

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL SEPTEMBER 12, 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, Councilman DiGangi, Mayor Magazzu

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

Absent-

ENGINEER'S REPORT/ DIRECTORS REPORT

A. CHANGE ORDERS AND VOUCHERS

1. Route 73 Sidewalk-Northbound Side-Voucher Number 1

I recommend that the Governing Body approve the payment, in the amount of \$158,177.88, to Lexa Concrete, L.L.C. of Vineland, New Jersey.

B. REQUESTED ORDINANCES AND RESOLUTIONS

1. Redesignation of Pinelands Zoning

I recommend that the Governing Body introduce another ordinance, which will amend Ordinance No. 2011-12 to correct the proper redesignations for the respective lots.

2. Monument Sign for the Municipal Building

I recommend that the Governing Body consider awarding a contract to General Sign Co., Inc., West Berlin, N.J. for the desired sign.

C. ENGINEER'S REPORT

1. Porous Sidewalk Along Route 73 Northbound

The contractor, Lexa Concrete, L.L.C. is nearing the completion of the porous concrete sidewalk. It is probable, with the prediction for rain during the week of September 6 to 9, 2011, that the sidewalk will not be completed until the week ending September 16, 2011. The restoration work will be performed after the completion of the construction of the sidewalk.

2. 2011 Street Improvement Program

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

We are currently performing the design and will follow with the preparation of the bid documents. I am hopeful that bids will be received in October, 2011.

b. Mt. Vernon Avenue-Minck Avenue to Franklin Avenue (N.J.D.O.T. Funded - \$180,000) (Project No. E-10-0002)

We are performing the design and will follow with the preparation of the bid documents. This project will be included in the same bid documents for Edgewood Avenue.

c. Built-Up Bituminous Drive Aprons at 136 and 138 Veterans Avenue (Township Funding Required)

This project will be included in the same bid documents as the above two projects. The Township will be providing the funds for this project.

d. Hill Avenue-Fairview Avenue to Dead End [C.D.B.G. Years 32 (\$30,257) and 33 (\$29,200 +/-) Funding]

It was anticipated that these funds would be used for improvements to the roadway pavement. After investigation of the storm drainage system, as a result of the comments from the residents, the funds will be used for storm drainage improvements.

We must perform the design and prepare the bid documents.

I will prepare a cost estimate for the storm drainage improvements.

3. Haddon Avenue Streetscape Improvements, Phases 1 and 3 (Federal and State Funding - \$677,000)

Key Engineers, Inc. has been submitting various documents, in the attempt to obtain the authorization to advertise for bids from the N.J. Department of Transportation. I will be signing the Right-of-Way certifications, which are required by the N.J.D.O.T. I believe that Ms. Underwood is gathering the Consent to Enter forms. If the above matters can be expeditiously resolved, the N.J.D.O.T. will authorize the advertisement for bids. If the documents are not submitted, within the immediate future, it is probable that the funds will be directed to another municipality for this year.

4. Camden County Open Space Recreation Enhancement Program (\$75,000 Total)

The Governing Body, last month, passed Resolution Number 2011-154, authorizing the Mayor to sign the agreements with the County for the following two projects:

- a. Improvements to the playing surfaces at the basketball and tennis courts at the Spruce Avenue Recreation Complex
 - 1) County funding - \$25,000
 - 2) Estimated Construction Cost - \$28,798
 - 3) Anticipated Share by the Township - \$3,798
- b. Band Shell at Luke Avenue Recreation Complex
 - 1) County funding - \$50,000 (Year 10 and 12)
 - 2) Estimated Construction Cost - \$56,100
 - 3) Anticipated Share by the Township - \$6,100.00

The estimated construction is based upon the Public Works Department performing the construction. I believe that Mr. Platt will be contacting the County representative to confirm that the Township will be permitted to use Year 10 funds and the agreement document be amended, accordingly.

I recommend that the Governing Body consider authorizing the performance of the engineering services in the near future.

5. Possible Acquisition of 225 Pine Avenue, H.U.D. Home Dollar Program

Mr. Pipes, from The Affordable Homes Group, has informed us that the property is available again. I have submitted the form to H.U.D. for NAID registration. Once the Township is registered, the Township would be able to acquire the property, under the H.U.D. Dollar Home Program. The intent would be to have The Affordable Homes Group perform the renovations and share in the profit of the sale of the property. It will be necessary for the Township to enter into an agreement with The Affordable Homes Group to establish the conditions of the acquisition, renovation and sale of the property.

6. Energy Saving Improvements at the Public Works Buildings – N.J. Energy Efficiency and Conservation Block Grant Program

Hutchinson Mechanical Systems have installed a new energy efficient HVAC unit for the office and heating system in the garages, which are in the same building as the office. I have asked the Construction Official if his department will be inspecting the work, before I submit the paperwork to the State.

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

I have requested a status from the solar contractor. I believe that the market is not a lucrative for contractors due to the drastic reduction in the value of SREC's and the elimination of current funding at the end of this year. Once I receive a response, I will inform the Governing Body.

8. Municipal Building

a. HVAC System

I have contacted the Tozur-Trane representative and requested an update on their analysis and recommendation for options to reduce energy costs. Once I receive his response, I will inform the Governing Body.

b. Possible Separation of Electronic Door Access and Surveillance Systems

I have contacted the manufacturer's representative for a status of their evaluation of the software to separate the Police Department and administration sections of the building. Once I receive a response, I will inform the Governing Body.

c. Landscaping and Irrigation Systems

We have started to prepare some preliminary landscape schemes. Once completed, we will send them to landscapers, landscape materials suppliers and irrigation contractors, requesting their contribution of materials and services.

d. Monument Sign Along Route 73

I had submitted a report to the Governing Body, last month, regarding the quotes, which were received by three sign contractors. I recommend that the Governing Body consider awarding a contract to the low quoter, General Sign Co., Inc., West Berlin, N.J. for the desired sign. The following is a listing of the quotes, submitted by the low quoter:

Option A: Township designed sign -	\$19,000.00
Option B: Smaller sign, which can accommodate a L.E.D. board -	\$19,600.00
Option C: Township sign with red L.E.D. board -	\$30,900.00
Option D: Township sign with color L.E.D. board -	\$32,800.00
All quotes fall under the bid threshold of -	\$36,000.00

It is the intent to have the Public Works Department staff construct the brick planter at the base of the sign. It will also be necessary to hire an electrician to install electric to the sign for illumination and operation of the L.E.D. board, if the board is awarded.

e. School Bell

No update to report

f. Winter Holiday Tree

I believe that the Governing Body may be considering the installation of an artificial tree, in the Lobby, for the upcoming holiday season. If so, I recommend that the order be placed in the immediate future. I have requested prices for various heights, full bodied, color L.E.D. pre-lit trees. Once I receive the prices, I will forward them to the Governing Body for your consideration.

I believe that there was also some discussion about planting a live tree, within the front yard of the property. The current time period is preferred for planting and replanting of trees.

9. Library

If the Governing Body intends to sell the library, in the future, I recommend that the Governing Body consider the redivision of the lots to allow for the parking area to be located on the same lot as the library building.

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

Due to some difficulty in establishing the right-of-way of Walnut Avenue and devoting the necessary time to complete the survey work, we have not completed the survey of the property. I do not foresee the performance of the field work until some time in late October, 2011 for the anticipated release of the survey in mid to late November, 2011.

11. Lester Avenue Storm Drainage and Stormwater Management System

Due to the current workload, we have been unable to perform the fieldwork and design. Once the design has been completed, we will 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, also, discussed, as an interim measure, the construction of a storm drainage system and stormwater management basin to try to alleviate some of the stormwater runoff issues. At this time, I do not believe that the Public Works staff will be able to devote the necessary time, which is needed for this work, due to the current workload and reduced staff.

12. Storm Drainage Issues within the Southwest Portion of the Township

I have observed flooding with the recent Hurricane Irene. I recommend that we contact FEMA to see if there is any assistance, which they may be able to offer to address future storms. I will contact the County to request their assistance, regarding this matter.

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

I believe that the amending ordinance will be introduced to note the proper zoning redesignations for the respective lots.

14. Land Use Ordinances Recommended by The Pinelands Commission

Mr. Platt is handling this matter. I believe that the Planning Board intends to discuss the matter and prepare their recommendation to the Governing Board, at their meeting on September 13, 2011.

15. Request for Additional Sewer Allocation

No update to report

16. Traffic Signal Maintenance and Repair Program

The County Shared Services Department has submitted a questionnaire to the municipal police departments, requesting detailed information for each traffic signal.

17. Solid Waste Disposal

Bids are scheduled to be opened on September 22, 2011, which include Berlin, Hi-Nella, Laurel Springs, Magnolia, and Stratford Boroughs. We are issuing addenda to address comments and questions, which have been submitted by one potential bidder. Currently, the Township is continuing to dispose solid waste at the Camden County Resource Recovery Facility, Camden, N.J., which is operated by Foster Wheeler.

18. Recycling Contract

I recently attended a RICC meeting, where this matter was discussed. The committee had recommended that the current contract be extended for another five years. County Counsel's Office had recommended that the services be bid or RFP'd. I believe that the committee was scheduling a meeting with County Counsel's Office to discuss the matter. The current contract expires on December 31, 2011.

19. Capital Improvements Program

I have submitted a request for capital purchases for this year. I recommend that the Governing Body consider developing a multi-year capital improvements program as it is evident that there are needed improvements to streets, sanitary, storm and recreation.

20. Bond Reduction Request

a. Golden Corral Restaurant

The developer has requested the release of the performance guarantee. The majority of the corrective work has been completed. The only remaining work is the placement of additional topsoil along the curb and each side of the sidewalk, along Grove Avenue, to eliminate any potential tipping hazards.

D. PUBLIC WORKS DEPARTMENT

1. Request for the Appointment of a 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 not received the cost estimates from Johnson Towers. I am hopeful that I receive the information and can submit it to the N.J.D.E.P. before the submission deadline of September 8, 2011.

3. Grease Trap Maintenance

I recommend that the inspection and enforcement actions be implemented by the Township as we are experiencing problems with grease in the receiving sanitary sewer collection and conveyance systems.

4. Performance of Tasks

We have fallen behind on the sweeping of streets and maintenance of the grounds. The Department staff is striving to perform all duties to the best of their abilities.

We will be preparing for the collection of leaves and snow removal in the upcoming months. We will also be performing repairs and maintenance to the trash trucks during the month of September.

E. SHARED SERVICES

a. Somerdale Borough Engineer

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

b. Winslow Township Planning Board Conflict Engineer

I have performed a plan review for a site plan application for a C.C.M.U.A. pumping station. It is anticipated that the hearing will be scheduled for October 20, 2011.

c. Shared Services With Other Municipalities

I have met with and will continue to meet with representatives of other municipalities to discuss possible shared services for public works and engineering services.

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. Mustafa A. Muhammad v. Berlin Twp. Police Department
12. Wal-Mart Expansion Project
13. Solid Waste Disposal
14. Berlin Township ADS. Estate of Raj Kumar Chopra
15. Pine lands Comprehensive Management Plan
16. Comprehensive Recreational "Parks and Recreational" Ordinance
17. Dogs and Other Animal Ordinance
18. Police Department Ordinance
19. Berlin Township ADS. Eric Lane
20. Berlin Township ADS Sherry Quering.

POLICE DEPARTMENT

Chief Jackson reported that the DWI grant has been going. So far the department has issued 88 tickets and 15 arrests. Chief also stated that the Traffic Safety camera are taking a little time to get it up and running, but will keep the governing body posted on the progress. Chief reported that he has given a list to the Clerks Office everyone who has completed the background checks. Police Chief spoke about the great job that all the departments did during the Hurricane and stated that because we were well prepared there were no issues to report. A job well done by everyone.

MAINTENANCE DEPARTMENT

Josh Shellenberger, Maintenance Officer reported that storm damaged a few tree and branches that had fallen down but has since been cleaned up. The shrubs on Minck have cut and cleaned up to clear the view for pedestrians and traffic. Josh stated that we are still dealing with the stray cat issues and that animal control is aware of the areas. He talked about dumping of construction trash at the end of Stratford Avenue and that he has contacted Shipshape about cutting the five vacant homes for the last time this season. All signs were removed also.

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 Councilman Jerome, second by Council President Morris to Table Ordinance 2011-13 until further review. By call of the roll, five members present voting in the affirmative.

SECOND READING AND PUBLIC HEARING 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)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Township of Berlin in the County of Camden finds it advisable and necessary to increase its SFY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$ 62,381.80 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council of the Township of Berlin hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Township of Berlin, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2012 budget year, the final appropriations of the Township of Berlin shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0 %, amounting to \$ 62,381.80, and that the SFY 2012 municipal budget for the Township of Berlin be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion by Council President Morris, second by Councilwomen Bodanza to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2011-18.

Larry Stellar 367 Thurman Avenue asked why solid waste salaries went up 40% in the budget.

Lori Campisano replied that with the lay off last year other departments crew member went to do the trash and that the rate for solid waste crew is higher pay.

Motion by Councilman DiGangi second by Councilwomen Bodanza to close the meeting to the public. Motion carried by voice vote, all present voting in favor.

Motion by Councilman DiGangi second by Councilwomen Bodanza to adopt Ordinance 2011-18 Ordinance approved by call of the roll, five 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" re-introduced due to changes made to the ordinance

Motion by Councilwoman Bodanza, second by Councilman DiGangi to adopt Ordinance 2011-19 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

SECOND READING AND PUBLIC HEARING 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"

WHEREAS, Chapter 3 of the code of the Township of Berlin ("Township") identifies the various departments, offices and agencies of the Township of Berlin; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the Governing Body is authorized to make, amend, repeal and enforce ordinances to prescribe and define the duties and terms of employment of all officers and employees of the Township; and

WHEREAS, in accordance with the aforesaid authority, the Governing Body has determined that it is prudent to amend Chapter 3 so as to include an organization chart;

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: Chapter 3 of the Code of the Township of Berlin is hereby amended, revised and supplemented to include the following new sections:

3-1.1. Organizational Chart.

The attached shall constitute the organizational chart for the departments listed for Berlin of Township.

SECTION 2: The Table of Contents of Chapter 3 shall be amended to add a new section 3-1.1- "Organizational Chart"

SECTION 3: Except as set forth in Sections 1-2 above, the balance of Chapter 3 shall not be affected by this Ordinance.

SECTION 4: All Ordinances or part of Ordinances inconsistent with Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: If the provisions of any sections, 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 6: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion by Councilman DiGangi, 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 2011-20.

No Comments were to be heard

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

Motion by Councilman DiGangi second by Council President Morris to adopt Ordinance 2011-20 Ordinance approved by call of the roll, five members present voting in the affirmative.

FIRST READING ORDINANCE 2011-21 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"

Motion by Councilwoman Bodanza, second by Councilman DiGangi to adopt Ordinance 2011-21 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 164 RESOLUTION REQUESTING THE ISSUANCE OF RAFFLE LICENSES

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 Fun Festival October 28, 2011 7-9pm

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 28, 2011.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2011-164. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-165 RESOLUTION TO READ BUDGET BY TITLE

WHEREAS, N.J.S. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection in the free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-165. Resolution adopted by call of the roll, five members present voting in the affirmative.

PUBLIC HEARING STATE FISCAL YEAR 2012

Motion by Council President Morris, second by Councilwoman Bodanza to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Budget for State Fiscal Year 2012

Mr.Cubitt 362 Thurman Avenue spoke about the debt service amount with the building and the increase of utility cost. How can we justify spending \$20,000 for a sign for out front.

Lori Capisano replied that it is already included in the funding and the building should have a proper sign. The cost is already included in the budget.

Mr. Cubbit replied that he still feels that this is an excessive amount to spend at this time.

Motion by Councilman DiGangi second by Council President Morris to close the meeting to the public. Mayor Magazzu closed the meeting to the public. Motion carried by voice vote, all present voting in affirmative.

RESOLUTION 2011-166 RESOLUTION TO ADOPT THE SFY 2012 BUDGET

BE IT RESOLVED, by the Mayor and Township Council of the Township of Berlin, County of Camden that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes states of the sums therein set forth as appropriations, and authorization of the amount of:

- a) \$6,081,681.26 (Item 2 below) for municipal purposes, and
- d) \$139,152.00 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

1. General Revenues		
Surplus Anticipated	08-100	\$ 371,700.00
Miscellaneous Revenues Anticipated	13-099	1,813,626.00
2. Amount Raised by Taxation for Municipal Purposes (Item 6(a), Sheet 11)	07-190	6,081,681.26
Total Revenues	13-299	\$8,267,007.26
5. General Appropriations: Within "CAPS"		
(a & b) Operations Including Contingent	34-201	\$5,555,288.00
(e) Deferred Charges and Statutory Exp	34-209	884,397.20
Excluded from "CAPS"		
(a) Operations – Total Operations Excluded	34-305	130,473.00
(d) Municipal Debt Service	45-999	1,651,000.00
(m) RESERVE for Uncollected Taxes	50-899	45,849.06
Total Appropriations	34-499	\$8,267,007.26

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-166. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-167 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR CLICK IT OR TICKET GRANT

WHEREAS, a receivable and reserve balance of \$400.00 titled Click it or Ticket Grant remains on the balance sheet at 8/31/11; and

WHEREAS, the grant is complete and it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the receivable and reserve balance of \$400.00 titled Click it or Ticket Grant is hereby canceled.

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2011-167. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-168 RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR A SIGN WITH FULL COLOR LED LIGHTING AT THE BERLIN TOWNSHIP MUNICIPAL HALL – A SHARED SERVICES CENTER TO GENERAL SIGN COMPANY IN ACCORDANCE WITH PAY TO PLAY RULES

WHEREAS, the Township of Berlin received three written quotes as of July 20, 2011 for a Sign with Full Color Led Lighting at the Berlin Township Municipal Hall; and

WHEREAS, General Sign Company submitted the lowest responsible quote for the sign for a total of \$32,800.00; and

WHEREAS, in accordance with the Pay to Play Rules, N.J.S.A. Chapter 19 in effect, those contracts that are between \$17,500.00 and \$36,000.00 (bid threshold) must be formally approved by the governing body.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby formally award a contract to General Sign Company for \$32,800.00 for a Sign with Full Color Led Lighting at the Berlin Township Municipal Hall – A Shared Services Center in accordance with the Pay to Play Rules, N.J.S.A. Chapter 19.

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2011-168. Resolution adopted by call of the roll, five members present voting in the affirmative.

Resolution 2011-169 Payment of Bills September 12, 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.

TO	ACCOUNT		AMOUNT
Carlamere & Rowan	Planning Board Esc # 366	\$	110.00
Ronald L. Conklin	Rehab Loan Trust		850.00

Matt Cuderyo	Planning Board Esc # 290	189.50
Robert E. DePersia, II, Esq	Mun Public Defender Trust	375.00
	Mun Public Defender Trust	150.00
Guiseppe DiVentura	Planning Board Esc # 343	8,694.71
Just Four Wheels	Planning Board Esc # 158	930.39
Maihlon Kaighn	Planning Board Esc # 362	473.66
Maple Ave LLC	Planning Board Esc # 270	110.83
Marrazzo & Platt PC	Planning Board Esc # 208	583.00
Modells Sporting Goods	Planning Board Esc # 283	450.00
Ricks Auto Body	Planning Board Esc # 310	642.50
Larry Rosenberg	Planning Board Esc # 322	453.00
Taunton Run Village	Planning Board Esc # 166	1.75
Township of Berlin	Planning Board Esc # 152	226.25
Township of Berlin	Planning Board Esc # 208	1,418.60
Township of Berlin	Planning Board Esc # 219	432.33
Township of Berlin	Planning Board Esc # 286	216.52
Township of Berlin	Planning Board Esc # 291	187.29
Township of Berlin	Planning Board Esc # 308	531.94
Township of Berlin	Planning Board Esc # 308	81.19
Township of Berlin	Planning Board Esc # 342	403.10
Township of Berlin	Planning Board Esc # 343	108.26
Township of Berlin	Planning Board Esc # 358	131.73
Township of Berlin	Planning Board Esc # 361	79.03
Township of Berlin	Planning Board Esc # 362	26.34
Township of Berlin	Planning Board Esc # 365	210.76
Township of Berlin	Planning Board Esc # 366	263.45
Township of Berlin	Planning Board Esc # 367	26.35
Camden County Animal Shelter	Dog Trust	544.00
Camden County Health Dept.	Dog Trust	5,704.75
Treasurer, State of NJ	Dog Trust	17.40

CONFIRMING

America On Line	01-201-20-120-2105	32.90
Verizon Communications	01-201-20-120-2105	99.99
Majestic Oil Company, Inc	01-203-31-447-2074	2,697.90
Berlin Township Fire Dist # 1	01-210-55-020-3000	113,278.25
Verizon Communications	01-201-20-120-2105	99.99
Verizon Communications	01-201-20-120-2105	140.54
State of NJ Health Benefits	01-201-23-220-2092	51,911.33
State of NJ Health Benefits	01-201-23-220-2092	20,756.88
TD Bank, NA	01-201-45-930-2105	20,868.75

TD Bank, NA	01-201-45-930-2105	47,556.25
NJDEP Trust Fund Mgmt.	12-201-45-920-2105	5,941.63
	12-201-45-930-2105	1,831.26
Payroll, Current Fund	8/4/2011	54,934.44
Payroll, Sewer Operating Fund	8/4/2011	3,358.69
Payroll, Current Fund	8/11/2011	53,419.38
Payroll, Sewer Operating Fund	8/11/2011	3,143.39
Payroll, Current Fund	8/18/2011	54,032.62
Payroll, Sewer Operating Fund	8/18/2011	3,143.39
Payroll, Current Fund	8/25/2011	71,077.55
Payroll, Sewer Operating Fund	8/25/2011	3,143.39

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-169. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 170 RESOLUTION AUTHORIZING MAYOR TO SIGN A PROPERTY DAMAGE RELEASE FORM

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign a property damage release form from an accident that occurred with a Berlin Township Fire District 1 fire truck, causing damages to a street light in the amount of \$2173.15 .

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2011-170. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 171 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE BOND FOR GOLDEN CORRAL, BLOCK 903 LOT 10.01 AND THE POSTING OF MAINTENANCE BOND

WHEREAS, Route 73 Reality, Golden Corral Block 903, Lot 10.01, West Berlin New Jersey has requested the release of Performance Bond #. A0236-005: and

WHEREAS, the Engineer has recommended that the Township grant the request for the release of the Performance Bond # A0236-005 contingent upon the posting of a two year Maintenance Bond in the amount of \$140,720.70.

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 # A0236-005, for Golden Corral is hereby granted.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2011-171. Resolution adopted by call of the roll, four members present voting in the affirmative one member abstained.

APPROVAL BUSINESS LICENSES

1) Ark Electric, Gary Ackerman, 401 Bloomfield Drive Unit 2, West Berlin. Office warehouse for electrical contractors.

2) P.B.O'Connell, Peter O'Connell, 419 Commerce Lane Unit 1, West Berlin. Wood work.

3) Princeton Tectonics, William H. Stephens, 110 Collings Avenue, West Berlin. Design build and run plastic molds.

4) All Ways Travel, Karen Ackerman, 401 Bloomfield Drive Unit 2, West Berlin. Office travel agency.

5) Proforma Industries, Nancy S. Lind, 157 Cooper Road, West Berlin. Broker of printing supplies, promotional products, order and invoice for customers.

6) Garden State Aikido Kokikai, Andrew R. Wright, 575 Route 73 North, West Berlin. Operation of a Martial Arts School (Aikido)

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

CONSENT AGENDA

CONSENT AGENDA

Motion by Councilman DiGangi, 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 AUGUST 8, 2011

Motion by Councilman DiGangi, second by Councilwoman Bodanza to approve the minutes for August 8, 2011. Motion carried by voice vote, five present voting in the affirmative.

APPROVAL OF CLOSED SESSION MEETING MINUTES FROM AUGUST 8, 2011

Motion by Councilman McIntosh, second by Council President Morris to approve the closed session minutes for August 8, 2011. Motion carried by voice vote, five present voting in the affirmative.

ALL OTHER BUSINESS

Erica Cuderyo stated that BTAA president had sent in a letter requesting a waiver for 20% eligibility for priority use last week.

Mayor Magazzu stated that we have not received any letter to date.

Erica asked if she could request it tonight.

Mayor Magazzu replied yes that she could.

RESOLUTION 2011-172 RESOLUTION GRANTING WAIVER FOR BERLIN TOWNSHIP ATHLETIC ASSOCIATION.

WHEREAS, the Code of the Township of Berlin requires that the Berlin Township Athletic Association("BTAA") can not exceed no more than 20% of the players be non-residents in order to have priority use of the Township Athletic facilities unless a waiver upon good cause is granted by the Governing Body; and

WHEREAS, the Berlin Township soccer program does not meet the 20% eligibility for priority use of the Berlin Township Athletic Fields.

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 Berlin Township Soccer program.

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2011-172. Resolution adopted by call of the roll, five members present voting in the affirmative.

Mayor Magazzu talked about the Fun Fest and PEACE and said that we will sit down with everyone and see what we want to do, PEACE had a date of October 28th Friday. Mayor also commented that the Historical Association is working on Celebrating Italian Festival on October 1st 2011.

Mayor Magazzu stated that she has been exploring with Berlin Borough on purchasing a tablet so that we can go to a paperless agenda.

Councilman DiGangi replied that we should try to save our environment and that we need to keep up with the time and the technology offered to us. The waste of paper along with the labor. I am in favor of this.

Councilwoman Bodanza stated she had participated along with Cathy, Township Clerk in doing the Ovarian Cancer Teal Ribbon walk and that the turn out was good considering they had to postpone it because of the Hurricane Irene.

PUBLIC PORTION

Motion by Councilman DiGangi, 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.

Kathryn Schmidt of Haddon Avenue thanked Mayor and Council and the Police department for the changes made to the speed limit on Haddon Avenue. She also commented that her mother was cleaning out the storm drain.

Councilman DiGangi replied that Chuck would come out to take a look at it.

Erica Cuderyo 405 Lincoln Avenue asked about application for the concession stand.

Mayor Magazzu replied that you would need to get permit from Camden County Health department. The Clerk can get you a number to contact.

Erica asked the Chief of Police what happens now with the badges.

Chief Jackson said that his department will contact individuals to come in to get there photograph taken to put on the cards.

Peggy Landolt 335 Lincoln Avenue introduced the executive board of the new Athletic Association for the children of Berlin Township to participate in organized sports known as BTSA. We hope that you will accept our organization. We have started this organization because we are not in agreement with the policies and actions with the BTAA.

Berlin Township Sports Alliance Executive Board (BTSA)

President Ron Curtis	Trustee Gene Jenson
Co-Vice President Frank Adair	Trustee John Soukup
Co-Vice President Brian Landolt	Trustee Kevin DiTolla
Co-Vice President Steve Underwood	Trustee Pat Armano
Treasury Peggy Landolt	Trustee Brian Law
Secretary Candece Soukup	Trustee Greg Schipske

Ron Curtis, president to BTSA stated that we are here tonight for you to recognize Berlin Township Sports Alliance as an organized youth group. The president commented that they are not here to disrespect BTAA, but to start a new beginning and bring back families that have left our town. We have attended many meetings to try to contribute and to be a part of their organization but seemed to come up short with many concerns. Many issues needed to be addressed but were ignored.

If BTSA is accepted as an organized youth sports we would like to request full access to the Township fields and facilities. We ask if we could hold our monthly meeting at the Senior Citizens. Since the BTAA did not need the funding this year we would graciously accept any funding to help start up our organization. With the recent lay offs with the Public Works Department we will help maintain and assist with the Township fields. We understand in these hard economically times the need to charge \$100.00 for out of Town and will fundraise and do anything to off set the cost.

Councilman McIntosh asked about field scheduling.

Stuart Platt, Township Solicitor commented that tonight we introduced an ordinance that touches on that. For a long period the ordinance talked about a particular group the Berlin Township Athletic Association. This new ordinance will takes away a particular group and the Governing Body will each year recognize or designate a group and or groups by resolution. The first completed application to the Clerks Office will get priority use of the fields.

Eric Lucier 343 Cleveland Avenue stated that he had attend last months meeting and was here tonight to see what the outcome would be with the final dollar value to be and what the effect would be on BTAA if it would continue to exist. Then the new organization is introduced, which doesn't really matter to me. I just want my daughter to play in an organization that is run well and coached well. I know, not saying one way or another with either organization but the BTAA that I have dealt with has been exceptional. I feel Mayor and Council have their hands in way too much especially with this Police ordinance that was tabled tonight. Like you guys (Mayor&Council) are going to take control of the hiring and firing of the police department.

Mayor Magazzu asked where are you hearing this.

Eric Asked Chief Jackson

Chief of Police Jackson stated that Mayor and Council have always did the hiring and firing.

Eric remarked that he was talking to a police officer today and that was not how it was explained to him. Eric remarked that everything thing seems shady around here with Mayor and Council approvals, permits, ratios no wonder people don't want to get involved.

Township Clerk replied that the Township insurance company is one who tells what needs to be in place as far as insurance goes. If proper forms are not filled out then the Township we will not be covered by the insurance company. Then the residents pay for the lawsuit or claim.

Ed Gonzales remarked about the \$100.00 fee for out of town players is outrageous. No other towns charge fees.

Mayor replied that it wasn't fee for out of town players but registration fees that I quoted early.

Ed replied that Berlin Township residents pay \$75.00 in taxes for the fields. To charge \$100.00 for out of town residents is outrageous.

Mayor stated then let them go play in there own towns.

Ed replied we don't have enough players for one association let alone another athletic association. There isn't enough kids in town to support two athletic associations.

Mayor stated that she hopes both organizations will bring the kids back in to town.

Ed responded if they left it was because of the competition, we are a small town that not going to change. Ed also stated that the teams were hurt by not being on the fields to practice until a week before our games with the new ordinances.

Stuart replied the Chief try to help you out with getting the checks done free but like the saying goes no good deed goes unpunished; unfortunately it did not work out that way and that caused a delay.

Stuart replied the Governing body made a policy decision for the safety of the children.

Councilwoman Bodanza stated that when you start or enforce new things you go through growing pains and learn for the next year.

Ed asked why there wasn't a lead way

Mayor stated that the ordinance is now in place and we have to follow it.

Ed asked what Mayor and Council they are going to do the help the program.

Councilwoman Bodanza replied that we granted them waivers.

Councilman DiGangi said we provide you the fields and give you some money.

Ed replied only the soccer fields because the other fields are Green Acres fields.

Mayor Magazzu responded that we maintain those fields and paid for them.

Ed responded doesn't the County pay for those fields.

Mayor Magazzu replied no. We paid for the fields and the maintenance, insurance and the debt service in the tune of 4 million dollars, not the County.

Ed asked how does the state get involved then with Green Acres.

Mayor Magazzu responded in the funding.

Erica Cuderyo from BTAA stated that BTAA has been around since 1957 and that the organization should be grandfathered in. She also stated that the BTAA board members are not always going to be the same. It takes only 6 meeting to be eligible to become a member.

Ron Curtis commented that he has attended 6 to 7 monthly meetings, coached and participated in the organization which bylaws state would credit them points. Ron stated that he had made several phone calls (3)to the board and never received a return call back. Then the BTAA board stated at a meeting that I didn't want to coach when he was never asked. We were willing to work with the BTAA but there seems to be is too much commotion going on.

Motion by Councilwoman Bodanza, second by Councilman McIntosh 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.

Motion by Councilman McIntosh to recognize Berlin Township Sport Alliance as youth sport athletic association, second by Councilwoman Bodanza.

RESOLUTION 2011-173 RESOLUTION RECOGNIZING BERLIN TOWNSHIP SPORT ALLIANCE AS NEW YOUTH ATHLETIC ASSOCIATION

WHEREAS, the Berlin Township Sports Alliance, has asked Mayor and Council to recognized and accept their group the "Berlin Township Sports Alliance" as a youth athletic association; and

WHEREAS, the Berlin Township Sports Alliance has taken the necessary steps to become a non profit organization.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Township does recognizes the "Berlin Township Sports Alliance" as a youth athletic association.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2011-173. Resolution adopted by call of the roll, five members present voting in the affirmative.

ADJOURN

Motion by Councilman DiGangi, second by Council President to adjourn the meeting at 8:20 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 8:20 pm

Catherine Underwood, Township Clerk

