

SEPTEMBER 12, 2016

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL SEPTEMBER 12, 2016 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, Councilwoman Bodanza, Councilman Epifanio, Council President Morris.

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

Absent-

Mayor Magazzu asked for a moment of silence in respect to the 15th year anniversary of 9/11.

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 1in 72; and

WHEREAS, there is no early detection test for Ovarian Cancer, the leading cause of gynecological cancer deaths in the United States, and where each year, more than 22,000 women are diagnosed with the disease and approximately 16,000 die from it; and

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

WHEREAS, the Ovarian Cancer awareness campaign was launched nationwide by the Ovarian Cancer National Alliance, Washington DC, to promote public

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awareness of this 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

1. Furnishing and Delivery of Carts for Solid Waste, Recyclables and Vegetation

I recommend that the Governing Body approve the following change orders, at the Council Meeting on September 12, 2016:

- a. Change Order Number 1- Adjusts the contract amount from \$341,281.96 to \$341,291.39, an increase of \$9.43. This change order reflects the addition of various carts and lids, addition of ventilation holes in the vegetation carts and a reduction in the donation, to the local chapter of the America Cancer Society, from \$5.00 to \$1.00 per recycling cart with a pink lid.
- b. Change Order Number 2- Adjusts the contract amount from \$341,291.39 to \$341,290.95, a decrease of \$0.44. This change order reflects the change of the pink lids and respective donation to the solid waste carts, the change to yellow lids for the recycling carts and a reduction in the number of 95 gallon waste and recyclables carts.

B. RESOLUTIONS AND ORDINANCES FOR CONSIDERATION

1. Carts for Solid Waste, Recyclable Materials and Vegetation

I recommend that the Governing Body pass resolutions for the approval of Change Order Numbers 1 and 2, for the changes to the scope of the contract, which are noted above.

2. Improvements to the Hockey Rink Surface at Robert T. Clyde Memorial Park

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I request that the Governing Body take the necessary actions to allow for and authorize the work to be performed, in the immediate future.

C. ENGINEER'S REPORT

1. **Dog Park at Luke Avenue Recreation Complex (Camden County Recreation Enhancement Funding- \$25,000)**

The Public Works crew has completed the construction of the fence and have installed the obstacle equipment. They have, also, installed the landscaping. The signs have, also, been installed by the Public Works crew and the sign contractor.

We expect to perform the painting of fence boards in the early Fall, 2016.

2. **Band Shell at Luke Avenue Recreation Complex**

The concrete pad and structure has been completed. The roofing contractor will be installing the copper color metal roof, in the immediate future. The electrical contractor will be installing the electric, in the near future. Once the structure has been erected, the Public Works crew will construct the remainder of the concrete pad, in front of the band shell.

We are discussing the design and placement of the sign for Corporal Joseph Toner. Once the sign is finalized, we will place the order with the sign company.

We are researching the possible purchase and installation of temporary structures, which would extend the covered portion of the concrete. We will submit our findings and recommendations, to the Governing Body, once the research has been completed.

3. **N.J.D.O.T. FY 2017 Municipal Aid Program Applications**

Typically, this time of the year, the N.J.D.O.T. is announcing the acceptance of applications for municipal aid funding for the following year. I believe that the announcement has not been made due to the depletion and non-replenishment of the funding in the Transportation Trust Fund. The State Legislature is, currently, considering options to replenish the funding.

As noted the previous applications for the improvements to Oak Avenue and Taunton Avenue

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

Governor Christie has frozen the Municipal Aid funds until the matter of the funding for the Transportation Trust Funds is resolved by the State Legislature and accepted by the Governor.

The N.J.D.O.T. has returned the signed Agreement for \$201,000 for the improvements to Hazel Avenue. A construction contract must be awarded by June 26, 2017.

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The requested amount of funding was \$236,000. The estimated construction cost is estimated to be \$210,627 and contract administration/materials testing costs are estimated to be \$9,000.

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.

It is probable that the bid documents will not be prepared for a bid opening until late Fall/ early Winter, 2016 with the construction occurring in the Spring of 2017.

6. **No Passing Zones Along Cooper Road**

I have completed the study. I believe the intent is to maintain the current line striping for no passing zones.

7. **Camden County Community Development Block Grant Funds**

The Country CDBG Program representative has questioned the status of the Township using the remaining funds, from previous funding, to complete the remaining projects at the Seniors Building. We have submitted a listing of the projects and expect to have them completed, in the near future.

8. **Collection and Hauling of Solid Waste, Recyclable Materials and Vegetation**

We are finalizing the designs for the wrap, which will be placed on the refuse bodies of the two automated trash truck; the hot stamping, which will be placed on the bodies of the carts and the specific, in-mold labeling, which will be placed in the lids of the carts for the solid waste, recyclables and vegetation.

We have requested that the cart manufacturer delay the delivery of the carts, to the residents and participating commercial uses (recyclables only) until the week of November 14, 2016. It is my understanding that Mayor Magazzu will be sending a letter to the residents, informing them of the automated collection process. A detailed, technical document will be delivered to the residents and commercial users, the week before the

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delivery of the carts. Residents will have the option to request a 65 gallon cart, rather than the 95 gallon cart, after delivery of the carts, as long as the 95 gallon cart is not used. Residents and commercial users will, also, be able to purchase additional carts. At this time, we expect to implement the automated collection process during the week of December 5, 2016.

The automated trash trucks are scheduled to be delivered in the beginning of October, 2016. The Public Works crew will be training and practicing on the use of the equipment for the collection from the carts, prior to the commencement of the automated collection process.

We are receiving quotes for the rehabilitation of two of the existing rear load trash trucks and the retrofitting of those trucks with semi-automated, cart tippers, which are mounted to the rear of the refuse body. We have, also, received quotes for a 6 c.y. satellite lifter unit, which will be mounted in the bed of one of the pick-up trucks. The cart tippers, mounted to the rear of the existing trash trucks and the satellite lifter will provide the department with the capability and flexibility of collecting materials from the carts, in addition or in lieu of the automated trash trucks. We will still; be relying on the use of an automated truck, from another municipality, if one of the automated trucks becomes inoperable or is being serviced.

9. Purchase of Various Pieces of Equipment and Vehicles for the Public Works Department

The Public Works Department is, currently, obtaining quotes for those items, which fall under the bid threshold. We will prepare bid documents for any items, which require the advertisement and opening of bids.

10. Shared Services with Berlin Borough for Public Works Equipment

For many years, the public works departments for both municipalities have shared equipment and manpower, in times of need. The Borough Public Works Department has requested the use of the street sweeper so they can comply with the current stormwater permit. We have discussed the possible use of their automated trash truck, in times of need, after the implementation of the Township-wide automated collection process. At this time, the Borough has utilized the sweeper, in order to address the immediate stormwater requirement.

I have prepared and submitted, to the Borough Public Works Superintendent, a draft shared services agreement for 2016 for the use of the sweeper, by the Borough, and the possible use of the automated trash truck by the Township.

I would expect that, if the municipalities decide to extend the sharing of these pieces of equipment that a more detailed and formal agreement document will be prepared by the appropriate parties.

11. **Bate Avenue Site (Former Municipal Building and Administrative Building)**

The sampling and testing for asbestos and lead for the building at 176 Bate Avenue has been completed by the specialist. Once we receive the report, which reveals the test results, we will assess the extent of the remediation work, which will be necessary with the building demolition work. We intended to receive quotes for the demolition work. I believe the determination of whether the Township or the future purchaser will be responsible for the demolition will be made after the test results are evaluated by the Township staff.

At the recommendation of a realtor, we have prepared a concept plan, depicting a possible twin homes layout, for use when reviewing and considering this possible proposal. I believe that the matter of possible alternatives for the development of the site be discussed with the members of the Governing Body and Planning Board, during the reexamination of the Master Plan, in 2016.

12. **Re-Examination of the Master Plan**

The County Planning Office is, currently, preparing the draft of the reexamination report and expects to submit it to the Planning Board member, in the near future.

The re-examination process must be completed and the report adopted by the Planning Board, prior to the January 17, 2017 deadline, which is ten years since the last adoption of the master plan re-examination.

13. **Gas Main Replacement Project Throughout the Township**

South Jersey Gas Co. has requested that the Governing Body review the street opening fees for this large scale project. I must, still, prepare the estimates for the full width pavement restoration (mill and overlay) for consideration by the Governing Body.

14. **Upgrade of Electric Lines Along Various Streets**

I believe that, if they are not already, Atlantic City Electric has cut and trimmed the trees and installed the new electric lines.

15. **Improvements to the Municipal Building**

a. **Improvements to the Unfinished General Assembly Rooms**

I expected to complete the bid documents for the ceiling, the remainder of the ceiling lighting, HVAC system and reconfiguration of the fire suppression system in early 2015 for a bid opening in early Spring, 2015. At this time, I am not sure when we will be completing

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these documents. I am hopeful that we will be able to obtain bids for the installation in late 2016/ early 2017.

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.

We were hopeful that we can include a rainwater recapturing system for irrigation use, which funding was requested in my request for capital funding in 2016. Due other projects, which are in immediate need of improvement, this project will not be funded in the current bond ordinance.

c. Recoating of the Front Parking Area

Due to the need to address higher priority projects, throughout the Township, funding for this project was not included in the current bond ordinance.

16. **Application for the Camden County Open Space/ Recreation Enhancement Funds for the Resurfacing of the Large Hockey Rink at R Robert T. Clyde Memorial Park**

I have been informed that the Freeholders have approved funding for this project. I would expect that the Township will be receiving the formal notification, in the immediate future. We would like to have the work performed, prior to the commencement of the upcoming hockey league season. We have received quotes for the work and intend to submit our recommendation, in the immediate future. I request that the Governing Body take the necessary actions to allow for and authorize the work to be performed, in the immediate future.

17. **Reconstruction of 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 in 2016.

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.

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We 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.

18. Ponding Along Gutterline of Hudson Avenue at 182 Patton Avenue

As requested by Council President Morris, I have observed the conditions, where ponding is occurring along the edge of pavement, along Hudson Avenue. In order to determine the scope of the work to eliminate the ponding condition, we will take elevations of the existing pavement. I will, then, prepare a cost estimate for the necessary improvements for consideration by the Governing Body.

19. Improvements to the Water Distribution System by Berlin Borough

I believe that members of the governing bodies for both municipalities are in the process of scheduling a meeting to discuss the conditions and planned improvements to the water distribution system.

The Borough contractor is, currently, constructing the water main loop, between the dead end mains of Katherine Avenue and Mt. Vernon Avenue. They are expected to complete the work, in the near future.

It is my understanding that the few residences, which are located along the proposed water main loop, may connect to the water main, if and when the desire to do so.

20. Municipal Certification for Future Federal Funded Projects

We must obtain the information, from the N.J.D.O.T., for this program, in the immediate future. We will complete the necessary documents, with the assistance from Ms. Campisano, and submit the documents for Federal and State approval, in the near future.

21. 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

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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, in late 2016/early 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

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 have requested a meeting with Congressman Norcross to discuss the possibility of receiving Federal funding, for this project. It may be worth requesting the assistance of the N.J.D.E.P., regarding this matter, as there was some interest raised by a representative that I had, recently, met with in October, 2015.

22. Request to the Pinelands Commission for Redesignation of Lands to Regional Growth

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.

We have discussed the matter with the County Planner. He has recommended that the matter be mentioned in the Master Plan Reexamination Report, but addressed after the adoption of the report, separately.

23. Tax Map Revisions

We have not completed the revisions, which were required by the second review by the N.J. Treasury Department. Since it has been determined that the revisions are not necessary, as part of the revaluation, we have delayed the revisions so that more pressing projects can be completed by the department.

24. Request to the N.J.D.O.T. for the Installation of a Traffic Signal at the Intersection of Route 73 and D'Angelo Drive

In July, 2015, the Governing Body passed Resolution No. 2015-143 requesting the NJDOT consider the installation of a traffic control signal at the intersection. Several years ago, Wal-Mart offered to pay for the installation. I will be requesting that representatives of the N.J.D.O.T. meet with Township Officials to discuss this matter, in further detail.

This matter will be mentioned in the Master Plan Reexamination Report.

25. Investigation for Sidewalk Along Oak Avenue

The Governing Body discussed the possible construction of sidewalk along one side of the street, due to the narrow width of the roadway. I will be investigating this matter and will report to the Governing Body.

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

It has been brought to my attention and I have observed spalling of the concrete sidewalk, in several areas. I have observed the condition and suspect that it may be a result of the application of de-icing materials, placed by the owners of the properties. I will continue to observe the conditions to see if they worsen, over time. It may be necessary to epoxy the spalled areas and apply a clear sealant to the concrete and brick surfaces.

27. Conditions of the Haddon Avenue Bridge and Roadway

I must contact the Chief Engineer, from N.J. Transit, requesting a formal letter, stating that the bridge structure is structurally sound.

D. PUBLIC WORKS DEPARTMENT

The crews continue to perform the necessary seasonal work. Due to recent injuries of staff members, vacations and illnesses, we have employed several temporary employees to assist with the performance of the tasks, which they are capable and able to perform for the department

1. Auction for Vehicles and Equipment

I recommend that the Governing Body consider authorizing an electronic auction for various pieces of equipment, which is no longer operating or being used at the Public Works Department.

2. Purchase of Vehicles and Equipment

We are receiving quotes and bids and intend to use the State contract for the purchase of the various pieces of equipment and vehicles, which were authorized and funded by the Governing Body.

3. Textile Recycling

We have met with the textile recycler, which was recently appointed in Westville Borough. The recycler has offered to place new collection containers, within the Township, and pay a monthly amount for the container of per pound for the contents. We have been informed that there is an organization, which is performing the same service, within the Township, and donating funds to the Police Department for special programs.

We would like to discuss this matter with members of the Governing Body, in further detail, to determine the best approach for this recycling program.

4. Leaf Compost Material

We are, currently, researching other possible sites for the disposal of the composted leaves. The Gloucester Township M.U.A. will accept leaves, but we must pay for the amount of leaves that we deliver to their facility.

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

We have provided the businesses along Haddon Avenue with the prices for directory signs at three intersections.

6. Repairs to Recently Purchased Leaf Collection Machine

Thanks to the efforts of the Township Solicitor's Office and Deputy Director, the equipment manufacturer has picked up the machine and taken back to their shop in Virginia. We are hopeful that they make the necessary repairs and return the machine, in advance of the commencement of leaf collection season.

SOLICITORS REPORT

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Michael Curtis V. Berlin Township
5. Estate of Carol Bowne
6. Open Public Records Act
7. Ordinance Revision
8. In Rem Tax Foreclosure
9. Municipal Building Roof Claim
10. Lester Avenue Drainage Project
11. Vaccum Leaf Collector Warranty Claim

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POLICE DEPARTMENT

Department Stats, August, 2016

Total of 161 motor vehicle summons, 28 M.V Accidents, 147 Alarm calls, and 49 medical assist calls. A total of 76 arrests which include 2 juvenile, 8 narcotics, 12 shoplifting, and 34 warrant services.

Police Department:

On 08/26/2016 Jays convenient store was robbed. The perpetrator entered the store and used threats and intimidation to take money from the clerk. The surveillance video of the crime was posted to the department's facebook page ad the case is still under investigation.

On 08/05/2016 Lt. McVeigh received information from the NJSP lab that blood evidence that was recovered from the scene of a burglary that took place on 02/21/2016. The DNA evidence matched a suspect. On 08/08/2016 a suspect was charged with burglary and theft from Jays Convenient store.

On 08/10/2016 Lt. McVeigh charged a suspect with burglary and theft of the Shell gas station that had taken place on February 11, 2016. This arrest was the result of a thorough investigation including interviews and the recovery of evidence.

On 08/31/2016 after a several month investigation a narcotics search warrant was executed on a residence in the 10 bock on North Rose lane. As a result 2 subjects were arrested. One was charged with CDS (Meth) related distribution charges and the second was charged with possession of pills.

Training:

The entire department attended a very unique training at the National Constitution Center in Philadelphia. This training was developed by former Philadelphia Police Commissioner Charles Ramsey and the staff of the Center. The training, Policing in a more perfect union gives law enforcement personnel a historical understanding of the constitutional rights and restrictions that are defined in the Bill of Rights. Policing in a More Perfect Union also examined the history of policing in a democratic society and provided a forum for officers to discuss the importance of their role in protecting the rights of all citizens.

Lt. Siderio, Lt. McVeigh, and I attended the JIFF police command staff training on 08/03/2016.

Sgt. Sheehan started the NJSACOP Command and Leadership program. This is a unique blend of theory and application designed to develop future police

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leaders. This is a 10 week program that was developed through the United States Military at West Point.

Respectfully,
Chief Leonard Check

MAINTENANCE / ANIMAL CONTROL OFFICER

Josh reported that he has been busy maintaining several vacant properties throughout town for high grass and other property maintenance issues. Josh commented that he has been in contact with Golden Corral and they are working on the property maintenance issues as well. Josh stated that we are getting ready to renew the Mercantile Licenses.

SECOND READING AND PUBLIC HEARING ORDINANCE 2016-15 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REPEALING AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE NEW JERSEY BELL TELEPHONE COMPANY AND GRANTING MUNICIPAL CONSENT AND/OR REGULATING STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF.

WHEREAS, On or about May 3, 1966 the Township of Berlin adopted “An Ordinance Granting Permission And Consent to New Jersey Bell Telephone Company, its Successors and Assigns, to use all of the Various Streets, Roads, Avenues and Highways and Parts Thereof, for the Construction, Maintenance and Operation of its Local and Through Lines and Systems in Connection with Transaction of its Business, and Prescribing the Manner of so Doing”; and

WHEREAS, said ordinance was valid for a period of fifty-years and is in need of renewal for the benefit of the residents of the Township of Berlin; and

WHEREAS, Verizon New Jersey, Inc. is the successor to New Jersey Bell Telephone Company, the beneficiary of the 1966 Ordinance; 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

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

SECTION 1: The Ordinance adopted on May 3, 1966 and entitled “An Ordinance Granting Permission And Consent to New Jersey Bell Telephone Company, its Successors and Assigns, to use all of the Various Streets, Roads, Avenues and Highways and Parts Thereof, for the Construction, Maintenance and Operation of its Local and Through Lines and Systems in Connection with Transaction of its Business, and Prescribing the Manner of so Doing” is hereby deleted in its entirety and replaced with the following new Chapter A379, to be located in the Appendix of the Code Book of the Township of Berlin, as follows:

§ A379-1 Municipal Consent

Pursuant to the Provisions of N.J.S.A.48:17-10, N.J.S.A. 48:17-11, and N.J.S.A. 48:17-12, permission and consent is hereby granted to Verizon New Jersey Inc., (the "Company"), its successors and assigns, to install, operate, inspect, maintain, repair, replace and remove its communications facilities and other transmission or process equipment, including underground facilities, such as conduits, manholes, cables, wires, and all other facilities appurtenant thereto, and above-ground facilities, such as cables, wires, antennas, poles, posts, supports, guys, pedestals, cable termination and distribution cabinets and all other facilities appurtenant thereto, in, through, upon, along, over, under, and across all of the various public streets and ways, which include the roads, avenues, right-of-way, sidewalks, highways, bridges, waterways, and other public places, and parts thereof, throughout their entire length, and, subject to compliance with all applicable municipal requirements, to effect the necessary street openings and lateral connections to curb poles, property lines and other facilities in the Township of Berlin (the "Township") for said Company's local and through lines and other communications facilities in connection with the transaction of its business. In the event that any public street or way where the Company has facilities is vacated by the Township, the Township agrees to reserve unto said Company the rights granted the Company by the present Ordinance.

§ A379-2 Above Ground Facilities

All poles, posts, pedestals, cabinets, or other facilities shall be located and placed back of the curb lines where shown on the official map(s) of the Township the poles and posts, however, shall be located within eighteen (18) inches of the face of such curb line or as may otherwise be mutually agreed by both parties or required by law, or at the points or places now occupied by the poles, posts, pedestals, cabinets, or other facilities of the Company, its successors and assigns, and where there are no curb lines, at other convenient points or places in, upon, along, adjacent, or across the public streets and ways as may be mutually agreed upon between the parties.

§ A379-3 Underground Facilities

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The Company may bury its local and through communications facilities such as cables, conduit, manholes and associated equipment, fixtures, process equipment and appurtenances within the right-of-way of the various public streets and ways and at such locations as shall be mutually agreed upon by the parties for said Company's local and through lines and communications facilities. Underground conduits and associated facilities, as aforementioned, shall be placed at least eighteen (18) inches below the surface of said public streets and ways and with the exception of lateral branches to curb poles and property lines and other facilities, the same shall generally not be constructed more than ten (10) feet from the curb line, unless obstructions make it necessary to deviate from such course or unless the parties mutually agree to another location. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining, and operating the facilities, as aforementioned, which the Company may from time to time use in connection with its underground conduit system and shall be so constructed as to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

§ A379-4 Notice; Permits; Restoration

Before proceeding with any new construction or relocation work in an area covered by this Ordinance, the Company shall give prior notice in writing thereof to the Township, through its designated representative, of its intention to perform such work. The Company shall obtain such street opening or excavation permits as may be lawfully required by any applicable ordinances regulating such openings or excavations. The company shall be responsible for all costs of construction performed in accordance herewith and any area affected by the Company in constructing its facilities shall be restored to as good condition as it was before the commencement of work thereon. No public streets or ways shall be encumbered for a period longer than shall be reasonable to execute the work.

§ A379-5 Indemnification

The Company agrees to indemnify and save harmless the Township from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of road conditions resulting from any negligent or faulty excavations, installation or maintenance connected with the work or equipment of said Company, and not attributable to the fault or negligence of the Township, except that if such injury or damage shall be caused by the joint or concurring negligence or fault of the Company and the Township, the same shall be borne by them to the extent of their respective fault or negligence.

§ A379-6 New or Relocated Curb Line

Whenever a curb line shall be established on streets where one does not now exist or where an established curb line shall be relocated in order to widen an existing street in conjunction with road construction being performed by the Township, the Company shall change the

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location of its above-ground facilities covered by this Ordinance at their expense (except as otherwise expressly provided by law) and at no cost to the Township and in accordance with applicable law so that the same shall be back of, and adjacent to, the new curb line, so long as the Township has acted in accordance with applicable law and with reasonable care in establishing the new curb line and providing notice thereof.

§ A379-7 Municipal Consent Non-Exclusive

Any company or corporation having legal authority to place its facilities in the public streets and ways of the Township may jointly use the Company's poles, posts, pedestals or other structures for all lawful purposes, provided the Company consents to such use, on terms and conditions acceptable to the Company and not inconsistent with the provisions of the present Ordinance.

§ A379-8 Colocation of Certain Township Utilities

The Company shall provide space, to the extent available, on its poles so long as said poles are occupied by the Company and space, to the extent available, in its main conduits existing on the date of passage of this Ordinance, but not exceeding one (1) duct of standard size, for the sole benefit of the Township during the pendency of this Ordinance. Such space shall be provided for the exclusive use of the Township which use shall be limited to accommodating the wires or electrical conductors required for one-way signal control in connection with municipal police patrol, fire alarm signal control and traffic signal control systems only; but for no other uses or purposes, either alone or in conjunction therewith; nor for circuits for the supply of electrical energy for traffic or other signals; nor for wires, conductors, cable or the equivalent which provide a means of transmitting any signal to a private, commercial or residential location, and which is normally provided by a nongovernmental supplier; provided, further, that no such use or attachment by the Township shall interfere with the plant or facilities of or the use thereof by the Company. All costs or expenses incurred by the Company in connection therewith shall be paid by the Township. It shall be the obligation of the Township to attach its wires to the poles or place its electric conductors in the conduits or manholes of the Company, provided that before proceeding with said work, either by itself or by a person, firm or corporation engaged to perform such work, the Township shall give the Company thirty (30) days prior notice in writing. All such work shall be performed under the supervision of said Company. The Township agrees to indemnify and save harmless the Company from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of the Township's installation maintenance, operation or removal of wires or facilities or the Township's use or enjoyment of the Company's plant or facilities as provided under this section, except that if such injury or damage shall be caused by joint or concurring negligence of the Company and Township, the same shall be borne by them to the extent of their respective fault or negligence.

§ A379-9 Street Dedication

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If any or all of the said streets or ways are later taken over by the County of Camden or the State of New Jersey, such County or State shall have such rights and privileges and be subject to the same terms, conditions and limitations of use as apply herein to the Township, provided, however, that satisfactory prior arrangements as may be necessary are made with the Township and the Company for the full protection of the respective interest of each.

§ A379-10 “Township” Defined

The term "Township" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Township or any part thereof may at any time hereafter be changed, annexed, or merged.

§ A379-11 Scope of Municipal Consent

The permission and consent hereby granted shall apply to and cover all communications facilities of the Company existing at any time, and related structures, process equipment, and appurtenances heretofore or hereafter erected, constructed, reconstructed, removed, located, relocated, replaced, maintained, repaired, or operated by the Company, its predecessors, successors, or assigns within the Township. This Ordinance shall supersede all prior consent ordinances between the Township and the Company regarding the subject matter hereof.

§ A379-12 Term

This Ordinance shall continue in full force and effect for a period of fifty (50) years from the date it becomes effective subject to the right of the Company to seek such changes herein as may be deemed necessary from time to time prior to the expiration of said period, said changes to be approved by the Township. The Company shall maintain its property within the Township and shall comply with applicable law for the provision of safe, adequate and proper service at just and reasonable rates at and after the term of this Ordinance, the Company shall safeguard the public interest in continuous and uninterrupted service within the Township.

§ A379-13 Advertising, Effective Date

The Company shall pay the expenses incurred for advertising required in connection with the passage of this Ordinance, after the date of its first reading, within thirty (30) days after the Company has received a bill for said advertising from the publisher. Following final passage of this Ordinance, the Township Clerk shall provide the Company with written notice thereof by certified mail. As provided by applicable law, this Ordinance, and any subsequent amendments, shall not become effective until acceptance thereof by the Company and approval thereof by the Board of Public Utilities.

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

SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5: This Ordinance shall take effect upon approval by the Board of Public Utilities as required by law, but in no event earlier than twenty (20) days after final adoption and publication.

Motion by Council President Morris, second by Councilwoman Bodanza to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2016-15.

No comments were to be heard.

Motion by Council President Morris, second by Councilwoman Bodanza to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2016-15.

Motion by Council President Morris second by Councilwoman Bodanza to adopt Ordinance 2016-15. Ordinance approved by call of the roll, five members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2016-16
AMENDING ORDINANCE 2015-11 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 2015-11 on December 14, 2015 fixing and determining salary ranges for the officers and employees for the calendar year 2016; 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 2016 as follows:

| | | |
|----------|------------------------|----|
| |SALARY RANGE..... | |
| POSITION | FROM | TO |

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| | | |
|---|-----------------|-------------|
| Part-time Class II Special Law Enforcement Officer (SLEO II): | | |
| Police Outside Employment: | | |
| Traffic and Other Services | \$0.00 per hour | \$65.00 |
| per hour | | |
| Traffic and Other Services – Township | | |
| Funded Projects | \$0.00 per hour | \$45.00 per |
| hour | | |

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 Councilman Epifanio, 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 2016-16.

No comments were to be heard.

Motion by Council President Morris, 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 for questions or comments on Ordinance 2016-16.

Motion by Councilwoman Bodanza second by Council President Morris to adopt Ordinance 2016-16. Ordinance approved by call of the roll, five members present voting in the affirmative.

FIRST READING AND INTRODUCTION ON THE REFUNDING BOND ORDINANCE 2016-17 PROVIDING FOR THE REFUNDING OF THE TOWNSHIP'S OUTSTANDING CALLABLE: (I) GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008, DATED MAY 23, 2008; AND (II) GENERAL OBLIGATION BONDS, SERIES 2010, DATED DECEMBER 3, 2010; AUTHORIZING THE ISSUANCE OF UP TO \$10,750,000 OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.

BE IT ORDAINED by the Township Council of the Township of Berlin, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter

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169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented (“Local Bond Law”), as follows:

Section 1. The Township of Berlin, County of Camden, New Jersey (“Township”), is hereby authorized to refund all of its outstanding callable:

(i) General Obligation Refunding Bonds, Series 2008, dated May 23, 2008, in the aggregate principal amount of \$1,035,000 and maturing on September 15 in the following years and principal amounts (collectively, the “2008 Callable Bonds”):

| <u>Year</u> | <u>Principal Amount</u> | <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|-------------|-------------------------|
| 2019 | \$130,000 | 2023 | \$155,000 |
| 2020 | 135,000 | 2024 | 160,000 |
| 2021 | 140,000 | 2025 | 170,000 |
| 2022 | 145,000 | | |

and (ii) General Obligation Bonds, Series 2010, dated December 3, 2010, in the aggregate principal amount of \$7,868,000 and maturing on January 1 in the following years and principal amounts (collectively, the “2010 Callable Bonds”; together with the 2008 Callable Bonds, the “Callable Bonds”):

| <u>Year</u> | <u>Principal Amount</u> | <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|-------------|-------------------------|
| 2022 | \$400,000 | 2029 | \$600,000 |
| 2023 | 500,000 | 2030 | 600,000 |
| 2024 | 500,000 | 2031 | 600,000 |
| 2025 | 500,000 | 2032 | 600,000 |
| 2026 | 500,000 | 2033 | 700,000 |
| 2027 | 500,000 | 2034 | 700,000 |
| 2028 | 500,000 | 2035 | 668,000 |

The exact principal amount of Callable Bonds to be refunded (which may be less than all of the Callable Bonds) shall be determined pursuant to a resolution adopted by the Township Council by not less than two-thirds of all the members thereof.

Section 2. To effectuate the refunding of up to all of the Callable Bonds, negotiable general obligation refunding bonds of the Township are hereby authorized to be issued in one or more series in an aggregate principal amount not to exceed \$10,750,000 (“Refunding Bonds”), pursuant to the Local Bond Law. The maximum principal amount of Refunding Bonds to be issued and other terms thereof shall be determined pursuant to a resolution adopted by the Township Council by not less than two-thirds of all the members thereof.

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Section 3. An aggregate amount not exceeding \$225,000 for the items of expense listed in and permitted by Section 51.b. of the Local Bond Law, N.J.S.A. 40A:2-51.b., has been included in the aggregate principal amount of the Refunding Bonds authorized herein.

Section 4. The purpose of the Refunding Bonds is to effect an interest cost savings for the Township.

Section 5. Each Refunding Bond authorized herein shall be designated, substantially, "Township of Berlin, County of Camden, New Jersey, General Obligation Refunding Bond, Series 20__" and shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the Township shall approve.

Section 6. The Refunding Bonds may be sold at public or private sale pursuant to a resolution of the Township Council adopted by not less than two-thirds of the full members thereof.

Section 7. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Township Clerk prior to the passage of this refunding bond ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Chief Financial Officer as to the outstanding indebtedness to be refunded by the issuance of the Refunding Bonds.

Section 9. This refunding bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Bond Ordinance 2016-17 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

ORDINANCE 2016-18 TO ESTABLISH A GOVERNMENT-PRIVATE ENERGY AGGREGATION PROGRAM IN THE TOWNSHIP OF BERLIN IN ORDER TO PROVIDE ELECTRIC GENERATION SERVICE AND SUPPLY SERVICE FOR

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**RESIDENTIAL AND NON-RESIDENT CUSTOMER PURSUANT TO THE
GOVERNMENT ENERGY AGGREGATION ACT OF 2003 (P.L. 2003, c.24)**

WHEREAS, The State of New Jersey is one of three States that has been engaged in a process to establish a competitive market place through deregulation and restructuring of the electric utility industry; and

WHEREAS, The Government Energy Aggregation Act of 2003 permits the Borough of Bound Brook to become a government Aggregator in order to provide electric generation service for use by residential and non-residential customers within the Municipality's geographic boundaries; and

WHEREAS, the Mayor and Township Council of the Township of Berlin have determined residential and non-residential citizens of the Township of Berlin have a substantial economic and social interest at stake in the purchase and supply of energy; and

WHEREAS, the Mayor and Township Council of the Township of Berlin finds it is in the best interest of the municipality's rate payers, both residential and non-residential, to create a Governmental-private Energy Aggregation Program; and

WHEREAS, the Township of Berlin is a member of the Educational Services Commission of New Jersey Cooperative Shared Services Agreement, under which and pursuant to the Local Public Contracts Law and a Fair and Open Process seeking an energy service provider, Good Energy L.P. has been selected to perform the New Jersey BPU aggregation program pursuant to N.J.A.C 14:4-6 et seq. and laws of the State of New Jersey; and

WHEREAS, the Township of Berlin shall and will have held a public hearing on September 26, 2016, following proper notice and advertisement, on the proposed energy aggregation program and indicating its intent to solicit bids for the provision of electric generation service, either separately or bundled;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey according to the following:

- Section 1. Pursuant to the rules and regulations adopted by the New Jersey Board of Public Utilities under P.L. 2003, c.24, the Township of Berlin will follow Government-Private Option Two of the BPU Government-Private Aggregator Program.
- Section 2. The Township of Berlin is authorized to solicit bids for aggregate electric generation supply service according to the Local Public Contracts Law (P.L. 1991 c.198, N.J.S.A 40A:11-1, et seq.)

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- Section 3. The Mayor and Township Administrator are hereby authorized to submit all necessary documentation to the New Jersey Board of Public Utilities and to provide any and all notices to residential customers to “opt-out” of the program and to non-residential customers to “opt-in” to the program.
- Section 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.
- Section 5. 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 judgement 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 twenty days after final passage, adoption and publication according to law.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Bond Ordinance 2016-18 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-148 RESOLUTION AMENDING SALARY RESOLUTION 2015- 193 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 2015: 193 on December 14, 2015, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2016; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary effective September 12, 2016 as follows:

| POSITION | AMOUNT |
|---|------------------|
| Part-time Class II Special Law Enforcement Officer (SLEO II): | |
| Police Outside Employment: | |
| Traffic and Other Services | \$65.00 per hour |
| Traffic and Other Services – Township Funded Projects | \$45.00 per hour |

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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 Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-148. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-149 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948) – DRIVE SOBER OR GET PULLED OVER LABOR DAY CRACKDOWN 2016 GRANT.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Finance may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

WHEREAS, the Chief Financial Officer has certified that the Township has received a Drive Sober or Get Pulled Over Labor Day Crackdown 2016 Grant from the NJ Division of Highway Traffic Safety for \$5,000.00;

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 and the same is hereby appropriated under the caption of:

| | |
|--|------------|
| Operation "Excluded From CAP" | |
| Drive Sober or Get Pulled Over Labor Day | |
| Crackdown 2016 Grant | \$5,000.00 |

BE IT FURTHER RESOLVED that the Chief Financial Officer shall submit electronically the application to the Director of the Division of Local Government Services for approval.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-149. Resolution adopted by call of the roll, five members present voting in the affirmative.

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RESOLUTION 2016-150 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR THE CLICK IT OR TICKET GRANT.

WHEREAS, a receivable and reserve balance of \$1,172.08 titled Click it or Ticket Grant remains on the balance sheet at 8/31/16; 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 \$1,172.08 titled Click it or Ticket Grant is hereby canceled.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-150. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-151 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR THE CAMDEN COUNTY REGIONALIZED DWI ENFORCEMENT/SOBRIETY CHECKPOINT GRANT.

WHEREAS, a receivable and reserve balance of \$571.70 titled Camden County Regionalized DWI Enforcement/Sobriety Checkpoint Grant remains on the balance sheet at 8/31/16; 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 \$571.70 titled Camden County Regionalized DWI Enforcement/Sobriety Checkpoint Grant is hereby canceled.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-151. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-152 AUTHORIZING THE TOWNSHIP ENGINEER TO PREPARE, ADVERTISE, AND RECEIVE BIDS FOR A NEW AMBULANCE TO BE PURCHASED BY THE TOWNSHIP OF BERLIN AND USED BY THE BERLIN INTER-COMMUNITY AMBULANCE ASSOCIATION.

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BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that the Township Engineer is hereby authorized to prepare, advertise, and receive bids for the purchase of a new Ambulance to be purchased by the Township of Berlin to be used by the Berlin Inter-Community Ambulance Association.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-152. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-153 PAYMENT OF BILL AUGUST

WHEREAS, the Code of the Township of Berlin, Chapter 7-1 et seq., provides for the 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 detailed below and attached are hereby approved and the bills to be paid.

| TO | ACCOUNT | AMOUNT |
|---|--|---------------|
| Noonan Industries | Cash Maintenance Bond | \$ 29,238.02 |
| CONFIRMING: | | |
| TO | ACCOUNT | AMOUNT |
| Various Current Fund and Sewer Operating Fund Checks | See Bill List Attached dated: 7/25/16 | \$ 63,669.70 |
| | 8/9/16 | 2,025,649.34 |
| America on Line (6/23/16) | 6-01-31-443-2077 | 43.99 |
| Ameriflex (July) | Flex Claims Account | 75.00 |
| Department of Children & Families | 6-01-55-292-0000 | 250.00 |
| Verizon Fios PD (7/1-7/31/16) | 6-01-31-443-2077 | 109.99 |
| America on Line (7/25/16) | 6-01-31-443-2077 | 43.99 |
| State of NJ Health Benefits (A-July) | 6-01-23-220-2092 | 67,042.76 |
| State of NJ Health Benefits (R- July) | 6-01-23-220-2092 | 36,972.11 |
| Ameiflex (August) | Flex Claims Account | 75.00 |
| Verizon Fios PD (8/1-8/31/16) | 6-01-31-443-2077 | 109.99 |
| Treasurer, State of NJ | Dog Trust | 18.60 |
| Verizon Fios Admin (8/16-9/15/16) | 6-01-31-443-2077 | 139.99 |
| Verizon Fios TV (8/13-9/12/16) | 6-01-20-120-2105 | 167.58 |
| State of NJ Health Benefits (A- Aug) | 6-01-23-220-2092 | 67,042.76 |
| State of NJ Health Benefits (R-Aug) | 6-01-23-220-2092 | 36,972.11 |
| TD Bank – Series 2005 Bonds | 6-01-45-930-2105 | 20,900.00 |

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| | | |
|---------------------------------|------------------|------------|
| Comcast – Library (9/1-9/30/16) | 6-01-29-390-2059 | 139.85 |
| Comcast – PWD (8/20-9/19/16) | 6-01-26-310-2020 | 74.95 |
| Payroll, Current Fund | 07/21/16 | 129,084.45 |
| Payroll, Sewer Operating Fund | 07/21/16 | 6,658.14 |
| Payroll, Current Fund | 08/04/16 | 125,077.71 |
| Payroll, Sewer Operating Fund | 08/04/16 | 6,818.98 |
| Payroll, Current Fund | 08/18/16 | 129,226.87 |
| Payroll, Sewer Operating Fund | 08/18/16 | 6,753.61 |
| Payroll, Current Fund | 09/01/16 | 133,569.43 |
| Payroll, Sewer Operating Fund | 09/01/16 | 6,815.72 |

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-153. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-154 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948) – DRUNK DRIVING ENFORCEMENT GRANT.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Finance may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

WHEREAS, the Chief Financial Officer has certified that the Township has received a Drunk Driving Enforcement Grant from the NJ Division of Highway Traffic Safety for \$1,970.89;

BE IT FURTHER RESOLVED that a like sum of \$1,970.89 and the same is hereby appropriated under the caption of:

| | |
|---------------------------------|------------|
| Operation “Excluded From CAP” | |
| Drunk Driving Enforcement Grant | \$1,970.89 |

BE IT FURTHER RESOLVED that the Chief Financial Officer shall submit electronically the application to the Director of the Division of Local Government Services for approval.

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Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-154. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-155 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.

WHEREAS, the property owner or responsible party failed to take appropriate action as required in the Violation Notices; the Code Enforcement Officer placed a work order with outside vendors on the properties and provided an invoice as certification of all costs associated with the work performed pursuant to Chapter 280-6 and pursuant to Chapter 280-7 the monies expended to pay outside vendors to perform the services at these properties have been charged against the property; and pursuant to Chapter 280-8 forthwith became a lien on such lands and was filed with the Tax Office; said lien to be discharged by the Tax Collector upon payment.

WHEREAS, the Tax Collector has confirmed receipt of payment for the liens against the following properties representing maintenance work performed; the maintenance liens against the following properties have been discharged, as follows:

| Property: | AMOUNT | DATE PAID |
|---------------------|---------------|------------------|
| 92 Chester Ave | \$ 40.00 | 06/30/16 |
| 92 Chester Ave | \$ 40.00 | 08/10/16 |
| 89 Hudson Ave | \$ 100.00 | 08/01/16 |
| 148 North Ave | \$ 100.00 | 06/27/16 |
| 136 Stokes Ave | \$ 45.00 | 06/23/16 |
| 205 Abbot Ave | \$ 40.00 | 08/03/16 |
| 235 Boyer Ave | \$ 45.00 | 08/10/16 |
| 235 Boyer Ave | \$ 50.00 | 08/23/16 |
| 226 Second Ave | \$ 40.00 | 08/10/16 |
| 205 First Ave | \$ 40.00 | 08/10/16 |
| 186 First Ave | \$ 50.00 | 08/16/16 |
| 176 First Ave | \$ 50.00 | 08/10/16 |
| 362 Franklin Ave | \$ 40.00 | 08/05/16 |
| 526 Route 73 North | \$ 75.00 | 07/26/16 |
| 526 Route 73 North | \$ 125.00 | 07/26/16 |
| 30 Holly Drive | \$ 65.00 | 08/23/16 |
| 30 Holly Drive | \$ 210.00 | 08/23/16 |
| 250 Fairview Drive | \$ 100.00 | 08/03/16 |
| 1 Hill Avenue | \$ 125.00 | 08/03/16 |
| 117 Taunton Ave | \$ 75.00 | 08/10/16 |
| 255 Peppermill Road | \$ 325.00 | 07/13/16 |
| 276 Peppermill Road | \$ 350.00 | 08/10/16 |
| 244 Briarwood Road | \$ 400.00 | 08/09/16 |

Dated: September 12, 2016

Dana O'Hara, CTC - Tax Collector

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By resolution of the Mayor and Council of the Township of Berlin, for the reasons set forth hereinabove, it hereby approves and authorizes said liens against said properties pursuant to Chapter 280-7 of the Code of the Township of Berlin hereby discharged.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-155. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-156 RESOLUTION OF THE TOWNSHIP OF BERLIN AUTHORIZING, THE IMPOSITION OF LIENS IN ACCORDANCE WITH CHAPTER 280 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED, "SOLID WASTE," AND CHAPTER 289, ENTITLED "STREETS & SIDEWALKS AND SECTION 303 OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE BOOK ENTILED SWIMMING POOLS, SPAS AND HOT TUBS".

WHEREAS, N.J.S.A. 40:48-2.12(f) authorizes a municipality to perform certain acts of property maintenance and to charge the costs thereof as a lien against the real property on which such maintenance is performed; and

WHEREAS, Chapters 280 and 289 of the Code of the Township of Berlin and 303.1 of the IPM Code Book establish, inter alia, the procedure by which such property maintenance shall be performed and the process through which the costs thereof shall be established as municipal charges and/or liens against the real property upon which such maintenance is performed; and

WHEREAS, the Code Enforcement Officer for the Township of Berlin was notified and became aware that property maintenance was necessary for certain real properties located in the Township of Berlin listed as follows:

| <u>Property: Block/Lot</u> | <u>REASON</u> |
|-----------------------------------|----------------------|
| 205 First Ave. (B-610 L-4) | Lawn care |
| 205 Abbott Ave. (B-530 L-7) | Lawn care |
| 244 Briarwood Rd. (B-1806 L-24) | Lawn care |
| 89 Hudson Ave. (B-203 L-3) | Lawn care |
| 95 Warren Ave. (B-202 L-2) | Lawn care |
| 526 Rt. 73 N. (B-903 L-10.01) | Lawn care |
| 310 Magnolia Ave. (B-1412 L-14) | Lawn care |
| 204 Centaurian Dr. (B-1417 L-5) | Lawn care |
| 210 Chestnut Ave. (B-1413 L-5) | Lawn care |
| 167 Franklin Ave. (B-519 L-1) | Lawn care |
| 148 North Ave. (B-213 L-5) | Lawn care |
| 255 Peppermill Rd. (B-1803 L-14) | Lawn care |

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| | |
|---------------------------------------|-----------|
| 210 Plymouth Ave. (B-303 L-2) | Lawn care |
| 200 Plymouth Ave. (B-303 L-1.02) | Lawn care |
| 235 Centaurian Dr. (B-1410 L-9) | Lawn care |
| 330 Magnolia Ave. (B-1412 L-18) | Lawn care |
| 319 Hazel Ave. (B-1815 L-5) | Lawn care |
| 92 Chester Ave. (B-202 L-1.01) | Lawn care |
| 30 Holly Dr. (B-1307 L-30) | Lawn care |
| Haddon & Veterans Ave. (B-625 L-8.01) | Lawn care |
| 178 Franklin Ave. (B-219 L-24) | Lawn care |
| 182 Franklin Ave. (B-601 L-1) | Lawn care |

WHEREAS, pursuant to Chapter 280 and Article III of 289, the Code Enforcement Officer issued Violation Notices to the property owner(s) or responsible party(ies) relating to the above-referenced conditions which were found to be health and safety hazards; and

WHEREAS, the property owner(s) or responsible party(ies) failed to take appropriate action as required in said Violation Notices and the Code Enforcement Officer placed a work order with outside vendors to have such work performed as necessary to protect the health, safety and welfare of the Township; and

WHEREAS, the Code Enforcement Officer provided invoices as certification of all costs associated with the above-described work performed in order that the monies expended to pay outside vendors to perform the services at these properties could be charged against the respective properties as more fully set forth below;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that it hereby authorizes, approves and ratifies the assessment of municipal charges and/or liens on the following properties as of the date first noted below in accordance with the certified costs provided by the Code Enforcement Officer as described above, and further resolves that these amounts shall forthwith become a lien on such lands as provided for herein:

| <u>Property: Block/Lot</u> | <u>Date Charge</u> | <u>AMOUNT</u> | <u>REASON</u> |
|----------------------------------|--------------------|---------------|-----------------------------|
| 205 First Ave. (B-610 L-4) | Sept. 12, 2016 | \$40.00 | Lawn care |
| 205 Abbott Ave. (B-530 L-7) | Sept. 12, 2016 | \$40.00 | Lawn care |
| 244 Briarwood Rd. (B-1806 L-24) | Sept. 12, 2016 | \$70.00 | Lawn care |
| 89 Hudson Ave. (B-203 L-3) | Sept. 12, 2016 | \$50.00 | Lawn care |
| 95 Warren Ave. (B-202 L-2) | Sept. 12, 2016 | \$150.00 | Lawn care, clean up |
| 526 Rt. 73 N. (B-903 L-10.01) | Sept. 12, 2016 | \$125.00 | Lawn care |
| 310 Magnolia Dr. (B-1412 L-14) | Sept. 12, 2016 | \$75.00 | Lawn care |
| 204 Centaurian Dr. (B-1417 L-5) | Sept. 12, 2016 | \$70.00 | Lawn care |
| 210 chestnut Ave. (B-1413 L-5) | Sept. 12, 2016 | \$100.00 | Lawn care |
| 167 Franklin Ave. (B-519 L-1) | Sept. 12, 2016 | \$35.00 | Lawn care |
| 148 North Ave. (B-213 L-5) | Sept. 12, 2016 | \$50.00 | Lawn care |
| 255 Peppermill Rd. (B-1803 L-14) | Sept. 12, 2016 | \$265.00 | Lawn care, pool maintenance |
| 210 Plymouth Ave. (B-303 L-2) | Sept. 12, 2016 | \$75.00 | Lawn care |
| 200 Plymouth Ave. (B-303 L-1.02) | Sept. 12, 2016 | \$60.00 | Lawn care |

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| | | | |
|----------------------------------|----------------|----------|---------------------|
| 235 Centaurian Dr. (B1410 L-9) | Sept. 12, 2016 | \$35.00 | Lawn care |
| 330 Magnolia Ave. (B-1412 L-18) | Sept. 12, 2016 | \$120.00 | Lawn care |
| 319 Hazel Ave. (B-1815 L-5) | Sept. 12, 2016 | \$145.00 | Lawn care, clean up |
| 92 Chester Ave. (B-202 L-1.01) | Sept. 12, 2016 | \$190.00 | Lawn care, clean up |
| 30 Holly Dr. (B-1307 L-30) | Sept. 12, 2016 | \$235.00 | Lawn care, clean up |
| Haddon & Veterans (B-625 L-8.01) | Sept. 12, 2016 | \$75.00 | Lawn care |
| 178 Franklin Ave. (B-219 L-24) | Sept. 12, 2016 | \$355.00 | Lawn care, clean up |
| 182 Franklin Ave. (B-601 L-1) | Sept. 12, 2016 | \$165.00 | Lawn care, clean up |

BE IT FURTHER RESOLVED, that each of the above-referenced charges and/or liens shall be filed with and shall remain on file with the Tax Office until payment in full thereof, including any penalties and/or interest that may accrue thereon; and

BE IT FURTHER RESOLVED, that all unpaid liens authorized herein shall bear interest at the same rate allowed for unpaid taxes and shall be collected and enforced in the same manner as unpaid taxes and further that the Tax Collector is further authorized to subject same to Tax Sale in the calendar year next following the date thereof in accordance with the Tax Sale Law; and

BE IT FURTHER RESOLVED, that payment of the full amount of said municipal charges and/or liens, plus any accumulated penalties and/or interest thereon, has been tendered to the Tax Collector regarding certain of the aforementioned liens and therefore the Tax Collector is further authorized and instructed to discharge and remove same of record with respect to said properties as follows:

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Township Tax Collector and said Resolution, together with all invoices evidencing certification of costs expended for said work, shall be filed with and/or shall remain on file with the Township Tax Collector.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-156. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-157 RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE CAMDEN COUNTY MUNICIPAL JOINT INSURANCE FUND.

WHEREAS the Camden County Municipal Joint Insurance Fund (hereinafter the Fund) is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq.: and

WHEREAS, the Township of Berlin is a member of the Camden County Municipal Joint Insurance Fund; and

WHEREAS, effective December 31, 2016, said membership will expire unless earlier renewed and:

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WHEREAS, the Mayor and Council of the Township of Berlin has resolved to renew said membership: desires to renew said membership;

NOW, THEREFORE, it is agreed as follows:

1. The Township of Berlin hereby renews its membership in the Camden County Municipal Joint Insurance Fund for (3) three year period beginning January 1, 2017 and ending January 1, 2020.
2. The Township of Berlin hereby ratifies and reaffirms the Indemnity and Trust Agreement Bylaws and other organizational and operational documents of the Camden County Municipal Joint Insurance Fund ad from time to time amended and altered by the Department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. The Township of Berlin agrees to be a participating member of the Fund for the period herein provided for and to comply with all the rules and regulations, obligations associated with said membership.
4. In consideration of the continuing membership of the Township of Berlin in the Camden County Municipal Joint Insurance Fund, the Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of Township of Berlin.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign the 2017 renew membership in the Camden County Municipal Insurance Fund.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-157. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-158 TO AFFIRM THE TOWNSHIP OF BERLIN'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS.

WHEREAS, it is the policy of Township of Berlin to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against

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Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Township of Berlin has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council of the Township of Berlin that:

Section 1: No official, employee, appointee or volunteer of the Township of Berlin by whatever title known, or any entity that is in any way a part of the Township shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Berlin's business or using the facilities or property of the municipality.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Berlin to provide services that otherwise could be performed by the Township.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Township of Berlin shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Township of Berlin shall establish written procedures that require all officials, employees, appointees and volunteers of the Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

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Section 7: The Township of Berlin shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Municipal Clerk shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Berlin. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Berlin Township's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Berlin in order for the public to be made aware of this policy and the Township's commitment to the implementation and enforcement of this policy.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-158. Resolution adopted by call of the roll, five members present voting in the affirmative.

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RESOLUTION 2016-159 RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF BERLIN REGARDING REVIEW AND AMENDMENT OF THE PERSONNEL POLICY MANUAL.

WHEREAS, the Township has a Currently Approved Risk Control Plan for the Camden County Municipal Joint Insurance Fund; and

WHEREAS, the Township desires to maintain its status as a Member with an approved plan, so as to continue to receive preferential insurance benefits; and

WHEREAS, in order to maintain its Member status, the Governing Body is required to review and update the Township's Personnel Policy Manual.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Township of Berlin, that the Personnel Policy Manual be reviewed and amended as recommended by the Township Solicitor to include provisions which are required to be set forth to maintain the Township's status as a Member with an Approved Risk Control Plan, and that the updated manual be distributed to all employees of the Township.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-159. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-160 LIST OF UNCOLLECTIBLE TAXES

To the Mayor and Council to the Township of Berlin:

I hereby submit to you a list of taxes, which in my opinion are uncollectible. I give the reasons why I deem them uncollectible, and I request that same be remitted and that I be relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4.

Dated: September 12, 2016

Dana O'Hara, CTC - Tax Collector

| NAME | DESCRIPTION | YEAR | AMOUNT | REASON |
|-----------------------|--------------------|-------------|------------------|-----------------------|
| Guy Sundermier | 2203-14 | 2016 | 250.00 | Veteran |
| | | | \$ 250.00 | TOTAL Nov 2016 |

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-160. Resolution adopted by call of the roll, five members present voting in the affirmative.

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RESOLUTION 2016-161 CHANGE ORDER #1 FURNISHING AND DELIVERY OF 64 AND 95 GALLON MINIMUM UNIVERSAL REFUSE CARTS.

WHEREAS, change order #1 reflects the reduction in donation to the American Cancer Society from \$5.00 to \$1.00 for every recyclable cart with a pink lid, along with addition costs of various carts and lids ordered; and.

WHEREAS, Change Order #1 was developed to itemize and authorize those changes.

WHEREAS, certification has been received by the Township of Berlin CFO that sufficient funds have been allocated for this change order;

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin that change order #1 is hereby authorized and approval is hereby granted to revise the contract cost from \$341,281.96 to \$341,291.39 (Increase in the amount of \$9.43).

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-161. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-162 CHANGE ORDER #2 FURNISHING AND DELIVERY OF 64 AND 95 GALLON MINIMUM UNIVERSAL REFUSE CARTS.

WHEREAS, change order #2 reflects the reduction in the number of 95 gallon solid waste and recycling carts, the change of the pink lids and the \$1.00 donation to the solid waste carts and change to the recycling carts to yellow lids

WHEREAS, Change Order #2 was developed to itemize and authorize those changes.

WHEREAS, certification has been received by the Township of Berlin CFO that sufficient funds have been allocated for this change order;

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin that change order #1 is hereby authorized and approval is hereby granted to revise the contract cost from \$341,291.39 to 341,290.95 (decrease in the amount of .44 cents).

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2016-162. Resolution adopted by call of the roll, five members present voting in the affirmative.

Approval of Kennel, Pet Shop Licenses

- 1) **PETSMART INC**, 215 North Route 73 West Berlin NJ.
- 2) **BEST FRIENDS PET CARE**, 585 North Route 73 West Berlin NJ.

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Motion by Council President Morris second by Councilwoman Bodanza to approve the Kennel, Pet Shop licenses above. Kennel, Pet Shop Licenses approved by call of the roll, five members present voting in the affirmative.

Approval of Mercantile Licenses

- 1) **Linda Hauber-Davis, T/A Island Oasis**, 115 North Route 73. Tanning, Skin Care and Weight Loss.
- 2) **Henry Shinn, T/A Lenny's Towing and Recovery**, 385 North Route 73. Business Administration Offices for towing company (385 Office Use) (399 existing storage yard for vehicle storage)
- 3) **Brian Prato T/A Jersey Surf**, 465 East Taunton Avenue, Suite 202. Office and warehouse storage for non-profit youth organization specializing in music education and leadership training.
- 4) **Syed Sayem T/A T-Mobile**, 115 North Route 73. Sales of wireless products and services.
- 5) **Dean Siegel T/A Siegel Distributing Company**, 101 Allied Parkway. Wholesale Distributor, Warehouse Storage and Office use.
- 6) **Daniel Murphy T/A Hot Rod Garage**, 770 South Route 73. Suite B Auto Repair and Service as in the past, Classic cars and Muscle Cars.
- 7) **Christopher Mentzer T/A Market Fresh Market LLC**, 199 A Edgewood Avenue. Office and Storage Use.
- 8) **Joy Scott T/A Creative Minds Academy**, 306 Spruce Avenue (second Location for Day care) Day Care / Childcare.

Motion by Councilwoman Bodanza second by Councilman McIntosh to approve the mercantile licenses above. Mercantile Licenses approved by call of the roll, five members present voting in the affirmative.

Approval of Solicitors Permits

- 1) **Jeffery Saler T/A Power Home Remodeling**. Door to Door sales for free estimates on exterior home remodeling.
- 2) **Matthew Schenkel T/A Power Home Remodeling**. Door to Door sales for free estimates on exterior home remodeling.
- 3) **Anthony Hoffman T/A Power Home Remodeling**. Door to Door sales for free estimates on exterior home remodeling.

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Motion by Councilwoman Bodanza second by Council President Morris to approve the Solicitors Permits above. Solicitors Permits approved by call of the roll, five members present voting in the affirmative.

Approval of Animal Permits

1) William Reynolds, 355 Blaine Avenue, West Berlin NJ 08091. Permit for 6 Chickens .

2) Robert Johnson, 207 Taunton Avenue, West Berlin NJ 08091
Permit for 6 Hens.

3) Joe Romeo, 212 North Avenue West Berlin NJ 08091. Permit for 2 Horses.

4) Linda Townsend, 165 Collings Avenue, West Berlin NJ 08091.
Permit for 13 Chickens.

5) Franks Carns, 229 Second Avenue, West Berlin NJ 08091.
5 Chickens.

6) Joseph Fabrico 149 McClellan Avenue, West Berlin NJ 08091.
Permit for 2 Ponies.

7) Chris Wilkinson, 300 Stratford Avenue, West Berlin NJ 08091.
Permit for 1 chicken.

8) Cheryl L. Green, 9 Fern Circle, West Berlin NJ 08091. Permit for 6 Chickens.

Motion by Council President Morris second by Councilwoman Bodanza to approve the Animal Permits above. Animal Permits approved by call of the roll, five members present voting in the affirmative.

Approval of Minutes for July 11, 2016.

Motion by Councilman McIntosh, second by Council President Morris to approve the Meeting Minutes for July 11, 2016. Motion carried by voice vote, five present voting in the affirmative.

Approval of Consent Agenda July and August 2016.

Motion by Councilwoman Bodanza, second by Council President Morris to approve the Consent Agenda for July and August 2016. Motion carried by voice vote, five present voting in the affirmative.

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Approval of Correspondences Calendar July and August.

Motion by Council President Morris, second by Councilman McIntosh to receive and file the Correspondence Calendar for July and August 2016. Motion carried by voice vote, all present voting in the affirmative.

All other Business

Berlin Township Historical Community Day is schedule Saturday October 22, 2016

Public Portion

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

Solicitor Stuart Platt informed the public that this Governing Body will not comment or discuss any pending litigation that may be connected to the feral cats in Berlin Township.

Cindy Kunzer, Barrington NJ spoke about the trap neuter release (TNR) programs and how beneficial it would be to begin the program in Berlin Township. She offered to talk to the governing body in detail on what the program could do.

Lynn Sember, Bellmawr NJ spoke about the TNR program.

Karen O'Rouke, Marlton was in charge of a TRN program in Philadelphia and has found loving home for the cats.

Helen Wahl, Taunton Run Village, West Berlin commented that she was sick and tired with all the feral cats at Taunton Run Village and the disgusting smell.

Art Erikison, Taunton Run Village, West Berlin watches his grandson and he grandson is always stepping in cat poop and Mr. Erikison is concerned about rabies that the feral cats could carry.

Linda Balisia, West Berlin commented that the TNR is a great program for our town.

Gerald Peterson, West Berlin remarked that he was concerned with the diseases that the cat colonies could carry.

Kim Mullins, Parents live at Taunton Run Village and has witnessed a cat problem. Kim has concerns when her dad is walking his dog, and the dog takes off chasing a cat causing her father to fall.

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Aida Figueroa, Berlin Township stated that the majority of people supporting this are not from Berlin Township. She remarked that we are a small little town and you can't compare us to cities or bigger communities. I don't think it would be beneficial to our little town.

Katherine Adverse, Philadelphia is in charge of a cat colony and can say that a lot of people have misconception on the TNR program.

Al Chernoff, Philadelphia Alley Cat Allies is in charge of rescuing cats and finding loving home for them in Philadelphia.

Jan Roland, Evesham Township takes care of a gentleman in Taunton Run Village and remarks that there is only around 7 cats and its doesn't smell and the population hasn't increased. The TNR program is a good program that can work you just need some ground.

Gail Turpin, Taunton Run Village commented that when she walks in the morning you can smell the urine the cats leave and if you don't live there you don't see what is going on.

Michelle Starr, Berlin Township supports all the TNR programs and recommend the Township consider putting one in place

Susan Cossaboon, Berlin Township remarked that she has someone that would spade or neuter the cats for free but they would need to find homes and she can't take on anymore cats, since she is not in favor of releasing them into colonies.

Rosie Theodare, Berlin Township commented that she is not in favor of the TNR program and commented that the feral cat population at Taunton Run is about 25 cats.

Heather Galloway Berlin Township commented that she is having an issue with her water. Heather stated that she move in Berlin Township in 2002 and since then she has replaced her hot water heater 5 times because of the rust and sediments in the water. The discoloration has ruined her clothes and bedding and the expense of buying bottles water is taking a toll. She supplied the council with pictures.

Mayor and Council remarked that they are working with the Borough of Berlin but that they will forward the photos to them.

Mayor and Councils response

Mayor Magazzu stated that Berlin Township cares about our Pets and Animals and has put in place a very successful program called the Fur Alert program which finds loving homes for these pets. Mayor commented that Berlin Township just does not have any ground that a colony can be placed, we are just built out and we just can't afford the liability that may come with these feral cats.

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Tonight many of you talk about these feral cats, remember they are wild not domesticated, you wouldn't feed raccoons. And I understand where you are all coming from I was on the Camden County Animal Control Committee and know all about the trap neuter and release program but as Mayor I have to do what is best for the residents of Berlin Township and we have no room for this program and the liability is a major concern.

Adjourn

Motion by Council President Morris, second by Councilman Epifanio to adjourn the meeting at 7:05 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 7:05 pm

Catherine Underwood, Township Clerk