

SEPTEMBER 22, 2008

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD IN THE CONFERENCE ROOM OF THE SCHOOL BOARD ADMINISTRATIVE BUILDING, 225 GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY, SEPTEMBER 22, 2008 AT 6:30 P.M.

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

ROLL CALL : Present- Councilman Batten, Councilman McIntosh, Councilman Morris, Council President DiGangi, Mayor Magazzu

Also Present- Lori Campisano, CFO; Solicitor, Donafaye Zoll; Charles Riebel, Jr., Engineer; Michael Hayden, Police Chief; Michael McGee, PW, Director; Michael Laginestra, Zoning Officer

GOOD AND WELFARE #1

Motion by Councilman Batten, second by Council President DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in the affirmative. Mayor Magazzu opened the meeting to the public for comments.

Phil Haines who represents Doug Kepple from Kepple Enterprise came in and asked what the procedure was next in going for sewer connection and obtaining 5 EDU's.

Chuck Riebel noted that originally Kepple Carpets were asking for 1 EDU, but with the increase of office, showroom and employees they are now in need of 5 EDU's.

Phyllis said for Doug Kepple speak to our Sewer Clerk for the next step in getting his EDU's

Mr. Hertzberg spoke about ditch in the back of his property. He said that the County came out and cleaned half the ditch and the other half of the ditch was still not cleaned.

Tom DiGangi said that he went to the site and could see water flowing and some obstruction by the drain.

Mike McGee said that he spoke to Bob Kelley from the County who said that some of the County equipment was broke and was waiting for it to be repaired.

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Mr. Hertzberg asked if the Township could take some responsibility and help the County clean the ditch.

Mike McGee responded and said that we just can't go in and clean the ditch we would need permission from the County because of liability reasons. Then if we do that it would solely be the Townships job and responsibility from that point on.

Donafaye Zoll noted that maybe the route to go is to get a group of people and go to a County freehold meeting and plead your case.

Motion by Councilman Batten, second by Council President DiGangi to close the meeting to the public. Motion carried by a voice vote, all present voting in the affirmative.

DEPARTMENTAL REPORTS

ENGINEERS REPORT

1. **2008 STREET IMPROVEMENT PROGRAM (KEI # 491BT0308):** The Governing awarded a contract, in the amount of \$282,477.53, to DiMeglio Construction Company.

The contractor has commenced with construction and is currently working on Toomer Avenue, Larch Avenue and the intersection of First and Clarence Avenues. The contractor anticipates completing the work during the week of September 22, 2008.

2. **2007 STREET IMPROVEMENTS PROGRAM:**

- a) Improvements to Veteran's Avenue and Minck Avenue. Krisanna Construction has completed the project. The Governing Body accepted the project at the Meeting of August 4, 2008.

We have forwarded the State of New Jersey Payment Voucher, in the amount of \$38,000.00, to the New Jersey Department of Transportation for final payment to the Township.

- b) Grove Avenue and Cushman Avenue. To date, the contractor has not performed any of the punch list items. We will send a letter to the contractor giving them 14 days to complete the work.

3. **N.J.D.O.T. FY2009 MUNICIPAL AID APPLICATION:** Applications were the following projects:

- a) Clarence Avenue-Haddon Avenue to Veteran's Avenue.

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Amount of funding requested: = \$ 415,725.00

b) N.J.S.H. Route 73 sidewalk, Phase 2-Jackson Road to Edgewood Avenue. Amount of funding requested = \$174,000.00

We have recently spoken to a representative of the N.J.D.O.T. Local Aid Office. He has informed us that they will only be funding one project for each municipality. I believe that the local office has recommended that the Trenton office provide the additional funding for the sidewalk along N.J.S.H. Route 73. Typically, the selected projects are announced near the end of the year.

4. **SIDEWALK ALONG N.J.S.H. ROUTE 73, PHASE 1, N.J.D.O.T. FY 2008 FUNDING - \$150,000.00:** We had reported, last month, that the N.J.D.O.T. funds are secure until June 30, 2009. If necessary, Mayor Magazu could request an extension of time for said allocation. We anticipate that it will take some time to receive the approval from the N.J. Pinelands Commission and the permits from the N.J.D.O.T.

We strongly recommend that, if and when the second round of funding is allocated, the Governing Body authorize our office to perform the necessary engineering, obtain the approvals and permits and prepare the bid documents.

5. **IMPROVEMENTS TO KATHERINE AVENUE- N.J.S.H. ROUTE 73 TO THE END:** Paparone Housing received conditional, final subdivision approval from the Planning Board, on August 5, 2008. One condition of the approval is that the developer and the Governing Body must come to an agreement for the coordination improvements to this street. A meeting was, recently, held with the developer, to discuss this matter. At this meeting, they stated that they would perform the improvements, which they committed to at the Planning Board

Meeting. At the Planning Board Meeting, the developer stated that they would be willing to construct the surface course from Route 73 to the intersection with the proposed street, sidewalk along the southerly side of Katherine Avenue, from Grove Avenue to the proposed intersection and storm drainage from the proposed stormwater basin to Katherine Avenue.

The developer will be preparing a developer's agreement, which will detail the improvements and time schedule to be performed by the developer and the Township.

I had submitted an estimate for the reconstruction for the entire length of the street. The estimated construction cost is \$864,232.00, engineering cost is \$100,000.00 and contract and inspection cost is \$95,000.00.

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The developer has requested that the Township not commence with the reconstruction of the street until the Spring of 2010 so that they can begin marketing the development in 2009 without any disruption, caused by the street reconstruction.

6. **LONG-TERM CAPITAL IMPROVEMENTS PROGRAM:** Mr. McGee has informed me of the deteriorated condition of the surface course for several streets, within the Pinecrest Section of the Township. We will tour the streets, within the Township, discuss the recommended improvements with Mr. McGee, and present the Engineer's Recommendation Report to the Governing Body for consideration for the implementation of a long-term capital improvements program.

7. **SAFE ROUTES TO SCHOOLS (KEI# 492BT0408):** An application was submitted for the construction of sidewalks along Katherine and Grove Avenues, to the elementary school requesting \$240,590.00.

The application also requested \$17,000.00 for permanent speed indicators along Franklin and Grove Avenues.

We have been informed by the N.J.D.O.T. Local Aid Office that it is anticipated that the announcement of the selected projects will be made on November 11, 2008.

8. **HADDON AVENUE STREETScape IMPROVEMENTS (KEI #430BT1104 & #431BT1104):**

- a. Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$ 200,000.00) (KEI #431by0105)

Asphalt Paving Systems has completed the project. The Governing Body accepted the project at the Council Meeting of February 25, 2008.

We have submitted the final State of New Jersey Payment Voucher, in the amount of \$64,426.25, for final reimbursement of funds from the New Jersey Department of Transportation.

- b. Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (KEI#29-43OBT1104

The N.J.D.O.T., Office of Local Aid, has responded to Mayor Magazzu, provided the available funding amounts and approved the reduced "scope of work" for Phase 3.

We have completed the amendments to the Construction Plans and Specifications and will resubmit them to the Department,

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during the week of September 8, 2008, for authorization to schedule the receipt of bids.

9. **TRAFFIC SIGNAL AND GEOMETRIC IMPROVEMENTS AT THE INTERSECTION OF COOPER ROAD AND TAUNTON AVENUE (KEI # 393BT0203):** We are finalizing the revisions to the construction documents, to include the construction work, which has not been completed by the developer of the self-storage facilities.

We will be submitting the documents to the County Engineer within the next week. The County would like to bid this project as soon as possible.

I believe Ms. Zoll is discussing the matter of the dedication of land for the widening of the right-of-way, with the property owner and his attorney.

10. **IMPROVEMENTS TO THE INTERSECTION OF HADDON AVENUE AND FRANKLIN AVENUE:**

I have not received any responses from the County Consultant, in response to Chief Hayden's comments.

I recommend that the Governing Body contact the County Engineer to provide a desired date and location for the public presentation meeting. I question if the meeting could be scheduled for the evening of September 29, 2008.

11. **N.J.D.O.T. MATTERS**

- a. Improvements to the Intersection of N.J.S.H. Route 73 and D'Angelo Drive (KEI#73BT3203): No update to report at this time.
- b. Request to the N.J.D.O.T. for Payment of Additional Inspection Costs for the Sanitary Sewer Work Along N.J.S.H. Route 73: No update to report at this time.

12. **U.S.E.P.A. CLEAN WATER NEEDS SURVEY (CWNS):** We have completed and submitted the Survey Form(s) for the following projects:

- Replacement of inlet curb pieces to the complaint "ECO" curb piece
- Sanitary Sewer/Storm Drainage Televising System
- Kelly Drive basin improvements
- Vehicle wash facility

13. **PRE-MITIGATION FLOOD CONTROL PROGRAM:** A meeting was held with all participating municipal members, providing an update of the program. At this time, the Township Emergency Management Coordinator should have submitted a listing of the desired projects to address flooding and storm drainage issues to the County Coordinator.

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I strongly recommend that the Township continue to participate in this program, as it is my understanding that the Federal Government has allotted funds for this program.

14. **CAMDEN COUNTY OPEN SPACE, ROUND 9 (KEI #487BT0208):** We have completed and submitted the application for the improvements to the hockey court at the Robert T. Clyde Park and terraced amphitheater construction at the Luke Avenue Recreation Complex.

We anticipate the County announcing the funded projects in the very near future.

15. **REQUEST FOR ADDITIONAL SANITARY SEWER ALLOCATION (KEI #467BT0407):** I believe that Mr. Kricun expected to resolve the allocation issues for the Atlantic basin municipalities, with the N.J.D.E.P., in the immediate future. I have contacted Mr. Kricun and requested an update. Once I receive his response, I will inform the Governing Body.

16. **IMPROVEMENTS TO KELLEY DRIVE STORMWATER BASIN (KEI #64BT3187):** No update to report at this time.

17. **MAINTENANCE GUARENTEES FOR PRIVATELY OWNED STORMWATER MANAGEMENT FACILITIES:** It is my understanding that Ms. Zoll has, previously, prepared a document, which addresses this issue.

18. **WATER SUPPLY ALLOCATION PERMIT FOR ALL TOWNSHIP OWNED PORTABLE AND IRRIGATION WELLS:** On August 8, 2008 we submitted the complete application for Water Use Registration. We await a response from the N.J.D.E.P. and, once received, we will inform the Governing Body.

19. **AMENDMENT TO THE TREE PROTECTION ORDINANCE:** I believe that the Committee is reviewing the currant ordinance and will be submitting recommendations to the Government Body and Planning Board.

20. **AMENDMENTS TO REDEVELOPMENT LEGISLATION:** The Senate Committee and Urban Affairs Committee have submitted their recommendations to the Senate for review and consideration. The bill will limit the use of eminent domain for redevelopment, adds requirements for pre-condemnation negotiations, enhances the notice and hearing requirements and ensures property owners of just compensation.

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We will provide the Governing Body with further updates as they become available.

21. PERMIT EXTENSION ACT: The Governor signed this legislation into law on July 29, 2008. The legislation extends most approvals and permits, for subdivisions and site plans, to July 1, 2010.

22. COALITION ON AFFORDABLE HOUSING, ROUND 3 RULES: As a result of C.O.A.H. defending their lawsuit against the New Jersey League of Municipalities, the deadline for the submission of petitions for substantive certification for Round 3 remains at December 31, 2008.

Even though there may be litigation, regarding the imposition of the 2.5% non-residential development fee, it is my understanding that the Borough must instruct all developers, which will be receiving Certificates of Occupancy after July 17, 2008, that they must pay the fee to the State Housing Fund.

23. MONTEBELLO DEVELOPMENT: Mr. McGee has informed me that the developer would like to connect the swimming pool discharge to the sanitary sewer collection system. The N.J.D.E.P. does issue General Permits for swimming pool discharges to surface waters. The pool discharges are, also, permitted to be connected to the sanitary sewer system, which is the typical discharge.

Due to the limited allocation, which is available to the Township, I recommend that the applicant apply for the General Permit, if they can comply with the conditions of the permit for the surface discharge.

The sewer allocation, which was requested for this recreation facility, did not include the collection of discharged swimming pool water.

24. PLANNING BOARD APPLICATIONS: I believe that the following applications will be submitted to the Planning Board, in the near future:

- a. Cricket Communications – additional antenna array on the existing monopole at the U.S. Post Office and at the monopole behind Hillcrest shopping center on Cushman Avenue
- b. Day Care Center - at the Green Grove Church
- c. Kepple Carpets – at the former Jersey Marine on Cushman Avenue
- d. Golden Corral Family Restaurant – at the current Auto Toy Store Site

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- e. Wal*Mart Superstore
- f. Berlin Promenade – Route 73 South

25. TAX MAP REVISIONS: We have completed the revisions to the Tax Maps for the initial sections for the Montebello development. We are revising the other sheets to address the other items, which were discussed with Ms. Zoppel.

26. DEVELOPMENT REVIEW COMMITTEE: Recently, there have been several questions, regarding the persons serving on the Committee, their duties and the comments which the members should be making to a prospective applicant.

I do not remember if the Governing Body passed an Ordinance, addressing these issues. If an ordinance was adopted, I recommend that copies be sent to the Planning Board and their Solicitor.

SOLICITOR'S REPORTS

1. Water Agreement with Berlin Borough
2. Increase in Sewer Allocation/Buildout Analysis
3. Vacation of a Portion of Kelley Drive
4. Haddon Avenue Redevelopment Plan/New Municipal Building
5. Verizon Peg Channel
6. C&M Auto Repair
7. Nelke V. Berlin TWP and Mark Zirpoli
8. Richard Winans V. Berlin TWP and Walter Shendock
9. Salahuddin Smart V. Berlin Township and Police Officers
10. Tax Foreclosures
11. Sahara Sam's Amusement Ordinance
12. Amendments to COAH Regulations
13. Pending Tax Appeals
14. Park Ordinance
15. Sewer Extension Chart

PUBLIC WORKS DEPARTMENT

Mike McGee reported that Lindenwold was borrowing the stage this weekend. Another request for the use of the stage has been asked, Mike said to forward them to his office and he would take care of the requests.

POLICE DEPARTMENT

Michael Hayden reported that the department had received a check in the amount of \$ 4700.00 for the Drunk Driver Enforcement annual Grant.

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PROPERTY MAINTENANCE / ZONING

Michael spoke about the house fire on Pine Avenue. The neighbor has complained about the condition of the property, windows boarded up and asked if the property was still under investigation.

ORDINANCE 2008- 12 AMENDING ORDINANCE 2007-27 FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY

Motion by Councilman Morris, second by Councilman Batten to adopt Ordinance 2008-12 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

ORDINANCE 2008-13 AMENDING CHAPTER 3 OF THE CODE OF THE TOWNSHIP OF BERLIN CAPTIONED "ADMINISTRATION OF GOVERNMENT"

Motion by Council President DiGangi, second by Councilman Morris to adopt Ordinance 2008-13 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008- 180 AUTHORIZING ISSUANCE OF DUPLICATE TAX SALE CERTIFICATE PURSUANT TO CHAPTER 99 OF PUBLIC LAWS OF 1997

WHEREAS, Plymouth Park Tax Services, has previously purchased Tax Sale Certificate No. 3576 comprising a lien on property known as Block 827 Lot 1 and was assessed to Shore Mgmt Delaware Valley Inc. and has filed a duly **executed affidavit swearing that he is still the lawful owner of said certificate but has lost the same;**

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to issue a duplicate certificate to be marked "Duplicate Certificate" to Plymouth Park Tax Services. Payment of the sum of \$100.00 has already been made.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2008-180. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-181 RESOLUTION APPROVING REQUEST FROM GREEN GROVE BAPTIST CHURCH FOR A TWO YEAR SEWER EXTENSION ON SEWER CONNECTION PERMITS #0232

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WHEREAS, Green Grove Baptist Church of Berlin Township, Camden County, New Jersey request for a two year sewer extension from the date of expiration on the following permit.

Permit #0232 Block 1702, Lot 2 at 204 Cushman Avenue, West Berlin NJ

WHEREAS, Due to contractor issues, since has hired new contractor who requested to update all new permits.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the request by Green Grove Baptist Church of Berlin Township, for a sewer extensions on the above permit are hereby granted.

Motion by Councilman Batten, second by Council President DiGangi to deny Resolution 2008-181. Resolution denied by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-182 APPOINTING REGISTRAR

BE IT RESOLVED By the Mayor and Council of the township of Berlin, County of Camden, State of New Jersey that **CATHERINE UNDERWOOD** is hereby appointed as Registrar effective September 25, 2008 until September 25, 2011.

Motion by Councilman Batten, second by Councilman President DiGangi to adopt Resolution 2008-182. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008- 183 APPOINTMENT OF DEPUTY TOWNSHIP CLERK

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that **CATHERINE UNDERWOOD** be and is hereby appointed Deputy Township Clerk effective September 26, 2008 until January 3, 2011.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-183. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-184 RESOLUTION AUTHORIZING THE HIRING OF ASSISTANT CLERK BY THE TOWNSHIP OF BERLIN

WHEREAS, a recommendation has been made to Mayor and Council to hire **Donna DeCinque** as a full time Assistant Clerk for the Office of the Township of Berlin; and

WHEREAS, the Mayor and Council have reviewed the recommendation and found same to be acceptable,

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it hereby authorizes and approves the hiring of **Donna DeCinque** as a full time Assistant Clerk effective September 29, 2008.

Motion by Council President DiGangi, second by Councilman Batten to adopt Resolution 2008-184. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-185 RESOLUTION AMENDING SALARY RESOLUTION 2007: 223 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 2007: 223 on December 10, 2007, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2008; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salaries effective September 29, 2008

| POSITION | AMOUNT PER YEAR |
|--------------------------|-----------------|
| Deputy Township Clerk | \$ 27,000.00 |
| Assistant Township Clerk | 21,000.00 |

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

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-185. Resolution adopted by call of the roll, five members present voting in the affirmative.

Resolution 2008:186 Payment of bills September 22, 2008

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

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

| TO | ACCOUNT | AMOUNT |
|-------------------|----------------|---------------|
| CC Animal Shelter | Dog Trust | 440.00 |
| CC Div. of Health | Dog Trust | 1,731.46 |

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| | | |
|--------------------|--------------------------|----------|
| John Iannelli, Esq | Mun Public Defender | 1,275.00 |
| David F. Carlamere | Planning Board Esc # 285 | 115.00 |
| David F. Carlamere | Planning Board Esc # 287 | 95.00 |
| David F. Carlamere | Planning Board Esc #291 | 95.00 |
| KEI Associates | Planning Board Esc# 343 | 1,208.75 |
| | Planning Board Esc # 343 | 341.25 |
| | Planning Board Esc # 343 | 427.50 |

CONFIRMING

| | | |
|------------------------|--------------------|------------|
| Treasurer, State of NJ | Dog Trust | 15.00 |
| Atlantic City Electric | 01-201-31-435-2075 | 5,607.31 |
| | 01-201-31-435-2071 | 4,541.38 |
| NJLM | 01-201-20-110-2041 | 133.00 |
| Commerce Bank | 07-201-55-520-2105 | 110,000.00 |
| | 07-201-55-522-2105 | 3,239.83 |
| | 07-240-55-540-3000 | 12,173.24 |
| | 07-168-05-540-3000 | 182,420.00 |
| Payroll, Current Fund | 8/7/2008 | 56,412.42 |
| Payroll, Sewer | 8/7/2008 | 4,775.05 |
| Payroll, Current Fund | 8/14/2008 | 59,219.87 |
| Payroll Sewer | 8/14/2008 | 4,637.33 |
| Payroll, Current Fund | 8/21/2008 | 57,392.54 |
| Payroll, Sewer | 8/21/2008 | 4,637.37 |
| Payroll, Current Fund | 8/28/2008 | 79,096.24 |
| Payroll, Sewer | 8/28/2008 | 4,637.33 |

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2008-186. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-187 CHANGE ORDER NO. 2 FOR COMPLETING THE 2008 STREET IMPROVEMENTS

WHEREAS, it was necessary to make changes in the scope of work to be done in completing the **2008 Street Improvements** in the Township of Berlin, Camden County, New Jersey;

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

WHEREAS certification has been received by the Treasurer/Finance Director that sufficient funds have been allocated for this Change Order;

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin that Change Order No. 2 if hereby authorized and approval is hereby granted (contract amount remains the same).

Motion by Councilman Batten, second by Councilman Morris to adopt Resolution 2008-187. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2008-188 CONDITIONALLY ENDORSING CONCEPT B-
JUGHANDLE ALONG N.J.S.H. ROUTE 73 AT EAST AND WEST FRANKLIN
AVENUES**

WHEREAS, for many years the Mayor and Council have requested the installation of a traffic signal at the intersection of N.J.S.H. Route 73 and D'Angelo Drive; and

WHEREAS, the New Jersey Department of Transportation procured the consulting services of McCormick Taylor to perform a traffic analysis and develop concepts for possible improvements. The consultant prepared the "Concept Development Executive Summary" report, dated August 2007. The report developed Concepts A through F. The report listed a summary of reasons for not permitting a new traffic signal at the intersection of Route 73 and D'Angelo Drive; and

WHEREAS, the New Jersey Department of Transportation has denied the request for the traffic signal installation due to the non-conforming spacing to the existing traffic signals at the intersection of West Franklin Avenue and the intersection of Prospect Avenue, the traffic signal would create an unacceptable level of service, there would be an increase in crash rates and safety concerns associated with driver expectancy and it would violate New Jersey Department of Transportation common practices; and

WHEREAS, the Mayor and Council desires that improvements be made to address the hazardous traffic conditions, within the area to provide for left turns from D'Angelo Drive onto N.J.S.H. Route 73 Southbound and alleviate the hazardous traffic conditions and congestion along N.J.S.H. Route 73 Northbound, between D'Angelo Drive and West Franklin Avenue; and

WHEREAS, the Mayor and Council prefer a modified version of the improvements depicted in Concept B, in the above mentioned report, as a second choice to the traffic signal at D'Angelo Drive. Concept B, generally, consists of an additional lane along N.J.S.H. Route 73 Northbound, between D'Angelo Drive and East Franklin Avenue. Said lane will connect with a proposed jughandle, which will align with the

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westbound lane of West Franklin Avenue. Ingress and egress to East Franklin Avenue would be performed by using the proposed jughandle; and

WHEREAS, Concept B eliminates the u-turn movement from Route 73 Southbound, onto Route 73 Northbound at the intersection of West Franklin Avenue. The Mayor and Council desire that provisions be made to accommodate this u-turn movement; and

WHEREAS, the Mayor and Council conditionally endorse the Concept B, modified to include provisions for the u-turn movement and conditional upon the Township provided with the opportunity to provide input and comments during the preliminary engineering and design phases; and

WHEREAS, the Mayor and Council realize that the improvements, depicted in Concept B, result in the elimination of the Rick's Auto Body facility. The Mayor and Council would prefer not to lose this business and the respective tax ratable. The Mayor and Council request that the New Jersey Department of Transportation provide suitable compensation and provisions for the relocation of the facility at another location, within Berlin Township, which is acceptable to the owner of the Rick's Auto Body facility; and

WHEREAS, the Mayor and Council are concerned that the proposed improvements, depicted in Concept B, may not adequately address the traffic congestion, in the long-term; and

WHEREAS, the Mayor and Council request that the New Jersey Department of Transportation expedite the design and construction process for the proposed improvement.

NOW, THEREFORE BE IT RESOLVED, by Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that conditional endorsement is given to Concept B, jughandle at Route 73 and East and West Franklin Avenues with the provision for u-turns from Route 73 Southbound onto Route 73 Northbound, at said intersection.

BE FURTHER RESOLVED, the Mayor and Council of the Township of Berlin request that they be offered the opportunity to comment and provide recommendations during the preliminary engineering and design process.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-188. Resolution adopted by call of the roll, five members present voting in the affirmative.

APPROVAL OF THE MINUTES OF SEPTEMBER 8, 2008

Motion by Councilman McIntosh, second by Council President DiGangi to approve the minutes of September 8, 2008. Motion carried by call of the roll, five members present

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voting in the affirmative.

GOOD AND WELFARE #2

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

There were no comments to be heard.

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

ALL OTHER BUSINESS FOR DISCUSSION

Mayor Magazzu talked about picking the Halloween Date with the school. The date that the school had in mind was October 24, 2008.

ADJOURNED

Motion by Councilman Batten, second by Councilman Morris to adjourn the meeting at 8:20 p.m. Motion carried by voice vote, all members present voting in the affirmative.

Jamey Eggers, Township Clerk