

SEPTEMBER 11, 2017

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL September 11, 2017 AT 5:30 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- Mayor Magazzu, Councilman McIntosh, Council President Morris Councilwoman Bodanza, Councilman Epifanio.

Also Present- Solicitor, Stuart Platt, CFO, Lori Campisano, Animal Control/ Property Maintenance, Josh Shellenberger, Township Engineer / Public Works Director, Chuck Riebel, Chief of Police Leonard Check.

Absent-

Cindy Johnson from the MS Bike to Shore Ride came out to talk about the upcoming event for September 23 and 24th. Cindy thanked the governing body for all their help over the years.

Proclamation: September Ovarian Cancer Awareness Month “Susan Marie Rupp Foundation”

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 17,000 die from it; and

WHEREAS, if it can be detected in its 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

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silent disease. A visual aid was established by utilizing the recognized cancer ribbon logo, with the ribbon color in teal.

WHEREAS, The Susan Marie Rupp Foundation set as their mission to promote public awareness of this silent, deadly disease and its symptoms through their “teal ribbons of hope” Ovarian Cancer awareness campaign:

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.

Departmental Reports

ENGINEER’S AND DIRECTOR’S REPORT

A. CHANGE ORDERS AND VOUCHERS

None at this time.

B. RESOLUTIONS AND ORDINANCES FOR CONSIDERATION

1. WalMart Bond Release

Action for the release of the performance guarantee will be delayed until they replace the trees, which have recently died.

2. Fellowship Baptist Church Release of Performance Guarantee

I recommend that the Governing Body consider release the performance guarantee and waive the requirement for the posting of a two-year maintenance guarantee as the majority of the site improvements have been completed for a period of greater than two years and are in acceptable condition.

3. N.J.D.O.T. FY2018 Municipal Aid Program

I recommend that the Governing Body consider taking action at the Council Meeting in September, 2017, authorizing the submission of an application for street improvements, through this program. The submission deadline date is October 6, 2017.

4. Improvements to Hazel Avenue, Chestnut Avenue to Cushman Avenue, N.J.D.O.T. FY 2015 Funding

I recommend that the Governing consider passing a current resolution, authorizing the advertisement and opening of bids for this project.

5. Amending Ordinance for Emergency Generators and Raised Decks/Patios in Montebello Development

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The Planning Board has recommended that the Governing Body consider amending the Zoning Code to address the above-mentioned matters. I recommend that the Governing Body consider introducing the amending ordinance at the next Council Meeting.

6. Public Works/Engineering Clerk

Last month, the Governing Body introduced Ordinance No. 2017-7 to make the position a full-time employment. I am hopeful that the Governing Body will be able to adopt the ordinance at the next Council Meeting.

C. ENGINEER'S REPORT

1. 2017 Automated Refuse Truck

The new truck has been delivered to the Public Works Complex. We are waiting for the solid waste transport decal to be mailed to the Township. Once the decal is received, we will be placing the truck into the collection rotation.

2. Camden County Community Development Block Grant Program, Year 39 (2017-2018) Funding and Remaining Balances From Funding From Previous Years

The intended work consists of the continuation of improvements to the Senior Citizens Building. I recommend that the priority of the remaining improvements be established, so the work can be performed in the near future.

Mr. Simone has ordered the tables and chairs and is working on the replacement of the rear door and automation of the front doors for handicap access. Mr. Simone has received quotes for these items.

3. N.J.D.O.T. FY 2018 Municipal Aid Program Application

The N.J.D.O.T. has announced the acceptance of applications for the next round of funding. A project must be selected and the Governing Body must pass a resolution authorizing the submission of an application to the N.J.D.O.T. Since the N.J.D.O.T. has not allocated funds for Oak Avenue and Taunton Avenue, under the last two rounds of funding, I recommend that another project be selected for the application for this round. The application must be submitted, electronically, by October 6, 2017.

4. Improvements to Hazel Avenue (NJDOT FY 2015 Funding)

We are in the process of completing the bid/construction documents. I am hopeful that we will be able to bid the project, in the immediate future, in order to retain the N.J.D.O.T. funding. Prior to bidding the project, we must obtain N.J.D.O.T. Local Aid approval of the plans and specifications and authorization to bid the project. Since it has been quite some time since the original authorization, I request that the Governing Body consider re-authorizing the advertisement and opening of bids for this project.

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The requested amount of funding was \$236,000. The estimated construction cost was estimated to be \$210,627 and contract administration/materials testing costs are estimated to be \$9,000. I have requested that additional funds be allotted, for this project, in the 2017 budget.

5. 2016 Street Improvements Program

The Governing Body has allotted funds for the improvements to the following streets:

- a. Localized pavement area repairs along Taunton Avenue- Cooper Road to Clover Avenue;
- b. Repairs to settled pavement along Lester Avenue- Haddon Avenue to McClellan Avenue and along McClellan Avenue- Lester Avenue to Pine Avenue;
- c. Repairs to the settled pavement and curb at #340 Centaurian Drive;
- d. Repairs to the localized areas of the gutterlines of street within the Pinecrest section.

I am hopeful to begin the preparation of bid documents in the near future with the construction occurring in 2017.

6. Recommendation for Capital Improvements for 2017

I had submitted my recommendations for various improvements to the streets, buildings, grounds and recreation facilities. I strongly suggest that the Governing Body consider implementing a long-term capital improvements program to address this matter.

7. Shared Services with Berlin Borough for Public Works Equipment

No update to report, at this time.

8. Bate Avenue Site (Former Municipal Building and Administrative Building)

I recommend that the Governing Body consider taking the necessary action for the, possible, demolition of the existing building and sale of the property.

9. Re-Examination of the Master Plan

I have recommended that the Governing Body consider allocating funding, in the near future, for consulting planning services for the preparation of a new Master Plan. I recommend that the Governing Body discuss the scheduling of the process with the Planning Board.

10. Request for Vacation of a Portion of Pinedge Drive

No further update to report.

11. Improvements to the Municipal Building

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a. Improvements to the Unfinished General Assembly Rooms

At this time, I am not sure when we will be completing the bid documents for the ceiling, the remainder of the ceiling lighting, HVAC system and reconfiguration of the fire suppression system.

It has been determined that the Public Works staff will install the vinyl floor tiles, after the above mentioned, contracted work has been completed. The Public Works Department may, also, install the hung ceiling system.

b. Irrigation and Landscaping

The design for the irrigation system remains to be completed. I am hopeful that we will be able to have an irrigation contractor donate their design services. Otherwise, we must purchase design software to complete the task. I have requested that funds be allotted for the irrigation system, with a rainwater recapturing system for irrigation use, in my request for capital funding in 2017. Due other projects, which are in immediate need of improvement, this project has been assigned as a lower priority, in the past. I recommend that this project be considered for funding in 2018, if funding is available.

c. Recoating of the Front Parking Area

I recommend that this project be considered for funding in the 2018 Capital Budget.

12. 2017 Camden County Open Space Trust Fund Recreation Facility Enhancement Application

The application package was submitted to the County for funding for spectator seating at the band shell at the Luke Avenue Recreation Complex. The County representative has informed me that consideration for funding is not favorable due to the unexpended funds from previously approved grants. Ms. Campisano has informed me that she has resolved the open issues with the current funding. Now that the current funding has been addressed, I am hopeful that the County agency will act favorably, regarding our request for the redesignation of a portion of these funds.

13. Camden County Open Space/ Recreation Enhancement Funds for the Reconstruction of the Large Hockey Rink at Robert T. Clyde Memorial Park

The Freeholders approved a total of \$50,000 for this project. Ms. Campisano has informed me that she has discussed and resolved the matters of funding with the County representatives.

14. County Recreation Enhancement Funds for the Reconstruction of the Basketball Court at Spruce Avenue Recreation Site (County Open Space Grant - \$25,000)

The Governing Body has adopted the Bond Ordinance, appropriating funds to supplement the County Open Space funds so that this project can be completed. I am, currently, evaluating the use of a geogrid reinforcement system, which would allow for the resurfacing of the court, rather than the costlier, reconstruction of the surface.

I expect to receive bids for this project, along with the street improvement program, which will, hopefully, result in a more competitive price, due to the inclusion with a larger scale project.

15. Improvements to the Water Distribution System by Berlin Borough

Mr. Simone has informed me that the Borough has awarded a contract for the replacement/upgrade of the water main along Grove Avenue, between Harrison and Cleveland Avenues. I would expect the work to begin in the immediate future.

16. Storm Drainage Improvements

a. Lester Avenue Storm Drainage and Stormwater Management

1) Phase 1-Construction of Storm Inlets Piping and Temporary Stormwater Basin

The Governing Body has adopted the Bond Ordinance, appropriating funds, for this project. We expect to bid this project, in the near future.

2) Phase 2 – Extension of Storm Drainage to the Existing Stormwater Management System within the Luke Avenue Recreation Complex

We must perform the land surveying and engineering design. I will be preparing a cost estimate for the construction for consideration for funding by the Governing Body. It will be necessary to obtain an easement for the proposed storm drainage piping, which will be crossing the P.S.E.G. lands.

b. Kelley Drive Stormwater Basin Reconstruction

It is my understanding that the funds must be re-allocated for this project. I do not see our department completing the bid documents until, some time, late in 2017.

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

No update to report.

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

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I had reported to the Governing Body, some time ago that I am estimating that the overall construction cost for the necessary improvements is approximately \$11.8 million. I recommend that a meeting be requested with Congressman Norcross to discuss the possibility of receiving Federal funding, for this project. It may, also, be worth requesting the assistance of the N.J.D.E.P.

17. Request to the Pinelands Commission for Redesignation of Lands

To date, I have not performed any additional work, regarding this matter. I have discussed the matter with representatives of Key Engineers, Inc. and have requested that they submit a proposal for the planning services. I recommend that the party(ies) requesting redesignation be responsible for the cost of the consulting planning services. As we requested, the County Planner has mentioned the matter, in the Master Plan Reexamination Report. The study must be performed and the report prepared and submitted to The Pinelands Commission.

18. Tax Map Revisions

We have completed the new sheets for the recorded sections of the Montebello development. We must complete the remaining revisions to the remainder of the sheets. I recommend that the current plans be converted to CAD format to allow for easier updates and posting on the website. We are in the process of obtaining a price for the conversion of the plans to CAD.

19. Request for the Installation of a Traffic Signal at the Intersection of Route 73 and D'Angelo Drive

No update to report

20. Request for Improvements to Traffic Conditions at the Intersections of Route 73 and Cooper Road and Route 73 and Jackson Road

No update to report.

21. Investigation for Sidewalk Along Oak Avenue

Some time ago, the Governing Body discussed the possible construction of sidewalk along one side of the street, due to the narrow width of the roadway. I must, still perform the investigation and report to the Governing Body.

22. Investigation of the Condition of Decorative Concrete Sidewalk Along Haddon Avenue

I recommend that an epoxy coating be applied to the spalled areas and apply a clear sealant to the concrete and brick surfaces. This work can be performed by the Public Works staff.

23. Possible Multi-Use Trail- Educational Park to Egg Harbor Road

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I have informed the Governing Body that Public Service Electric and Gas Co. has allowed for the construction of a multi-use trail, within their right-of-way for high service lines. There have been grants available for these trails. If the Governing Body is interested, I will contact them to schedule a meeting to discuss the possibility of placing a trail within their right-of-way.

24. Study for Designated Truck Routes Throughout the Township

I, still, must complete the study and submit my recommendations to the Governing Body for consideration for adoption.

D. PUBLIC WORKS DEPARTMENT

1. Operations and Staffing

I would like to thank the Governing Body for the hiring of the Public Works/ Engineering Clerk. To date, she has been doing a great job for both departments. I am hopeful that the Governing Body will approve the position for full time employment, in the immediate future.

The staff is still performing the typical Summer tasks, which have been extended due to the rainy weather that we are experiencing.

The new collection process of solid waste, recyclables and solid waste continues to improve with time. For the most part, the residents have adjusted to the automated collection of solid waste and recyclable materials. The collection of bulky waste items, once per month, continues to improve as more residents become familiar with the new procedure. The drop off of various waste items, by the residents, to the designated containers at the Public Works Complex, rather than placing them curbside, continues to increase with time.

2. Auction for Vehicles and Equipment

Mr. Simone is currently receiving bids, through GovDeals.com. We are hopeful that we will receive competitive bids for the various pieces of equipment, which have been listed on this website.

I had recommended that quotes be received for these services and the Governing Body consider including an inspection and maintenance provision, which could be included in the base bid or listed as an alternate bid.

3. Leaf Compost Material and Yard Waste

We continue to research and discuss other possible sites for the disposal of the composted leaves and yard waste.

4. Possible Directory Signs for the Businesses Along Haddon Avenue, Between Zulker and Walker Avenues

No update to report.

5. Traffic Signal Emergency Repairs Contract for the Remainder of 2017

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I had recommended that quotes be received and the Governing Body consider including a provision for maintenance and inspection, which could be included in the Base Bid or listed as an alternate bid.

6. Purchase of Loader

Last month, the Governing Body passed Resolution No. 2017-151 awarding a contract to Groff Tractor, through the NJPA purchasing agreement, for \$129,000.00. We expect the loader to be delivered in mid to late-November, 2017, allowing us to use it for leaf composting and the upcoming winter season.

7. Roadway, Sign and Walkways Management Program

In 2017, the Public Works Department staff completed the inspection of the roadways, signs and walkways along all municipal streets.

The Public Works Department continues to repair or replace those signs, which have been identified by the inspectors. The Department continues to repair the identified areas of municipal streets.

SOLICITORS REPORT

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Estate of Carol Bowne
5. Rhonda Aboott V. Berlin Township Police
6. Open Public Records Act
7. Municipal Building Roof
8. Lester Avenue Drainage Project
9. Verizon Wireless Municipal Consent

POLICE DEPARTMENT

Council Report September 11, 2017

Department Stats, August, 2017

Total calls for service for March: 3,382

Total of 237 Motor Vehicle Summons, 36 Motor Vehicle Crashes, 62 Alarms calls. Total of 58 arrests, which include 6 narcotics, 2 for DWI, and 16 warrant services.

There were 5 shoplifting offenses.

Department News:

The department participated in the Driver Sober or Get Pulled Over Labor Day crack down between 08/18/2017 and 09/04/2017.

The department issued a total of 194 summonses during this detail. Summonses include 2 for DWI, and 5 warrant arrests.

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The Township schools opened on Thursday, 09/07/2017. Officers will be completing directed patrols at the schools every day that classes are in session.

MAINTENANCE OFFICER / ANIMAL CONTROL

Nothing to report at this time.

SECOND READING AND PUBLIC HEARING ORDINANCE NO 2017-6 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY VACATING, RELEASING AND EXTINGUISHING ANY AND ALL PUBLIC RIGHTS TO A PORTION OF THE PUBLIC STREET KNOWN AS PINEDGE DRIVE LYING CONTIGUOUS TO BLOCK 2601, LOT 1, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF BERLIN, SUBJECT TO CERTAIN TERMS AND CONDITIONS REQUIRED BY LAW.

WHEREAS, there exists in the Township of Berlin ("Township"), County of Camden, State of New Jersey a paper street known as Pinedge Drive as shown on the Official Tax Map of the Township of Berlin; and

WHEREAS, there has been a request for the Township to vacate a portion of Pinedge Drive contiguous to Block 2601, Lot 1, as same is shown on the Tax Map of the Township of Berlin; and

WHEREAS, the matter has been referred to the Governing Body and its appropriate professionals, who have recommended that the Township proceed with the requested vacation since the aforementioned portion of the paper street, as more particularly described on a certain metes and bounds description (attached hereto as Exhibit "A"), and as shown on a certain Right-of-Way Vacation Plan (attached hereto as Exhibit "B"), is not needed by the Township for public purposes; and

WHEREAS, by operation of law, the vacated portion of Pinedge Drive, as more particularly described in Exhibit "A" and as shown on Exhibit "B" attached hereto, shall be conveyed to the owner of the contiguous property, said property being designated as Block 2601, Lot 1 on the Official Tax Map of the Township of Berlin; and

WHEREAS, the Governing Body does hereby determine that the aforementioned portion of Pinedge Drive, as described in Exhibit "A" and as shown on Exhibit "B," is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40:67-19 authorizes a municipality by ordinance to release and extinguish the public's rights arising from a dedication of a roadway; and

WHEREAS, ownership of the portion of Pinedge Drive being vacated shall be transferred to the owner of Block 2601, Lot 1 as aforementioned, for nominal consideration; and

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WHEREAS, a Quitclaim Deed transferring ownership of the portion of Pinedge Drive being vacated shall be executed to and in favor of the adjoining property owner in accordance herewith and to the extent set forth in Exhibit "A" hereto.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Berlin, County of Camden, State of New Jersey, as follows:

SECTION 1:

A. The rights of the public and the Township of Berlin in and to that portion of Pinedge Drive contiguous to Block 2601, Lots 1, as same is more particularly described in Exhibit "A" hereto, is hereby extinguished and vacated.

B. Pursuant to N.J.S.A. 40:67-17, the vacated portion of Pinedge Drive shall be conveyed by Quitclaim Deed to Block 2601, Lot 1, which is owned by Power Engines 1, LLC, who shall acquire ownership of the area described in Exhibit "A."

C. All rights and privileges now possessed by any public utility or cable television company to maintain, repair and/or replace their existing facilities in, adjacent, over or under the vacated portion of Pinedge Drive as described in Exhibit "A" hereto are hereby expressly reserved and excepted from this vacation.

D. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

E. Once the portion of the street known as Pinedge Drive, as described in Exhibit "A" hereto, has been vacated, then the Township's interests in and to the said portion of Pinedge Drive shall be released. To the extent that any portion(s) of the underlying vacated area does not transfer automatically to the owner of Block 2601, Lot 1 by operation of law, the Township hereby authorizes the conveyance of said underlying area(s) for nominal consideration, pursuant to N.J.S.A. 40:67-19, *et seq.*, N.J.S.A. 40:60-28 and N.J.S.A. 40A:12-13(b)(5), so that the portion may be combined with and become part of the said Block 2601, Lot 1, as more fully set forth herein.

F. The owner of Block 2601, Lot 1 shall be responsible for all legal, engineering, advertising and recording costs, if any, associated with this vacation.

G. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy hereof, certified by the Clerk, under seal of the Township, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Camden County Clerk for recordation in the County's Book of "Vacations," pursuant to N.J.S.A. 40:67-21.

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SECTION 2: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 3: If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION 4: This Ordinance shall take effect immediately upon final publication as provided by law.

Motion by Councilwoman Bodanza, 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 2017-6.

No comments were to be heard.

Motion by Council President Morris, second by Councilman Epifanio to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2017-6.

Motion by Councilwoman Bodanza second by Council President Morris to adopt Ordinance 2017-6. Ordinance approved by call of the roll, four members present voting in the affirmative.

SECOND READING AND PUBLIC HEARING ORDINANCE 2017- 7
AMENDING ORDINANCE 2016-25 FIXING AND DETERMINING SALARY
RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF
BERLIN, COUNTY OF CAMDEN, NEW JERSEY.

WHEREAS, the Mayor and Council of the Township of Berlin adopted Ordinance 2016-25 on December 19, 2016 fixing and determining salary ranges for the officers and employees for the calendar year 2017; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary range for the calendar year 2017 effective October 2, 2017 as follows:

POSITIONSALARY RANGE.....	
	FROM	TO
Public Works/Engineering Clerk	\$27,000.00 per yr.	\$32,000.00 per yr.
Temporary Clerk Typist	\$11.00 per hr.	\$14.00 per hr.

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

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

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Magazzu opened the meeting to the public for questions or comments on Ordinance 2017-7.

No comments were to be heard.

Motion by Council President Morris, second by Councilman Epifanio to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2017-7.

Motion by Councilwoman Bodanza second by Council President Morris to adopt Ordinance 2017-7. Ordinance approved by call of the roll, four members present voting in the affirmative.

ORDINANCE 2017-8 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING, REVISING, AND/OR SUPPLEMENTING CHAPTER 340, ARTICLE XVII OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "SENIOR CITIZEN COMMUNITY HOUSING"

WHEREAS, Chapter 340 of the Code of the Township of Berlin, entitled "Zoning," Article XVII, entitled "Senior Citizen Community Housing," regulates, in pertinent part, the development of age-restricted communities within the Township of Berlin; and

WHEREAS, the Planning Board of the Township of Berlin, by and through a report of the Township Engineer, have requested that certain bulk restrictions applicable to the Senior Citizen Community Housing zoning district be modified to reflect existing conditions within said zoning district so as to alleviate the need for repetitive and/or numerous zoning variance applications relating to the permitted location of certain accessory structures; and

WHEREAS, the Governing Body has determined it necessary for the health, safety and welfare of the residents of the Senior Citizen Community Housing zoning district to revise Article XVII of Chapter 340 to address the issue reported by the Planning Board by revising certain bulk restrictions applicable in the zone; and

WHEREAS, pursuant to N.J.S.A. 40:55-62, et seq., the Governing Body is authorized to enact and amend ordinances regarding zoning districts and zoning district regulations; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

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

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SECTION 1: Chapter 340, entitled "Zoning," Article XVII, entitled "Senior Citizen Community Housing," Section 108, entitled "Yard, height and lot coverage regulations," is hereby amended, revised and/or supplemented as follows:

- A. [NO CHANGE]
- B. [NO CHANGE]
- C. Except as set forth in Section 340-114(B), rear yards shall not be less than 20 feet, provided that the following accessory and/or additional structures shall be subject to the following set back requirements:
 - (1) Sun rooms, Florida rooms, screened porches, patios (enclosed or unenclosed), and/or decks on lots that do not adjoin an open space lot shall be located at least 12 1/2 feet from the rear property line.
 - (2) Elevated and/or raised decks and patios on lots that adjoin an open space lot or lots shall be located at least 5 feet from the rear property line that adjoins said open space lot(s).
- D. [NO CHANGE]
- E. Except as set forth in Section 340-114(B), side yards shall not be less than 7.5 feet for each side, provided that elevated and/or raised decks and patios on lots that adjoin an open space lot or lots shall be located not less than 5 feet from each side property line that adjoins said open space lot(s).
- F. [NO CHANGE]

SECTION 2: Chapter 340, entitled "Zoning," Article XVII, entitled "Senior Citizen Community Housing," Subsection 114, entitled "Construction and design standards," is hereby amended, revised and/or supplemented as follows:

340-114 Construction and design standards.

- A. The senior citizen housing community shall be designed and constructed in accordance with the specifications contained herein and in accordance with the design standards contained in Article XII and Article XIII of Chapter 200, Land Use and Development. "Density" shall be defined as "residential density" pursuant to N.J.S.A. 40:55D-6. "Dwelling unit type" shall be defined as set forth in Article II, Definitions, of Chapter 200, Land Use and Development. "Assisted living units" shall be as defined in this chapter.

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- B. Emergency Stand-By Generators. Notwithstanding anything in this Article to the contrary, and in addition thereto, the following bulk and design regulations shall apply to all emergency stand-by generators installed within the zone:
- (1) All requirements of Section 340-19(B) of the Code relating to ground-mounted equipment shall apply, except as follows:
 - (a) permanent emergency stand-by generators shall be installed not less than 3.0 feet from any rear property line.
 - (b) permanent emergency stand-by generators shall be installed not less than 1.5 feet from any side property line.
 - (2) In addition to the requirements set forth in Section 340-19(B), the following requirements regarding emergency stand-by generators also shall apply:
 - (a) all emergency stand-by generators shall be ground-mounted only;
 - (b) all emergency stand-by generators shall be powered only by liquid propane or natural gas sources;
 - (c) the enclosure of every emergency stand-by generator must be manufactured by the general manufacturer and the appearance of the enclosure must be compatible with the residential character of the residential development within which the generator is to be located; and
 - (d) in any residential development subject to the control and/or operation of a homeowners association, the property owner shall first obtain the written consent of the homeowners association and provide proof of same to the Zoning Officer at the time of application for a permit to install each such emergency stand-by generator.

SECTION 3: Chapter 340, entitled "Zoning," Article IV entitled "General Provisions," Section 19, entitled "Accessory Structures," is hereby amended, revised and/or supplemented as follows:

- A. [NO CHANGE]
- B. Ground mounted equipment.

Except as may be provided elsewhere in Chapter 340, the following regulations shall apply to ground mounted equipment:

- (1) [NO CHANGE]

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- (a) Ground-mounted generators must be located so as to minimize noise and visual impact on adjacent properties and streets by using appropriate sound-attenuating enclosures, screening and landscaping approved by the Municipal Zoning Officer.
- (b) [NO CHANGE]
- (c) [NO CHANGE]
- (d) [NO CHANGE]
- (e) [NO CHANGE]
- (2) [NO CHANGE]
- (3) [NO CHANGE]

C. [NO CHANGE]

SECTION 4: Except as set forth in Sections 1 through 3 above, the balance of Chapter 340 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 twenty (20) days after final adoption and publication as required by law.

Motion by Councilman McIntosh, second by Councilman Epifanio to adopt Ordinance 2017-8 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-162 RESOLUTION TO GRANT THE RELEASE OF PERFORMANCE BOND FOR FELLOWSHIP BAPTIST CHURCH BLOCK 102, LOTS 13 & 14.

WHEREAS, Fellowship Baptist Church has requested the release of their Cash Performance Bond for property located at Block 102, Lots 13 & 14; and

WHEREAS, the Engineer has recommended that the Township grant the release of their cash Performance Bond in the amount of \$30,970.37, and recommends waiving the Maintenance Bond since this project has been completed for more than two years.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the request for the release of the Cash Performance Bond for Fellowship Baptist Church is hereby granted.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2017-162. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-163 PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE TO HESHUN MANAGEMENT.

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail consumption license 0406-33-004-004. Hereto fore issued to MM&T Inc. / Los Amigos Restaurant for the premises located at 461 North Route 73 West Berlin New Jersey 08091; and

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

WHEREAS, the applicant is qualified to be licensed according to all standards established by title 333 of the New Jersey Statutes, regulations promulgated thereunder, as well pertinent local ordinances and conditions consistent with title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of funds used in the purchased of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW THEREFORE, BE IT RESOLVED that the Township of Berlin does hereby approve, effective October 11, 2017, the transfer of the aforesaid plenary retail Consumption license and does hereby direct the municipal clerk to endorse the license certificate to the new ownership as follows: This license, subject to all its terms and conditions, is hereby transferred to Heshun Management LLC.

Attorney, Matthew McCrink remarked that certain documents were not received in time for the Chief of Police to complete his investigation, to approve the liquor license. Mr. McCrink asked that the resolution be rescheduled to the next council meeting on September 25, 2017

The Township agreed that the application could be adjourned with public notice being given at the meeting of September 11, 2017 without the applicant having to republish notice provided that the applicant agreed that it would bear the risk of any claim that republication was required and indemnify and hold the Township harmless from any and all claims, penalties and liabilities including attorney's fees should the lack of republication be challenged;

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The applicant through its attorney did agree on the record at the September 11, 2017 Township meeting at which time the applicant was present, to bear the risk of any claim that republication was required and further agreed to indemnify and hold the Township harmless from any and all claims, penalties and liabilities including attorney's fees should the lack of republication be challenged;

Resolution has been rescheduled for the September 25, 2017

RESOLUTION 2017-164 RESOLUTION AMENDING SALARY RESOLUTION 2016: 198 ESTABLISHING SALARY AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY.

WHEREAS, the Mayor and Council of the Township of Berlin adopted Resolution 2016: 198 on December 19, 2016, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2017; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary effective October 2, 2017 as follows:

POSITION	AMOUNT
Public Works/Engineering Clerk	\$27,000.00 per year
Temporary Clerk Typist	\$12.49 per hour

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

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2017-164. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017- 165 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE STREET IMPROVEMENTS TO CLARENCE AVENUE- HADDON AVENUE TO VETERAN'S AVENUE.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and 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 identified **MA-2018- Improvements to Clarence Avenue-- 00271** to the New Jersey Department of Transportation on behalf of the Township of Berlin: and

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BE IT FURTHER RESOLVED the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Berlin and that their signature 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 Epifanio to adopt Resolution 2017-165. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017- 166 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR STREET IMPROVEMENT PROGRAM, CONSISTING OF DAY AVENUE- ROUTE 73 TO REAR DRIVE OF MUNICIPAL BUILDING AND SPRUCE AVENUE – CHESTNUT AVENUE TO CUSHMAN AVENUE

NOW, THEREFORE, BE IT RESOLVED that the Mayor and 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 identified as **MA-2018-Street Improvement Program- 00272** to the New Jersey Department of Transportation on behalf of the Township of Berlin: and

BE IT FURTHER RESOLVED the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Berlin and that their signature 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 Epifanio to adopt Resolution 2017-166. Resolution adopted by call of the roll, five members present voting in the affirmative.

Approval of Solicitors Permits

1) Kevin P. McCray, Door to Door Sales, Power Home remodeling, Providing Home remodeling Estimates.

2) Kyle Sokoloski, Door to Door Sales, Power Home remodeling, Providing Home remodeling Estimates.

Motion by Council President Morris second by Councilman McIntosh to approve the solicitors permit above. Solicitor permit approved by call of the roll, five members present voting in the affirmative.

Approval of Mercantile Licenses

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1) Deborah Brady, T/A Petvalu Inc. 200 Route 73 North Berlin Circle Plaza. Pet store.

2) David M. Steinbreacher T/A National Project Group Inc. 419 Commerce Lane Unit 2. Office Furniture Dealer, Office and Warehouse.

3) Mark A. Surace T/A Fulton Bank, 201 North Route 73, West Berlin . Bank.

Motion by Councilman McIntosh second by Council President Morris to approve the mercantile license above. License approved by call of the roll, five members present voting in the affirmative.

Approval of Secondhand Goods Application

1) Bill Light, Experimac, 185 Route 73 North West Berlin NJ 08091.

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

Approval of Animal Permit

1) George Turner, 314 Stratford Avenue, West Berlin NJ 08091.
4 Chickens.

Motion by Council President Morris second by Councilman Epifanio to approve the Animal Permits above, contingent upon inspection approval from the Property Maintenance Officer . Animal Permit approved by call of the roll, five members present voting in the affirmative.

Approval of Meeting Minutes for June 12, 2017

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve the Meeting Minutes for June 12, 2017. Motion carried by voice vote, four members present voting in the affirmative. Council President Morris abstained.

Approval of Meeting Minutes for July 3, 2017

Motion by Council President Morris, second by Councilman Epifanio to approve the Meeting Minutes for July 3, 2017. Motion carried by voice vote, five members present voting in the affirmative.

Approval of Consent Agenda for June & July

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Motion by Councilwoman Bodanza , second by Councilman McIntosh to receive and file the monthly reports on the consent agenda for June and July. Motion carried by voice vote, all present voting in the affirmative.

Approval of Correspondences Calendar for June & July

Motion by Councilwoman Bodanza, second by Council President Morris to receive and file the Correspondence Calendar for June and July 2017. Motion carried by voice vote, all present voting in the affirmative.

All Other Business

1) Submission of 2018 NJDOT Application for Street Improvement (2)

2) JIF Safety Meeting September 20, 2017 at 10:00 am

Public Portion

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.

Township Solicitor, Stuart Platt stated that Mayor and Council will answer all questions once the public portion is closed.

Herman from Montebello, asked for Mayor and Council support as they move forward in the request of a turning lane off of route 73 South. A meeting scheduled for tomorrow has been postponed till further notice.

Ronald O'Grady, 2 Genova Drive inquired about the noise ordinance and asked who is in charge of the enforcement. Mr. O'Grady also asked if action would be taking at tomorrow nights' Planning and Zoning Meeting in regards to the Diggerland expansion.

Elizabeth O'Grady, 2 Genova Drive asked if the Township moves forward with energy aggregation program and if we have already opt to another energy program then how would that effect those residents.

Desmond Butler, 1 Seville Court asked why wouldn't the Township have residents opt in the program instead of having resident opting out?

No more 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. Mayor Magazzu closed the meeting to the public for questions or comments.

Mayor and Council responded to the questions:

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Response to Ronald O'Grady:

The noise ordinance is enforced through the County of Camden.

The question as to whether the Planning and Zoning board would take action on expansion of Diggerland application would depend on the compliance of their application and the hearing of the applicant which would produce an approval or denial.

Response to Elizabeth O'Grady:

This is a question that we are also concerned about and will bring it to our representative attention.

Response to Desmond Bulter:

The Energy Aggregation Program system only works to have everyone opt in the system with the option to opt out.

Adjourn

Motion by Councilwoman Bodanza, second by, Councilman Epifanio to adjourn the meeting at 6:35 pm. Motion carried by voice vote, all members voting in the affirmative.

Meeting adjourned 6:35 pm

Catherine Underwood
Berlin Township RMC