

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL SEPTEMBER 10, 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, Mayor Magazzu, Councilwoman Bodanza arrived at 6:40

Also Present- Solicitor, Stuart Platt, Acting Chief of Police, Leonard Check, CFO, Lori Campisano, Maintenance Officer, Josh Shellenberger

Absent-

Mayor Magazzu asked for a moment of silence to mark the 11th anniversary of the Sept. 11, 2001, terror attacks.

Departmental Reports

ENGINEERS REPORT

A. CHANGE ORDERS AND VOUCHERS

1. Haddon Avenue Streetscape Project

I recommend that the Governing Body consider approving Change order No. 1, which reflects an increase of \$13,083.20 to the Contract (\$183,119.50 to \$196,202.70). The changes reflect the additions and deletions to coordinate the sidewalk with the future County project at the intersection of Franklin Avenue.

2. Hill Avenue Storm Drainage Improvements

I recommend that the Governing Body consider approving Change Order No. 2, which reflects a decrease in the contract of \$225.50. The changes

reflect the shifting of the proposed storm pipe to eliminate the conflict with the meandering water main and the construction of a segmental block retaining wall in lieu of the gabions, at the pipe outlet and the as-built quantity for the item Reno Mattress.

I recommend that the Governing Body consider approving Voucher No. 1, for the amount of \$72,011.58 conditional upon the approval of Change Order No. 2 and approved from the Camden County C.D.B.G. Program.

B. RESOLUTION FOR CONSIDERATION

1. Haddon Avenue Streetscape

- a. Change Order No. 1

2. Hill Avenue Storm Drainage Improvements

- a. Change Order No. 2 – Adjusting the Contract from \$291,396.00 to \$291,170.590
- b. Voucher No. 1 – for \$72,011.58 (\$1,469.62 retainage)

3. N.J.D.O.T. FY 2013 Municipal Aid Application

I recommend that the Governing Body pass separate resolutions, authorizing the preparation and submission of separate applications for two selected streets.

4. Anthony Pinto, A.T.&T. Store, 330 N. Route 73

I recommend that an amending resolution be passed, deleting the requirement for the site lighting issues as they have been addressed by the owner. The condition of the posting of the maintenance guaranty is still required by the Township.

5. Solid Waste Disposal

I recommend that you consider awarding a contract to Camden County Energy Recovery Associates, under the Camden County Cooperative Pricing System Identifier #57-CCCPS, with any

conditions, which have been recommended by the Solicitor, I recommend that the resolution be passed before November, 2012. The contract will commence on January 1, 2013.

C. ENGINEER'S REPORT

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

Atlantic City Electric is in the process of completing the installation of the underground wiring and foundations for the street lighting. I believe that the lights will be installed within the next month. After the new street lights are operating, I recommend that we investigate the possibility of removing some of the existing street lights, which are no longer necessary.

Command Company is currently constructing the concrete/brick paver sidewalk, between Franklin and Jefferson Avenue. I expect this project to be completed within the next month.

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

DSC Construction is constructing the storm drainage system. It is expected that the construction will take several more weeks.

I recommend that the Governing Body consider approving Change Order Number 2, which reflects the changes in the items and quantities, resulting from the redesign of the system to eliminate the conflict with the water main. The change order changes the contract from \$291,396.00 to \$291,170.50.

I recommend that the Governing body consider approving payment for Voucher Number 1, for the amount of \$72,011.58, conditional upon approval of Change Order No. 2 and approval of payment by Camden County C.D.B.G.

3. N.J.D.O.T. FY 2013 MUNICIPAL AID APPLICATIONS

The N.J.D.O.T. has announced the acceptance of applications for the following programs:

- a. Municipal Aid – I recommend that the Governing Body consider applying for the same street improvements projects, which were submitted last year.
 - 1) Oak Avenue – N.J.D.O.T. Jug handle Road “A” to 80 Feet past Clover Avenue.
 - 2) Hazel Avenue – Cushman Avenue to Chestnut Avenue
- b. Transit Village – the Township does not qualify for this program.
- c. Bikeways – higher priority is given to off-road bikeways then on-road bikeways. The DVRPC and County have identified bikeways, within the Township. If the Governing Body would like to submit an application for this program, I recommend that it be for one of the designated bikeways. We have attached a copy of the map, which depicts the location of the planned bikeways.
- d. Safe Streets to Transit
This Program is to encourage “safe and accessible pedestrian linkages to transit facilities, in order to promote increased usage of transit by all segments of the population.”

Applications must be submitted, electronically, to the N.J.D.O.T. by October 16, 2012.

I recommend that the Governing body pass separate resolutions, authorizing the submission of each application.

4. 2012 STREET IMPROVEMENTS PROGRAM

We must complete the bid documents, immediately, so that bids can be received and a contract awarded. The project will be bid in October 2012.

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

We will be meeting with Interim School Superintendent, Dr. Leonard Fitts, to discuss the application and request their support for the project. We are hopeful that we will have received the necessary documentation to submit an application at the end of this 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 expect to receive the quotes for the re-coating of the basketball and tennis courts at Spruce Avenue Recreation Complex by the end of September for, hopeful, award and construction in the Fall of 2012.

We intend to obtain quotes for the bandshell structure, in the immediate future. At this time, I do not believe that the Public Works staff will be able to perform the construction, due to the current demands on the department. We will request quotes/bids for the complete construction of the structure.

The next round of funding is in the Spring of 2013. I understand that the County is developing a ranking system for the funding of future applications. It is my understanding that the submission for an application for a dog park is being considered at the Luke Avenue Park. I have also received a request to apply for a remote control car obstacle course, possibly, at Spruce Avenue Recreation Complex.

8. REQUEST FOR SEWER CONNECTIONS AND INCREASES IN DISCHARGE FOR VOORHEES TOWNSHIP PROPERTIES

Recently, I have received several inquiries, requesting sewer connections for proposed developments in Voorhees Township. I have been informing them that connections, outside of Berlin Township, are not permitted, at this time, due to the limited allocation. I have mentioned that we anticipate an increase in allocation after the completion of the County interceptor project, which is expected to be in the Fall of 2013. I have stated that the increase in allocation does not lift the prohibition of sewer connection for outside of Berlin Township.

I have, recently, been contacted by a property owner, within Voorhees Township, that is operating a nursery and has a Berlin Township sewer connection for one service limit. They would like to operate a restaurant, in lieu of the nursery, at the site, which would require the issuance of five additional equivalent sewer service limits. I have informed the owner that Berlin Township is not accepting any additional flows from outside of Berlin Township allocation. I believe that the owner has requested to be placed on the agenda for the Council Meeting to discuss the matter with the Governing Body.

9. REQUEST FOR ADDITIONAL SEWER ALLOCATION

No further update to report, at this time.

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

At the Council Meeting on August 6, 2012, the Governing Body passed Resolution No. 2012-151, authorizing the connection of this residential development, within Voorhees Township, to the Berlin Township Sanitary Sewer collection system.

I have received a copy of a letter from the developer, to the Voorhees Township Administrator, requesting to be placed on their next workshop meeting to discuss the matter of an inter-municipal sewer agreement.

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

No further update to report, at the time.

12.MUNICIPAL BUILDING

a. HVAC System

No update.

b. Free Standing Monument Sign

The sign installer is performing the necessary services to have the sign operate, properly.

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

The contractor will be visiting the Municipal Building. I expect them to submit a schedule for the work, after their visit.

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.

13. STORM DRAINAGE IMPROVEMENTS

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

I have included the project in the Clean Water Needs Survey, which the N.J.D.E.P. will include with their listing to compete for Federal funding. I have estimated the overall project to cost \$11.8 Million, which includes work from Haddon Avenue to the portion of the Egg Harbor River, which is immediately downstream from Cross Keys Road.

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

The owner must, frequently, clean the trash grate at the spillway orifice, to prevent it from becoming blocked by debris and vegetation.

14.NO PASSING ZONE ALONG COOPER ROAD

I have requested the County Engineer's Office to provide me with a copy of the original construction profile, which I could use to establish the required sight distances and no passing zones.

15.POSSIBLE MULTI-WAY STOP CONDITION AT THE INTERSECIION 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.

16.2012 CLEAN WATER NEEDS SURVEY

I have submitted the survey form and respective cost estimates to the N.J.D.E.P. This document lists the existing or proposed infrastructure needs for the sanitary sewer and stormwater management projects.

I have submitted the following projects:

a. Upgrades to pumping stations	\$344,000
b. Sanitary sewer extensions	
1) Cooper Road and Individual Drive	\$1,590,000
2) Taunton Avenue	\$257,500
3) Chestnut Avenue dead end	\$358,000
4) Edgewood Avenue and Allied Parkway	\$502,000
c. Stormwater management- Egg Harbor River, Southwest portion of the Township	\$11,800,000

D. PUBLIC WORKS DEPARTMENT

1. CAPITAL PURCHASES FOR VEHICLES AND EQUIPMENT

I will be preparing a request for funding for the purchase of various Public Works vehicles and equipment, as the fleet is aged and in need of replacement. This request will include trash trucks, dump trucks, sewer equipment, tub grinder, other vehicles and equipment.

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

I believe that the Governing Body is adopting the amending ordinance to address 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. COUNTY-WIDE SOLID WASTE DISPOSAL

The County has received bids and awarded a contract to Camden County Energy Resources Associates for the disposal of solid waste at the existing incinerator in Camden City.

The following is a listing of the price per ton for the respective years, which the County has the option to renew the contract, annually:

Year 2	January 1, to December 31, 2013	\$61.00
Year 3	January 1, to December 31, 2014	\$63.00
Year 4	January 1, to December 31, 2015	\$76.00

Year 1 is for the remainder of 2012, which is not necessary for the Township since the current contract, at \$52.50/ton, does not terminate until the end of 2012.

The award of year 4 is to be exercised at the “sole discretion” of the County.

The Governing Body is required to enter into a Contract with the low bidder. I strongly recommend that the Governing Body have the Solicitor review and comment on the agreement, between the County and the low bidder, under the County Cooperative Pricing System, System Identifier #57-CCCPS. I recommend that any resolution of award be conditional, if deemed appropriate by the Solicitor, to include language, which states that the Governing Body, if they object to the renewal of the Contract, especially for the last year, can place their objecting position, on record with the requesting

Freeholders, requesting that they consider the Township's position, before they consider the award of the renewal of the contract.

7. SAFETETY CLASSES FOR STAFF

The Lindenwold Public Works Superintendent has developed a list of classes, which are provided by the insurance provider and invited our department to attend these classes. I will be scheduling the staff members for attendance during the winter months, which is typical.

Please contact me if you have any questions or comments, regarding the contents of this report.

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. Berlin 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.
16. Chief Jackson

POLICE DEPARTMENT

Acting Chief of Police Check remarked that he would like to recognize Officer Sheehan and Officer Murray who were dispatched to the Golden Corral for a choking victim. The Officers preformed CPR and were able to dislodge what she was choking and saved her life.

Acting Chief Check commented that he was at the first day of school and had some concerns on the drop off area of the school, since it has become a choice school there has been an increase of drop offs. Chief stated that he plans on meeting with Chuck, Supervisor of Buildings and Grounds to plan a safer drop off area.

MAINTENANCE DEPARTMENT

Josh Shellenberger, Maintenance Officer commented that he has had several calls from residents regarding mosquitoes. Josh stated that the Camden County Mosquito Control will come out and spray the property for free. Josh also reported that due to the recent amount of rain, some of the vacant homes in the Township are now being cut by landscapers.

Josh Shellenberger, Animal Control Officer stated that a resident has report stray kittens on Katherine Avenue. Josh will be accessing the area and will be setting a few traps.

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”

WHEREAS, in the Township of Berlin, installation, maintenance and repair of the lateral lines running between the water and sewer mains to the curb line and the property line to the premises is the responsibility of the property owner; and

WHEREAS, Chapter 125 of the Code of the Township of Berlin, entitled “Water and Sewer” sets forth regulations for water and sewer line installation, maintenance and repair; and

WHEREAS, the Code of the Township of Berlin is being clarified regarding lateral line maintenance and repair;

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Township Council of the Township of Berlin as follows:

SECTION 1: Chapter 125 of the Code of the Township of Berlin is hereby amended, revised and supplemented in the following manner:

Chapter 129-14.3 Responsibility of Property Owner; Maintenance and Repair.

The property owner shall be responsible for the maintenance and repair of the lateral water and sewer lines between the water and sewer main to the curb line and the property line to the premises, and shall keep the same in good repair and protected at all times from damage of any kind and shall be held liable for loss for failure to do so. Any and all leaks in the lateral lines shall be promptly reported to the Township Utility Department.

SECTION 2: Except as set forth in Section 1 above, the balance of Chapter 125 shall not be affected by this Ordinance.

SECTION 3: All Ordinances or parts of Ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4: 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 5: This Ordinance shall take effect twenty (20) days after final adoption and Publication as required by law.

Motion by Council President Morris, second by Councilman Epifanio to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2012-9.

Bob Lightcap asked what is this Ordinance about.

Stuart Platt , Township Solicitor replied that this ordinance is to clarify the responsibility of the sewer lateral lines. The property owner shall be responsible for the maintenance and repair of the lateral water and sewer lines between the water and sewer main to the curb line and the property.

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 Councilman Epifanio to adopt Ordinance 2012-9 Ordinance approved by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-157 AMENDING RESOLUTION 2012- 148 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 AND THE RELEASE OF ESCROW MONEY.

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 the release of escrow money in the amount of \$2053.07.

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.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-157. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-158 RESOLUTION FOR CHANGE ORDER NO. 1 FOR TRANSPORTATION ENHANCEMENT PROGRAM

WHEREAS, it was necessary to make changes in the scope of work to be done in completing the Berlin Township Transportation Enhancement Program – **Haddon Avenue Streetscape Project**, in the Township of Berlin, Camden County, New Jersey; and

WHEREAS, Change Order No. 1 was developed to authorize those changes; and

WHEREAS, an increase to the contract amount by \$13,083.20

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 \$13,083.20 if hereby authorized and approved.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-158. Resolution adopted by call of the roll, five members present voting in the affirmative.

Resolution 2012-159 Payment of Bills - September 10, 2012

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

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

TO	ACCOUNT		AMOUNT
AP 73, LLC	PB Esc #367	\$	2,053.07
Camden County Clerk's Office	Rehab Loan Fund		22.00

Marrazzo & Platt, PC	PB Esc #208	183.20
Robert E. DePersia, II Esq	Mun Public Defender Trust	675.00
Township of Berlin Current Fund	PB Esc #367	108.36
Camden County Animal Shelter	Dog Trust	552.00
Walmart	Dog Trust	5.97

CONFIRMING

Various Current Fund, Sewer Operating Fund and General Capital Fund Checks	(See Bill List attached dated 8/7/12)	\$ 2,937,071.22
David A Capozzi Esq	Mun Public Defender Trust	150.00
Marrazzo & Platt, PC	PB Esc #208	502.53
Robert E. DePersia, II, Esq	Mun Public Defender Trust	825.00
Ronald Conklin	Rehab Loan Fund	50.00
Ross Gigliotti, Esq	Mun Public Defender Trust	75.00
Township of Berlin Current Fund	PB Esc #367	81.27
Township of Berlin Current Fund	PB Esc #308	816.30
Township of Berlin Current Fund	PB Esc #286	162.54
Camden County Animal Shelter	Dog Trust	552.00
Treasurer, State of NJ	Dog Trust	2.40
Walmart	Dog Trust	11.56
Camden County Fire Marshall	2-01-30-420-2105	331.00
ICCA	2-01-30-420-2105	4,500.00
Township of Berlin Trust Other Fd	2-01-26-290-2147	15,000.00
	2-01-30-415-1017	26,000.00
Verizon Communications	2-01-20-120-2105	140.63
America On Line	2-01-31-443-2077	34.99
Verizon Communications	2-01-31-443-2077	99.99
S & H Electric	2-01-26-310-2024	590.00
State of NJ Health Benefits	2-01-23-220-2092	25,135.33
State of NJ Health Benefits	2-01-23-220-2092	55,073.06
TD Bank, NA	3-01-45-930-2105	239,387.50
TD Bank, NA	3-07-66-240-0262	4,170.75
	3-07-66-160-0168	1,629.25
Ameriflex	Flex Claims Account	75.00
Verizon Communications	3-01-31-443-2077	99.99
Catherine Underwood	3-01-55-103-0102	100.00
Chief Joseph Jackson	3-01-55-103-0103	300.00
General Code	2-01-20-120-2103	2,000.00
USPS Hassler	3-01-20-120-2022	2,000.00
Post Master Cherry Hill	3-01-20-110-2120	286.13
Verizon Communications	3-01-20-120-2105	140.63

Verizon Communications	3-01-31-443-2077	99.99
AT & T Mobility	2-01-31-440-2076	759.98
Comcast	3-01-29-390-2059	197.01
Comcast	3-01-26-310-2020	67.14
Hess Corporation	2-01-31-435-2075	29.91
	2-01-31-435-2071	4,131.22
	3-01-55-160-0168	553.71
Verizon Communications	2-01-31-440-2076	1,536.59
Verizon Wireless	2-01-25-240-2028	400.10
State of NJ Health Benefits	3-01-23-220-2092	55,073.06
State of NJ Health Benefits	3-01-23-220-2092	25,135.33
Ameriflex	Flex Claims Account	75.00
Verizon Communications	3-01-31-443-2077	99.99
Treasurer, State of NJ	Dog Trust	13.80
Verizon Communications	3-01-20-120-2105	140.63
State of NJ Health Benefits	3-01-23-220-2092	25,135.33
State of NJ Health Benefits	3-01-23-220-2092	55,073.06
Verizon Communications	3-01-31-443-2077	99.99
Treasurer, State of NJ	3-12-45-920-2105	6,061.06
	3-12-45-930-2105	1,711.84
TD Bank, NA	3-01-45-930-2105	44,743.75
TD Bank, NA	3-01-45-930-2105	17,668.75
Payroll, Current Fund	6/7/2012	58,135.44
Payroll, Sewer Operating Fund	6/7/2012	3,168.12
Payroll, Current Fund	6/14/2012	56,809.13
Payroll, Sewer Operating Fund	6/14/2012	3,168.12
Payroll, Current Fund	6/21/2012	56,904.68
Payroll, Sewer Operating Fund	6/21/2012	3,168.10
Payroll, Current Fund	6/28/2012	72,266.75
Payroll, Sewer Operating Fund	6/28/2012	3,171.29
Payroll, Current Fund	7/5/2012	56,932.08
Payroll, Sewer Operating Fund	7/5/2012	3,521.14
Payroll, Current Fund	7/12/2012	65,820.59
Payroll, Sewer Operating Fund	7/12/2012	3,459.51
Payroll, Current Fund	7/19/2012	60,851.54
Payroll, Sewer Operating Fund	7/19/2012	3,305.64
Payroll, Current Fund	7/26/2012	77,834.38
Payroll, Sewer Operating Fund	7/26/2012	3,294.33
Payroll, Current Fund	8/2/2012	54,061.88
Payroll, Sewer Operating Fund	8/2/2012	3,305.64
Payroll, Current Fund	8/9/2012	65,370.08
Payroll, Sewer Operating Fund	8/9/2012	3,593.13
Payroll, Current Fund	8/16/2012	59,391.42

Payroll, Sewer Operating Fund	8/16/2012	3,305.64
Payroll, Current Fund	8/23/2012	62,156.91
Payroll, Sewer Operating Fund	8/23/2012	4,290.16
Payroll, Current Fund	8/30/2012	77,520.81
Payroll, Sewer Operating Fund	8/30/2012	3,305.67

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2012-159. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-160 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE OAK AVENUE (NJDOT RAMP TO 80 FEET PAST CLOVER AVENUE) PROJECT

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Berlin Township-00375 to the New Jersey Department of Transportation Year 2013 on behalf of the Township of Berlin.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Berlin and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-160. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-161 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR HAZEL AVENUE to CUSHMAN AVENUE

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Berlin Township-000374 to the New Jersey Department of Transportation Year 2013 on behalf of the Township of Berlin.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Berlin and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2012-161. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012- 162 RESOLUTION REQUESTING THE ISSUANCE OF RAFFLE LICENSES FOR PEACE

WHEREAS, the Berlin Township Peace Organization, 225 Grove Avenue, West Berlin New Jersey has requested the issuances of license by the Township of Berlin for;

Halloween fall festival October 26, 2012

On- Premises 50/50 Cash Raffle

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of licenses to the Berlin Township Peace Organization, 225 Grove Avenue, West Berlin New Jersey for the Date of October 26, 2012.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2012-162. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2012-163 CHANGE ORDER NO. 2 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, the decreases and increases reflect changes in items along the roadway portion of the project are due to the actual location mark-outs and due to the restriction of available space for the drainage, modification of the location and type of structure and pipes are necessary ;and

WHEREAS, the decrease and increase reflects the use of segmental concrete block retaining wall, in lieu of the gabions and the as-built quantity for the item Reno Mattress; and

WHEREAS, a decrease to the contract in the amount of \$225.00 ; 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. 2 decrease in the amount of \$225.50 if hereby authorized and approved.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2012-163. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2012- 164 OF THE TOWNSHIP OF BERLIN
RATIFYING SETTLEMENT WITH CWA, LOCAL 1040, ANTHONY SCHANZ,
AND EDWARD MCKAY**

WHEREAS, the Communications Workers of America Union, Local 1040 (“CWA”) formerly represented the Public Works Department employees for the Township of Berlin (“Township”) (collectively “Parties”); and

WHEREAS, following the layoffs of Department of Public Works employees, including Anthony Schanz (“Schanz”) and Edward McKay (“McKay”), due to decreases in State aid, a dispute arose between the parties as to the motivation for the layoff action; and

WHEREAS, litigation ensued following the layoff action before the Public Employee Relations Commission; and

WHEREAS, in an effort to avoid protracted and costly litigation, representatives of Parties engaged in settlement negotiations and were able to reach an amicable settlement on all outstanding issues; and

WHEREAS, the Township Labor Counsel has recommended the settlement to the Governing Body; and

WHEREAS, the Governing Body is of the opinion that the settlement is in the best interests of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berlin for the reasons set forth above that the settlement of all claims asserted by CWA under the terms set forth above and attached hereto as “Exhibit A” is hereby approved and ratified; and

BE IT FURTHER RESOLVED that the Mayor of Berlin Township and/or Township Labor Counsel is hereby authorized to implement this Resolution and execute any documents necessary in connection therewith; and

BE IT FURTHER RESOLVED that Township is authorized to make payments of \$2,000 to Schanz and McKay.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2012-164. Resolution adopted by call of the roll, five members present voting in the affirmative.

Approval of Business Licenses

1) Mid Atlantic Rover, William F. Molas, 419 Commerce Lane, Suite 3. Internet Car Business selling pre-owned Landrovers.

2) Quick Fix Smartphone and Tablet Repairs, William S. Slater, 200 Route 73 North, Suite 3B. The repair and sale of related accessories.

3) United We Buy It All, Peter M. DeBorrello III, 140 Route 73 North. Buying and Selling of coins and collectibles.

4) Gold Express, Christopher Porreca, 447 Route 73 North. Purchasing second hand precious metal and electronics.

5) Clean and Green, Traci DiColandrea, 199 Edgewood Avenue, Unit 1. Cleaning Services.

6) Bronze Bodies, William Lebb, 116 Walker Avenue, Tanning Salon.

7) Shift Innovations, Bradley Hreha, 330 Route 73 North. Window Tinting and Car Audio Installation.

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

Approval of Minutes for August 8th , 2012

Motion by Councilman McIntosh, second by Councilman Epifanio to approve the minutes for August 8, 2012. Motion carried by voice vote, five present voting in the affirmative.

Approval of Special Meeting Minutes for September 4, 2012

Motion by Councilwoman Bodanza, second by Councilman McIntosh to approve the Special Meeting Minutes for September 4, 2012. Motion carried by voice vote, five present voting in the affirmative.

Consent Agenda

Motion by Councilwoman Bodanza, 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 July 2012

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

All Other Business

1) Letter from Elizabeth DeLaney – Asking for an increase of 4 EDU's in Sewer service- Patty Farm Market Voorhees

Chuck, Township Engineer stated recently, I have received several inquiries, requesting sewer connections for proposed developments in Voorhees Township. I have been informing them that connections, outside of Berlin Township, are not permitted, at this time, due to the limited allocation. I have mentioned that we anticipate an increase in allocation after the completion of the County interceptor project, which is expected to be in the Fall of 2013. I have stated that the increase in allocation does not lift the prohibition of sewer connection for outside of Berlin Township.

I have, recently, been contacted by a property owner Elizabeth Delaney, who business resides within Voorhees Township. This business is operating as a nursery and has a Berlin Township sewer connection for one service limit. They would like to operate a restaurant, in lieu of the nursery, at the site, which would require the issuance of five additional equivalent sewer service limits. I have informed the owner that Berlin Township is not accepting any additional flows from outside of Berlin Township allocation. I believe that the owner has requested to be placed on the agenda and is here to discuss the matter with the Governing Body.

Elizabeth DeLaney asked for an increase in EDU's so that they can move forward of their plans to convert the nursery to a restaurant.

Mayor Magazzu remarked that at this time we can do anything until the completion of the County interceptor project. Then we may have an increase in allocations, but that will not be until the fall 2013. Mayor stated that she should reach out to Andrew Kricum at the County Municipal Utilities Authority to see what he can do for them. Mayor Ask Chuck to call Andrew Kricum to follow up to see what could be done.

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.

Peter M. DelBorrello III from United We Buy It All, who business was approved at tonight meeting, stated that they went to surrounding towns to open up their business and Berlin Township was the most organized and helpful. Peter thanked everyone.

Bob Lightcap stated that at the last meeting he asked the Mayor some questions in regards to her ethic violations, which the Mayor read a statement. The statement did not answer my questions so I am going to ask the questions again

1) You took a position that you were not supposed to have and gave family members a job. So when will you be stepping down as Mayor?

2) When will you be paying back the money you took for that position along with interest?

Bob stated that now I have a question for Council President Morris and asked what steps are you taking right now to remove the Mayor from Office and what do you plan on doing to get the money back to the residents. Mr. Lightcap also stated that this system of answering our questions does not work. Will you reopen the meeting so that we can comment on your answers to our questions or do we have to come back every month to get answers to our questions?

Christine Liss spoke about Ordinance 2012-9 and asked where can she get a copy of the ordinance. Mayors said Clerks Office. Christine said she would like to read it to see who is responsible for what. She also remarked that at prior meeting Councilwoman Bodanza and Councilman McIntosh had voiced some objections on this ordinance so Christine asked if they were comfortable with the ordinance now.

Both Councilwoman Bodanza and Councilman McIntosh said yes.

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. Mayor Magazzu closed the meeting to the public.

RESPONSE

Mayor stated that it was not two separate job positions, but that it was my salary that was divided in half. We had put it back and then you or your wife had filed a complaint. The other issue that you claim is that it was a family member. It was not a family member but a friend of the family and the ethic claim was that I voted on his salary. But not only for his salary but for all the employee salaries.

I don't know how else to explain it to you. I have explained it many times your making this a political issue

Council President replied to Mr. Lightcap questions. Council President remarked that you didn't get answer because you didn't ask in a respectful manner. As in the past I had to go to the prosecutors offices because of your threatening behavior in the past. Council President Morris stated at the last meeting I did begin to answer your questions, but you immediately started to rant back at me and yelling at me so I decided to cut it off at that point.

Council President remarked as for Josh Shellenberger issue, I handled the hiring process along with Chuck Riebel. We did all the interviews and Josh was the most qualified for the job. Not only did he have the qualification that we were looking for but he also had additional heating and air conditioning experience as well. This has not been an issue then, nor is it an issue now Josh has been performing very well.

Councilman McIntosh stated that he got just what he wanted that the responsibility should be on the home owners just to the curb not to the street.

Councilwoman Bodanza replied yes also and said we worked it out and discuss it, thank you.

Mayor Magazzu stated it was just a clarification of an ordinance that we all ready had, we just made it clearer. You can get a copy at the clerk's office.

Stuart Platt, Solicitor summarized the public portion of our meeting stating that the Open Public Meeting Act or also known as "Sunshine Law ".states that every public meeting need to have a public portion. The public portion is just that, for the public. Elected Officials are to do the listening while the public is speaking. This governing body follows the Roberts Rules of order which the public speaks with no interruptions from the governing body, it's a comment period, not necessary a question and answer period. But if questions are raised then the

public portion will be closed and the governing can answer those questions at that time.

Adjourn

Motion by Councilman Epifanio, second by Council President Morris to adjourn the meeting at 7:10 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 7:10 pm

Catherine Underwood, Township Clerk