying to service us. The tax collector told her that payment needed to be made along with the \$100.00 shut off fee. Denise stated that her husband showed documents proving payment had been deducted from their account.

Mayor stated also that the reason it arrived late was because it showed the old address for the Municipal Building.

Denise asked the Governing Body if they could refund the \$100.00 shut off fee or credit her account.

Lori Campisano, CFO said that in the Tax Collector defense she has no authority to waive any fees. I believe she tried to notify the residents about the address changes that need to be made on their accounts.

Denise asked why isn't the Township set up electronically.

Lori responded that this bank service comes with a fee and at this time we the Township would need to see if we want to go with this expense. We would need to sit down with the banks and see.

**RESOLUTION 2011-161 RESOLUTION GRANTING CREDIT FOR SHUT OFF FEE FOR BLOCK 709 LOT 15**

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the shut off fee for Block 709 lot15, be credited.

Motion by Mayor Magazzu, second by Council President Morris to adopt Resolution 2011-161. Resolution adopted by call of the roll, four members present voting in the affirmative.

Frank Adair Jr. lives in Stratford NJ but owns a business in Berlin Township. Franks stated that he is running a free hockey clinic for the BTAA on August 15-19 2011 and is here to apply for a waiver for those days.

Mayor stated that she is hoping that this will generate more Berlin Township residents to join dek hockey. She asked Franks to follow up with any information to the Township.

**RESOLUTION 2011-162 RESOLUTION GRANTING WAIVER FOR FREE DEK HOCKEY CLINIC.**

**WHEREAS**, the Code of the Township of Berlin requires that any member team of the Berlin Township Athletic Association("BTAA") have at least 51% of its players Berlin Township residents in or to have priority use of the Township Athletic facilities unless a waiver upon good cause is granted by the Governing Body; and

**WHEREAS**, the dek hockey clinic registrations does not meet the 51% eligibility for priority use of the Berlin Township Athletic Fields, as set forth see attached; and

**WHEREAS**, the BTAA has requested, a wavier to allow the dek hockey clinic priority use if the Berlin Township athletic fields based upon the team make-up set forth.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that based upon good cause shown a waiver is granted for the dek hockey clinic based upon the team make-up set forth .

**BE IT FURTHER RESOLVED**, that any changes to the conditions to which this waiver is granted and or the team make-up set forth above shall result in the rescission of the waiver granted herein and revocation of any permits issued in connection therewith and shall require another application by the BTAA for a waiver to the Governing Body.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2011-162. Resolution adopted by call of the roll, four members present voting in the affirmative.

John Ingram, Waterford NJ and Coach to 3 BTAA team, thanked Mayor and Council for granting waivers and also thanked BTAA. But disagreed with the fee of \$100.00 for out of town residents. John stated that with all his children participating in our programs at \$25.00 which is what BTAA is asking, it would cost him over \$125.00. John believes this is fair not \$100.00.

Ranee Dunnet 271 Centaurian Drive said that if these fees are imposed we will not have a soccer team. My daughter has been of Ed 's team since kindergarten and consider them as a family.

Susan DiMario,400 Lincoln Avenue stated that the property behind her has not been maintained and also her neighbor has moved out of the house and their property has not been cut and maintained especially the back yard.

Josh Shellenberger stated that he has sent the resident a letter already and that they have 10 days to address the property.

Terry Hertzberg 202 Lucas noted that the County came out and cleaned out a portion of the storm drain but we have had a lot of rain recently and I want to know who is going to be responsible on cleaning it out.

Mayor stated that the County Freeholders will be holding a meeting here August 18, 2011. Mayor asked Public Works Director, Chuck Riebel to call Mr. Soubasis.

Terry we need to do something different.

Mayor asked Township Solicitor what the Township could do since the storm water ditch lies on private property how could we get the owner to maintain and clean it.

Stuart Platt, Township Solicitor stated that they could look into the law of nuisance. When you do not maintaining your property and because of that it you are causing a problem or nuisance with the surrounding property owners.

Frank Adair Jr. commented that it has been brought up to his attention that the coaches for the dek hockey clinic will not have background checks done in time for the clinic and asked if a waiver could be done on the background checks.

Stuart Platt replied no waiver are granted for background checks

Council President Morris asked if the week could be changed.

Frank replied it would be hard to reschedule.

Greg Shipske, 203 Centuarian Drive said that the chief of police told him to wait on getting the background checks and because of waiting, now I will not be able to participate in the clinic.

Stuart Platt, Solicitors say that the Chief was trying to help the BTAA organization out so that no one would have to pay for their background checks.

Council President Morris stated I don't think the Chief knew about the Dek Hockey Clinic.

Greg stated that you enforcing a background check and telling everyone that they have to comply immediately there should be a grace period.

Stuart commented there is a grace period of 45 days. He responded that the governing body has made a policy decision for the publics safety that background checks be done.

JP Bell 4 Fern Circle asked about the reimbursement for the background checks.

Mayor stated that for the background checks for the coaches that have already been completed the Township will reimbursement them, for Berlin Township residents. There is an organization that will pick up the cost of future background checks but that paper work has to be completed by the BTAA.

Audrey Lightcap, 339 Lincoln Avenue commented about all the time put into the BTAA, like teams numbers and amount of non residents, it seems like there should be more important issues that need to be dealt with like our taxes.

Mayor responded that they the public have aright to speak.

Council President stated that Mr. Silva had emailed him and that he will respond back to him.

Stuart Platt, responded that there were many items on the agenda that we dealt with tonight other then BTAA. Tonight we are dealing with parks and recreation and getting people up to speed on what is happening with the fields and educating them.

Audrey stated that we are a community and even though my kids are not involved with BTAA I still pay for the fields for it in my taxes. Just like the Senior Citizens building and

the school. I don't use those services but I still pay for it. Those fields would still need to be maintained whether we have teams playing on them or not.

Mayor stated what about the liability of the use of fields.

Council President remarked also that the Township gives BTAA funding also.

Audrey stated that I feel you should be more concerned with our taxes going up and Mr. Hertzberg draining issues.

Mayor stated that to Mr. Hertzberg drain issues are very important to him just like other issues important to many of our residents tonight speaking.

Stuart responded that this fee proposed tonight is going to off set the cost and help tax payers. Stuart commented that the Township is getting together a shared service trash bid with neighboring towns to try and off set and defray cost to the tax payer too.

Larry Liss, 350 Cleveland Avenue asked where was the forethought on this ordinance because it seems that the children are the one paying for this.

Stuart replied that the Ordinance was read at two meeting and advertised and privately discussed.

Larry noted that we are still paying for the fields no matter what, if we have two residents on the team or not. I am glad that we have a senior citizens center and a senior citizens bus. I will gladly vote yes to a school budget even though my kids aren't in school anymore because I want the children to get the best education to make our community a better one. I do think the \$25.00 fee is extremely reasonable not the \$100.00. I believe we will drive out any out of town players and then where will that leave our children. Children are going to play more then one sport here and it gives them a chance to pay in payments and afford playing here.

Frank Magazzu 236 Grove Street stated that he had attended the last two BTAA meeting and at the end of the meeting when the public was voicing there concerns, at times a little heated the president of the BTAA organization abruptly stated this meeting is closed. He did not say I make a motion to close the meeting nor did anyone second the motion. Now if the Mayor had done anything like that here tonight you all would angry as ever. You talk about understanding, you weren't understanding at your last BTAA meetings that you closed it from the public. It's like a dictatorship.

Trisha Harrison, 395 Harrison Ave remarked that she was at that meeting and the President of BTAA did do that but this is a private organization unlike the Governing Body who is paid. Was it out of order to do that probably but they are not being paid. I believe that the BTAA feels blind sided on everything that they need to do with the finger printing and ordinance it unfair to them because they were told to wait by the Chief.

Mayor Magazzu replied that if we could do it without jeopardizing the town then we would do it, but we are being told by our Township Solicitor not too. We are working with them we granted them waivers.

Trisha I understand that you are doing the numbers but we have parents out here who have to say to their children that they can't play soccer this season.

Mayor Magazzu I understand that but I have other residents in town that may not feel the same way as you do. I personal have my children who will be affected by this, but I have an obligation to the residents not just the people who attended tonight meeting. Some residents have to watch ever penny they earn. The BTAA teams can do a fundraiser to off set these fees where the residents here can't.

Council President Morris states that no one wants to make it any harder then it has to be. I have coached for BTAA, born and raised in this town, played in the BTAA as a kid. No one wants to make it any harder, I have volunteered my time lining the fields I know what it is like, trust me but we have to follow the rules.

Mayor Magazzu replied we are making decision for everyone in our town, not just those here tonight.

Lt. Lenny Check remarked that the Chief of Police was trying to get in place for the Background Checks the Megan Kanka Foundation but that would have taken a month or more to get that in place. I met with Michael Dodge and Al Silva and told them to go and get the Fall Coaches Finger Printed and get those teams on the fields. BTAA is going to apply for the Megan Kanka Foundation so the winter and spring background checks will be free.

Alberto Silva, remarked that the BTAA has access to lexis nexis data base and that we can do the background checks in about 24 hours to expedite this so we can get on the fields.

Stuart Platt, Solicitor said that your pushing the issue with the background checks and the ordinance states clearly the procedure and that is what I have insisted this governing body follow.

Alberto asked about the Interboro Cheerleaders and them practicing on the fields.

Mayor Magazzu replied that she will talk to them about the background checks.

Michael Dodge asked if Interboro Cheerleaders has to fill out paper work just like we do, like insurance forms and schedules.

Stuart replied that the Interboro Cheerleaders applied for park permit prior to the ordinances adoption. But Interboro Cheerleaders has paid a fee for the fields where you BTAA are asking for priority use of the fields. There may be some disconnect because of the time of ordinances.

Mayor stated again that the Cheerleaders will need to have background checks completed before they go on the fields.

Motion by Councilwoman Bodanza, second by Council President Morris 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.

**RESOLUTION 2011-163 CLOSED SESSION TO DISCUSS LEGAL MATTERS**

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the Mayor and Council are now going into closed session to discuss legal matters of the Township.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-163. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2011-154 AUTHORIZING THE MAYOR TO SIGN AGREEMENT WITH THE COUNTY OF CAMDEN COUNTY OPEN SPACE TRUST FUND FOR ROUND 12 "RECREATION FACILITY ENHANCEMENT"**

**WHEREAS**, the Township of Berlin has been approved for funding from the Camden County Open Space Trust fund for Round 12 "Recreation Facility Enhancement" for the following areas, Spruce Avenue Recreation Complex and Luke Avenue Recreation Complex, which also includes round 10 funding.

<b>Luke Avenue Recreation Complex</b>	<b>Round 10</b>	<b>\$25,000.00</b>
	<b>Round 12</b>	<b>\$25,000.00</b>
<b>Spruce Avenue Recreation Complex</b>	<b>Round 12</b>	<b>\$25,000.00</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Township of Berlin, County of Camden and State of New Jersey, that the Mayor is hereby authorized to execute the attached Agreement on behalf of the Township of Berlin contingent of review and approval of the contract from Township solicitor.

**Note that contract is contingent upon review and approval of the contract from Township Solicitor**

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2011-154. Resolution adopted by call of the roll, four members present voting in the affirmative.

**ADJOURN**

Motion by Council President Morris, second by Councilman McIntosh to adjourn the meeting at 10:09 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 10:09 pm

---

Catherine Underwood, Township Clerk