

SEPTEMBER 22, 2014

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL SEPTEMBER 22, 2014 AT 6:30 P.M.**

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

**ROLL CALL**

Present- , Councilman Epifanio, Councilman McIntosh, Councilwoman Bodanza, Mayor Magazzu, Council President Morris

Also Present- Solicitor, Eric Riso, CFO, Lori Campisano, Maintenance/Animal Control, Josh Shellenberger, Engineer/ Public Works Director, Chuck Riebel, Chief of Police Lenny Check

Absent-

**DEPARTMENTAL REPORTS**

**Engineer / Public Works**

**A. CHANGE ORDERS AND VOUCHERS**

None at this time

**B. RESOLUTIONS AND ORDINANCES FOR CONSIDERATION**

**1. NJDOT FY2015 Municipal Aid Applications**

I recommend that the Governing Body pass a resolution for each of the following street improvement projects, which have been submitted to the NJDOT, over the past several years:

- a. Priority 1- Hazel Avenue- Chestnut Avenue to Cushman Avenue
- b. Priority 2- Oak Avenue- Rt. 73 Ramp A to 80 Feet Past Clover Avenue

**2. Auction for Various Township Vehicles, Equipment, Etc.**

I recommend that the Governing Body authorize, in the immediate future the scheduling of any auction so we can remove the many vehicles and equipment, which are no longer being used by the Township staff.

**3. Bond Ordinance for Purchase of Public Works Vehicles and Equipment**

I recommend that the Governing Body consider adopting a bond ordinance to funds the various vehicles and equipment.

**C. ENGINEER'S REPORT**

**1. 2013 STREET IMPROVEMENT PROGRAM**

No update to report.

**2. IMPROVEMENTS TO THE WATER DISTRIBUTION SYSTEM**

The Borough Water Department has installed the interconnecting water main, on Day Avenue at Rt. 73. I believe that the Borough intends to make other improvements, through the distribution system, within the Township, to improve circulation, which should result in improved water quality.

In regard to the water quality issues, I have no update to report. I believe that a meeting will be scheduled, in the near future, with Borough, Township and N.J.-American representatives to discuss the current conditions and possible improvements.

**3. STREET IMPROVEMENTS TO HILL AVENUE (C.D.B.G. YEAR 35 \$21,000+/- and YEAR 36 FUNDING \$21,000 +/-)**

It is my intent to bid this project with the reconstruction of the basketball court at Spruce Avenue Recreation Park, in the near future.

It is my understanding that the basketball project cannot be bid due to insufficient funds. I recommend that additional funds be allocated or the Hill Avenue project be bid by itself.

As requested by the Camden County CDBG Department, I will be completing and submitting the Environmental Review Record document to their office for their review and approval. I have assured the County representative that the Township will be bidding this project, in the immediate future.

**4. IMPROVEMENTS TO SENIOR CITIZENS BUILDING ROOF AND CEILING, C.D.B.G. YEAR 35 SUPPLEMENTAL FUNDS (11,760)**

The Governing Body consider passed Resolution No. 2014-128, authorizing the advertisement and opening of bids.

It is my understanding that \$12,000 has been allocated, under Ordinance No. 2011-26 for the replacement of the roof. Therefore, there should be sufficient funds to complete the project, this year.

We expect to receive bids, in the immediate future.

**5. CAPITAL IMPROVEMENTS PROGRAM**

As you know, there are many streets, which are in need of improvements (pavement, storm drainage, curb, etc.), in the immediate or near future. There are, also, various improvements, which are necessary for recreation facilities, public buildings and sanitary sewer.

The Governing Body has adopted the bond ordinance for the improvements to the sewer pumping stations.

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I recommend that, if possible, the Governing Body consider implementing a long capital improvements program. I intend to prepare a Recommendations Report, detailing a possible long range plan for capital improvements, in the future.

**6. N.J.D.O.T. FY 2014 APPLICATIONS**

The NJDOT has announced the acceptance of applications for the next round of funding. The deadline for the electronic submission of the applications is October 14, 2014.

I recommend that applications be submitted to the N.J.D.O.T. for the following projects:

- Priority 1-Hazel Avenue – Chestnut Avenue to Cushman Avenue
- Priority 2- Oak Avenue- N.J.D.O.T. Ramp A to 80' Past Clover Avenue

**7. RECONSTRUCTION OF BASKETBALL COURT AT SPRUCE AVENUE RECREATION SITE (COUNTY OPEN SPACE GRANT - \$25,000)**

I had mentioned to the Governing Body that I did not believe that the construction cost will exceed the County grant amount. I intend to receive bids, for this project, in the same bid package as the Hill Avenue Street Improvements Project, in hopes of receiving more competitive process for the larger scale projects. Therefore, I recommend that the Governing Body consider allocating the necessary, additional funds for this project.

**8. CAMDEN COUNTY OPEN SPACE AND RECREATION ENHANCEMENT APPLICATION**

Funding was not allotted for this project. I recommend that the Governing Body consider applying for the next round of funding, which should be some time in the Spring of 2015.

**9. BANDSHELL AT LUKE AVENUE RECREATION AREA (COUNTY OPEN SPACE GRANT - \$25,000)**

Ms. Campisano had reminded me that the Township had requested that the \$25,000 grant, which was allotted for the amphitheater, be permitted to be used with the \$25,000 grant for the band shell. We are researching to see if the County ever approved the redesignation of the amphitheater funds for this project.

I have recommended that the construction be contracted as the Public Works staff will not be able to devote the necessary time, needed to complete this project, in a timely manner, due to the current workload. I am anticipating that the contracted cost may exceed the \$50,000 of county funding.

**10. MUNICIPAL CERTIFICATION FOR FUTURE FEDERAL FUNDED PROJECTS**

We must obtain the information from the N.J.D.O.T. Once received, we will inform the Governing Body and Ms. Campisano.

**11. NO PARKING AND NO PASSING ZONES ALONG COOPER ROAD**

It has been brought to my attention that there have been some concern with the possibility of motorists parking their vehicles along the road. I have travelled along the road to observe the geometric conditions. I recommend that the Governing Body consider adopting an ordinance, which would prohibit parking along the entire length of the road, within the Township as the lane widths are only suitable for travelling vehicles, the existing shoulder width is no ample for the parking of vehicles, the shoulder is used (and designated in areas) for a bike lane, businesses and residential properties has ample off- road parking facilities (except for one residential property), due to the type and speed of the travelling vehicles it is not a safe condition for parking along the road and there is no need to park in front of the vacant lots. I believe that it will be necessary to obtain consent, from the County Freeholders, for the prohibition of parking, prior to the adoption of the ordinance. I defer this matter to Mr. Platt, for his comments and direction.

In regard to the prohibition of passing along the road, we are preparing the CAD profile plan, using the New Jersey – American Water Company plan. We will follow with the analysis to determine the portions of the road that meet the standard for no passing.

**12. MUNICIPAL BUILDING**

a. Roof Membranes

We are performing the design and prepare the bid documents for the opening of bids. I expect to receive bids in October, 2014 for construction to follow, shortly thereafter.

b. Improvements to the Unfinished General Assembly Rooms

We must complete the bid documents for the ceiling, the remainder of the ceiling lighting, HVAC system and reconfiguration of the fire suppression system.

It has been determined that the Public Works staff will install the vinyl floor tiles, after the above mentioned, contracted work has been completed.

c. Free Standing Monument Sign

Quite some time ago, had recommended that the Governing Body consider awarding a contract to Dandrea Masonry for the installation of the brick facing and concrete capping to the masonry block base. The Public Works Department has, recently painted the masonry block. If the Governing Body desires to have the brick facing

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installed along the planter walls, I will contract Dandrea Masonry to see if they will honor their price from some time ago.

d. 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.

### **13. STORM DRAINAGE IMPROVEMENTS**

a. Lester Avenue Storm Drainage and Stormwater Management

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

We are performing the design and preparing the construction plans. It is intended that the Public Works Department will perform the construction in 2014. It will be necessary for the Governing Body to appropriate the necessary funds for the construction of the improvements. Once the design has been completed, I will prepare a cost estimate for consideration for funding by the Governing Body.

I believe that the owner of the lot, which is adjacent to the Township owned lot, along Lester Avenue, would like to discuss the possibility of constructing the storm drainage improvements for the transfer of the Township lot. I defer this matter to the Township Solicitor for his comments.

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

We must perform the land surveying and engineering design. I will be preparing a cost estimate for the construction for consideration for funding by the Governing Body.

It will be necessary to obtain an easement for the proposed storm drainage piping, which will be crossing the P.S.E.G. lands.

b. Kelley Drive Stormwater Basin Reconstruction

The Governing Body passed Resolution No. 2013:200, authorizing the advertisement and opening of bids for the reconstruction of the basin. We must prepare the bid documents so that the reconstruction work can be performed. I am expecting that the construction documents will be completed by the end of 2014.

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

On occasion, the street has flooded, due to the apparent limited capacity of the drainage system and receiving ditch, which is on the Board of Education property. I have discussed the matter with Mr. Pfluger, School Buildings and Grounds Superintendent. The ditch must be reconstructed to provide additional capacity and a positive outflow.

Mr. Pfluger has provided me with an incomplete version of a topographic map for the school property. I intend to attempt to decipher the contours and perform a preliminary design for said improvements. I intend to present the preliminary proposal to Mr. Fitz for his review and consideration for recommendation to the Board of Education.

Prior to any discussions with the Board of Education, I will present the matter to the Governing Body for your review and direction.

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

I had reported to the Governing Body that I am estimating that the overall construction cost for the necessary improvements is approximately \$11.8 million.

## **14. REQUEST TO THE PINELANDS COMMISSION FOR ADDITIONAL REDESIGNATION OF LANDS**

I met with the representatives of the Pinelands Commission Planning staff to discuss the matters of greater development for the Dandrea and Triple-T parcels. The representatives have informed me that they will not consider the individual parcels but may consider a comprehensive approach to the development of the remaining Pinelands area. They have suggested that the Township prepare and submit a proposal for this comprehensive plan.

## **15. MONTEBELLO PUMPING STATION**

The developer has, requested that we meet, again, in September, after they have had some time to perform the corrective measures. Therefore, at this time, I continue to recommend that the Governing Body not take any action to accept the ownership of this facility.

## **16. TAX MAP REVISIONS**

We are completing the revisions to the Tax Maps as a result of the review comments, which have been received from the N.J. Department of Treasury. We expect to re-submit the revised set of Tax Maps, which address their comments, to the State agency within the next week.

## **17. FORMER MUNICIPAL BUILDING SITE, BATE AVENUE**

I am hopeful that I will be able to address the remaining issues with the surveying of the property so I can issue the survey of the premises.

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Key Engineers has submitted the Preliminary Site Assessment Report. I have requested that Key Engineers submit a proposal for the performance of the necessary environmental work. Once I receive their proposal, I will discuss the matter with the Governing Body and Ms. Campisano...

### **18. IMPROVEMENTS TO THE INTERSECTION OF HADDON AND FRANKLIN AVENUES/ REQUEST FOR CHANGES TO SIGNAL TIMING**

The County Engineer has informed me that they expect to hold the Pre-construction Meeting, in the near future. She has informed me that The Township will be notified so we can attend the meeting.

Chief Check has informed me that he has been contacted by the contractor and has discussed the provisions for payment for Police Directors, during the course of the construction.

### **19. TRAFFIC CALMING PROGRAM**

I believe that the Governing Body is still considering the implementation of a traffic calming program, using portable speed humps and warning signage, flashing speed notice boards with flashing white strobe lights and other traffic calming devices.

Residents along Minck Avenue, Fairview Avenue and Taunton Avenue have voiced their concerns with the excessive speeding, along their streets. Several residents along Mt. Vernon Avenue have voiced their concern of vehicles speeding within the section where the reconstruction project will be eliminating the high crown area at the intersections.

### **20. REVISIONS TO TRAFFIC ORDINANCE**

I believe that another meeting is being scheduled to discuss the final changes to the Traffic Code.

### **21. REVISIONS TO THE STREET OPENING ORDINANCE**

I have been meeting with Township Solicitor's staff to discuss the possible amendments to address the issues, which have been discussed by the members of the Governing Body.

### **21. INVESTIGATION FOR SIDEWALK ALONG OAK AVENUE**

At the Council Meeting, in November 2013, 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.

### **22. SOLID WASTE DISPOSAL CONTRACT**

The County is in the process of receiving bids for the disposal of solid waste for 2015. Last month, the Governing Body, along with the Governing Bodies for the majority of the municipalities in the County, have agreed to participate in the contract.

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I believe that the County expects to receive bids in late October/ early November of this year, to allow for the municipalities to take formal action prior to the beginning of 2015.

**23. INVESTIGATION OF THE CONDITION OF THE RECENTLY CONSTRUCTED CONCRETE SIDEWALK ALONG HADDON AVENUE**

It has been brought to my attention that the concrete sidewalk is severely spalling, after the past winter season. I will investigate the condition and report to the Governing Body with my recommendations.

**D. PUBLIC WORKS DEPARTMENT**

**1. STAFFING ISSUES**

Deputy Director Simone commenced with his duties in early September.

We are, currently, employing two temporary employees, which I expect to work through the leaf collection season. I continue to recommend that the Governing Body consider removing Mr. Shellenberger from the Public Works Department, due to his obligations for the other positions, which he is serving in the Township and hiring a full time employee for the Department.

**2. AUCTION FOR VEHICLES AND EQUIPMENT**

There is a large number of vehicles, which have been seized or become inoperable, which are being stored at the Public Works yard. We have been directed by the JIF consultant to remove these vehicles from the yard.

I strongly recommend that, in the immediate future, the Governing Body consider authorizing the auctioning of vehicles, equipment, computers, etc., which are no longer usable. I believe that the Governing Body is considering the posting with electronic bidding firm(s).

**3. IMPROVEMENTS TO SEWER PUMPING STATIONS**

A.C Schultes has completed the report for the evaluation of the pumping stations. I have performed a cursory review of the report. It appears that it may be necessary for them to perform additional work to comply with the scope of services. I expect to respond to them, in the near future.

**4. REQUEST FOR 2013 CAPITAL PURCHASES FOR VEHICLES AND EQUIPMENT**

I strongly recommend that the Governing Body consider allocating the necessary funds for trash trucks, dump trucks, tub grinder and several other vehicles and pieces of equipment for the Public Works Department. We have been experiencing frequent breakdowns, requiring repairs and making

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them unreliable and unavailable for usage for the performance of Public Works tasks.

At this time, we do not have a vehicle to place the large salt/ sand spreader as we had to take the large truck, which carried the spreader, off the road, due to structural issues. It is imperative that a replacement vehicle be provided to carry this spreader for the upcoming winter season. Therefore, I recommend that the Governing Body take immediate action to allocate funding for this, and other vehicles.

Due to the need for the application of line striping, for existing and proposed lane, stop, shoulder and parking space lines and crosswalks, I strongly recommend that the Governing Body consider the purchase of a small line striper. We can, no longer purchase replacement parts for the existing (year 1961) line striping machine.

I would like to discuss this matter with the Governing Body, in the immediate future, so that the necessary actions can be taken to purchase these items.

### **5. COLLECTION OF SOLID WASTE AND RECYCLABLES**

As you know, we have been experiencing frequent breakdowns of the collection vehicles, to the point where several of the trucks have been inoperable, at the same time. Luckily, the Boroughs of Berlin and Lindenwold have been gracious in, immediately, providing us with their collection vehicles so that solid waste and recyclables can be collected, in the Township, during the normal collection schedule.

An analysis is being performed, regarding collection methods and other public works tasks. I hope to submit the analysis and findings report to the Governing Body, prior to the Council Meeting on September 22, 2014.

### **6. TEXTILE RECYCLING**

I must, still, meet with the Westville Public Works Superintendent to obtain the information, regarding the implementation of this program.

### **7. LEAF COMPOST MATERIAL**

I had, previously, mentioned that we experienced extreme difficulty in having the composted leaves removed from the composting area as there was very little interest in the partially composted leaves, which resulted from the inability to grind the leaves, due to the tub grinder becoming inoperable. I strongly recommend that the Governing Body consider the purchase of a new tub grinder if the Township will continue to operate the composting facility. Otherwise, it will be necessary for the Township to haul the leaves to another municipal composting facility and pay for the disposal at their facility.

### **8. ORDER FOR VARIOUS SIGNS**

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We have received the quotes for various signs, which we are not able to fabricate with the Township sign machine. I am reviewing the quotes and will report to the Governing Body.

### **9. REVIEW OF RATES FOR USE OF RECREATION FACILITIES**

I am, currently, reviewing the cost associated with the maintenance and service to the facilities and expect to be submitting my recommendations to the Governing Body for consideration for possible adjustments to the rates for use by organizations, other than the B.T.A.A., in the immediate future.

### **10. PERFORMANCE OF VARIOUS TASKS**

The Public Works staff is in the process of sweeping the streets, performing of the maintenance to the streets, sports fields and park areas.

It is expected that the staff will be commencing with the collection of leaves, in the beginning of October

### **SOLICITOR REPORT**

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. DiluzioV. Berlin Township
5. Chief Jackson
6. Berlin Township ADS. Estate of Raj Kumar Chopra
7. Berlin Township ADS. David Carp
8. Berlin Twp. ADS. Jason Black
9. Berlin Twp. ADS. Jennnifer Vernacchio as Guardian Hannah Maslanka
10. Berlin Township ADS. Tarin Durham
11. Berlin Twp. ADS. Tyrone Powell
12. Open Public Records Act.
13. Fire Safety Ordinance
14. Traffic Ordinance Overhaul.
15. Political Sign Ordinance
16. Community Center Rental Ordinance
17. In Rem Tax Foreclosure
18. Street Opening Bond Requirements
19. Montebello- Phase 4 Performance Guarantees

### **MAINTENANCE / ANIMAL CONTROL OFFICER**

Josh Shellenberger, remarked that he has sent out notices for unregistered vehicles, campers and boats and that a local landscaper has cleaned up vacant properties in town. One property located on Harker Avenue and the other one on Powell Avenue. Josh stated that the Mercantile license renewals are due by the end of the month.

### **POLICE DEPARTMENT**

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Chief Check reported a total of 36 accidents, 8 with injuries. 170 summonses were issued, 49 arrests were made including 6 drug related and 7 DWI.

Chief said that September 27<sup>th</sup> 2014 the Police department will be participating in the one day operation take back program. This program allows residents to dispose of any unused or unwanted medicines.

Chief noted that the Department had attended both back to school nights. The officers were on hand to interact with the residence and answer any questions.

Chief also spoke about his emergency action plan and asked the Governing Body to review and take action upon it.

Chief also spoke about getting the Governing Body assistance in possibly naming the police department wing. Governing Body responded that we should sit down and discuss the further.

### HALLOWEEN PROCLAMATION

**WHEREAS**, celebration of Halloween provides an opportunity for merry making and good fellowship for all residents and particularly "Trick or Treat" for our children; and

**WHEREAS** the Trick or Treat hours for the Township of Berlin will be from 2:00 pm to 8:00 pm on Halloween, October 31, 2014: and

**WHEREAS**, the safety and well being of all our residents and particularly for our children at this season, is of the utmost concern to the parents, Governing Body and Law Enforcement agency of the Township necessitating Emergency Curfew Regulations from, 2:00 pm to 9:00 pm, on Thursday October 30<sup>th</sup> thru, November 2<sup>nd</sup> 2014.

It will be **unlawful for any child 17 years of age and under** to remain on or upon any public place or establishment after 9 p.m., unless accompanied by parents or guardian. Emergency Curfew will be strictly enforced.

**NOW, THEREFORE, I, PHYLLIS MAGAZZU, MAYOR OF THE TOWNSHIP OF BERLIN** proclaim Friday October 31, 2013 from 2:00 pm to 8:00 pm to be the official celebration of Halloween.

**FIRST READING ORDINANCE 2014-8 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, AMENDING ARTICLE XIII OF CHAPTER 340 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "SIGNS"**

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**WHEREAS**, regulations concerning the erection and maintenance of signs within the Township of Berlin (“Township”) are set forth in Article XIII of Chapter 340 of the Township Code; and

**WHEREAS**, the Governing Body has deemed it in the best interest of the Township and its residents to limit the period of time during which a sign may remain after an event; and

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

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

**SECTION 1:** Section 340-83, entitled “Permitted Signs,” is hereby amended, revised and supplemented to provide as follows:

**§340-8. Permitted Signs**

The following signs shall be permitted within the Township of Berlin in accordance with the provisions of this Article:

A – L. [No Change]

M. Temporary signs, including election signs, announcing or advertising any political, educational, charitable, civic, professional, religious or like campaign or event for a consecutive period not to exceed 60 days of any calendar year, provided that they are removed within 10 days after the event or election and do not exceed 50 square feet in size.

N – R. [No Change]

**SECTION 2:** Except as set forth in Section 1 above, the balance of Chapter 340 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 twenty (20) days after final adoption and publication as required by law.

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Motion by Councilman Epifanio, second by Councilwoman to adopt Ordinance 2014-8 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2014- 131 RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN AGREEMENT FOR SHARED SERVICES BETWEEN BERLIN TOWNSHIP AND WINSLOW TOWNSHIP FOR ANIMAL CONTROL SERVICES.**

**WHEREAS**, the Township of Berlin desires to Share Services by and between the Berlin Township and Winslow Township; and

**WHEREAS**, both Winslow Township and Berlin Township recognize the need to share animal control services in the event of the absence of their respective animal control officers; and

**WHEREAS**, the Township of Berlin has determined that a shared service agreement with Winslow Township would be beneficial to Winslow Township and Berlin Township.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the shared services agreement between Berlin Township and Winslow Township is hereby approved.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2014-131. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2014-132 RESOLUTION REQUESTING THE ISSUANCE OF RAFFLE LICENSES FOR CONTACT COMMUNITY HELPLINES.**

**WHEREAS** Contact Community Helplines, 1050 Kings Highway North, Cherry Hill, New Jersey 08043 has requested the issuances of license by the Township of Berlin for;

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**On- Premises Draw Raffle (Basket / Auction)  
On- Premises 50/50 Cash Raffle**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of Raffle licenses to the Contact Community Helplines for October 22, 2014.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2014-132. Resolution adopted by call of the roll, five members present voting in the affirmative

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**RESOLUTION 2014-133 RESOLUTION REQUESTING THE ISSUANCE OF RAFFLE LICENSE FOR THE VIRTUA HEALTH FOUNDATION.**

**WHEREAS**, the Virtua Health Foundation, 50 Lake Center, 401 Route 73 North Marlton NJ 08053, has requested the issuances of a license by the Township of Berlin for;

**Maternal fetal Medicine- Bereavement Support**

**On- Premises Draw Raffle (Basket / Auction)**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of license to the Virtua Health Foundation, 50 Lake Center , 401 Route 73 North Marlton NJ 08053 on October 18, 2014 at Ott's Greentop Inn.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2014-133. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2014-134 LIST OF UNCOLLECTIBLE TAXES DUE BACK FROM STATE.**

**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 15, 2014**

**Diane Zoppel, CTC - Tax Collector**

<b>NAME</b>	<b>DESCRIPTION</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>REASON</b>
<b>Victor M. Ortiz</b>	<b>805-5</b>	<b>2014</b>	<b>250.00</b>	<b>Disabled Person</b>
			<b>\$250.00</b>	<b>TOTAL NOV 2014</b>

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2014-134. Resolution adopted by call of the roll, five members present voting in the affirmative.

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**RESOLUTION 2014-135 PAYMENT OF BILLS FOR SEPTEMBER.**

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 are hereby approved and the bills to be paid.

<b>TO</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
Treasurer, State of New Jersey	Dog Trust	\$ 6.00
Robert E. DePersia, II, ESQ	Mun. Public Defender Trust	450.00
Robert E. DePersia, II, ESQ	Mun. Public Defender Trust	300.00

**CONFIRMING**

America On Line	4-01-31-443-2077	\$ 40.99
TD Bank, NA	4-01-45-930-2105	34,900.00
TD Bank, NA	4-01-45-930-2105	10,050.00
Verizon (Admin 8/26/14)	4-01-31-443-2077	109.99
Verizon (TV 8/13/14)	4-01-20-120-2105	160.86
Treasurer, State of NJ	4-01-26-310-2024	199.00
	4-01-26-310-2024	397.00
Cumberland Insurance	4-01-23-210-2090	227.00
Ameriflex (9/4/14)	Flex Claims Account	75.00
TD Bank	4-07-55-520-2105	105,000.00
	4-07-55-522-2105	36,021.88
Verizon (PD Internet 9/1/14)	4-01-31-443-2077	109.99
Township of Berlin	4-01-55-102-0102	200,000.00
Payroll, Current Fund	8/21/2014	128,564.08
Payroll, Sewer Operating Fund	8/21/2014	6,104.29
Payroll, Current Fund	9/04/2014	124,600.43
Payroll, Sewer Operating Fund	9/04/2014	5,689.74

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2014-135. Resolution adopted by call of the roll, five members present voting in the affirmative.

**CONFIRMING RESOLUTION 2014-136 CONFIRMING THE OFFICIAL TAX SALE FOR BERLIN TOWNSHIP N.J.S.A. 54:5-41**

PURSUANT to New Jersey State Statute, following is a listing of the results of the official Berlin Township Tax Sale held on September 17, 2014 at 10:30 AM of that day in Berlin Township Court Room:

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<u>BLOCK/LOT(S)/QUAL</u>	<u>PURSHASER</u>	<u>%BID/PREMIUM</u>	<u>AMOUNT</u>
213 5	US Bank Cust for PC 4 Firstrust Bank	600.	468.17
601 1	US Bank Cust for PC 4 Firstrust Bank	1200.	1,008.50
625 8.01	US Bank Cust for PC 4 Firstrust Bank	18%	2,811.71
807 9	Garden State Investment	18%	234.60
823 7	MTAG as Cust for Alterna Funding I, LLC	15000.	4,225.56
904 4	US Bank Cust/Emp VI	26000.	25,616.17
1002 1.02 C0202	US Bank Cust for PC 4 Firstrust Bank	14000.	1,849.96
1306 17	US Bank as Cust for Actlien Holding Inc	10000.	4,848.22
1405 10	US Bank Cust for PC 4 Firstrust Bank	700.	561.67
1412 2	US Bank Cust for PC 4 Firstrust Bank	8000.	2,835.92
1412 18	US Bank Cust for PC 4 Firstrust Bank	1200.	1,042.90
1816 2	US Bank Cust forFNA Jersey BOI, LLC	6000.	1,401.92
1816 9	MTAG as Cust for Alterna Funding I, LLC	9000.	1,683.22
2502 9	Township of Berlin	18%	96.27
TOTAL			\$48,684.79

TOTAL PREMIUM COLLECTED - \$91,700  
TOTAL COLLECTED FOR DELINQUENT CHARGES - \$48,588.52  
TOTAL TRANSFERRED TO MUNICIPAL LIEN - \$96.27

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2014-136. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2014-137 RESOLUTION WAIVING PARK PERMIT FEES FOR BERLIN TOWNSHIP DWIGHT D EISENHOWER MIDDLE SCHOOL SOCCER GAMES.**

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the Park Permit fees for Berlin Township Middle school, be waived for the following games.

September 23, 2014  
October 7, 2014  
October 9, 2014  
October 22, 2014

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2014-137. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2014-138 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF**

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**TRANSPORTATION FOR HAZEL AVENUE TO (CUSHMAN AVENUE TO CHESTNUT AVENUE)**

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

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-BerlinTownship-00325 to the New Jersey Department of Transportation Year 2015 on behalf of the Township of Berlin.

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

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2014-138. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2014-139 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE OAK AVENUE (NJDOT RAMP "A" AT RT 73 TO 80 FEET PAST CLOVER AVENUE) PROJECT**

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

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Berlin Township-00326 to the New Jersey Department of Transportation Year 2015 on behalf of the Township of Berlin.

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

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2014-139. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2014-140 RESOLUTION AUTHORIZING THE TOWNSHIP OF BERLIN TO UTILIZE AN ONLINE AUCTION WEBSITE SERVICE TO SELL PROPERTY NO LONGER NEEDED**

**WHEREAS**, the Township of Berlin has determined that surplus personal property is no longer needed for public uses; and

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**WHEREAS**, the Township of Berlin intend to utilize one of the online auction website service that has been approved by the Division of Local Government Services.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin is hereby authorized to pursuit an online auction website service to assist in selling property no longer useful to the Township of Berlin.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2014-140. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2014-141 RESOLUTION TO RECOMMEND THE APPOINTMENT OF CLASS 4 MEMBER OF THE PLANNING AND ZONING BOARD.**

**WHEREAS**, N.J.S.A. 30:44-1.4 provides for the creation, membership and terms of a PLANNING BOARD; and

**WHEREAS**, The Mayor and Council recommended that **BETSY SIMPSON** be appointed class 4 member for a 4 year term expiring 12/31/14 ; and

**NOW, THEREFORE, BE IT RESOLVED** that the above named individual shall serve his respective term pursuant to the provisions set forth in the New Jersey Statutes Annotated 40:55-1 et seq., and pursuant to the Code of the Township of Berlin, Section 20-1 et seq.

Motion by Councilman Epifanio, second by Council President Morris to adopt Resolution 2014-141. Resolution adopted by call of the roll, five members present voting in the affirmative.

**Approval of Business License**

- 1) **Gabriel Venture Oliver T/A Seven Ventures Inc**, 594 Route 73 North. Gas Station Convenience Store
- 2) **Patrick McKenna T/A Fanatico Foods**, 200 Allied Parkway. Food space for food manufacturer.
- 3) **Utsav Patel T/A Berlin Cigar, Tobacco and Vapors**, 200 Route 73, Selling of all tobacco products, and electronic cigarettes.

Motion by Councilman Epifanio, second by Council President Morris to approve the business licenses above. Licensed approved by call of the roll, five members present voting in the affirmative for license.

## **SEPTEMBER 22, 2014**

### **Correspondences for August 2014**

Motion carried by Councilman McIntosh, second by Councilwoman Bodanza to receive and file the correspondence calendar for August 2014. Motion carried by voice vote, all present voting in the affirmative.

### **Consent Agenda for August 2014**

Motion by Councilwoman Bodanza, second by Councilman Epifanio to receive and file the monthly reports on the consent agenda for August 2014. Motion carried by voice vote, five present voting in the affirmative.

### **Approval of August 25, 2014 Meeting Minutes**

Motion by Councilman Epifanio, second by Councilman McIntosh to approve the minutes for August 25, 2014. Motion carried by voice vote, four present voting in the affirmative.

### **All other Business**

- 1) BTAA Letter requesting waiver and registration be on the same form.**

Township Solicitor, Eric Riso commented that the Berlin Township Waiver form needs to be on a separate form then the BTAA sports registration form.

### **Public Portion**

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

Keith McCauley, Fairview Avenue talked about damages that had occurred to his fence in a snow fall in February 2014. Snow plows had pushed snow against his fence causing damage to the fence and sprinkler system. Mr. McCauley stated that he is in the process of selling his property and that the fence needs to be repaired. Mayor Magazzu commented that we should look at the placement of the fence so that this does not happen again.

Mr. McCauley stated that he had received estimates on the repairs that needed to be done and Public Works Director also received estimates. He commented that the estimate received by Public Works director was not the same size fence that he has now, and that it needed to match.

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Solicitor, Eric Rizo asked why JIF wasn't handling the claim and recommended that the Township send a claim through JIF and let them decide what would be the best way to handle the damages to his property.

Motion by Councilman Epifanio, 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.

Council President Morris thanked everyone for their warm expressions of sympathy on the recent death of his father.

Mayor Magazzu asked for a motion to go into Executive Session. Motion made by Councilman McIntosh, seconded by Councilwoman Bodanza, all present voting in favor.

**RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

**WHEREAS**, the Township of Berlin ("Township") is subject to the requirements of the Open Public Meetings Act, [N.J.S.A. 10:4-6](#), *et seq.*; and

**WHEREAS**, the Open Public Meetings Act, [N.J.S.A. 10:4-12](#), provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Mayor and Council of the Township of Berlin to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

*Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:*  
Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, assembled in public session on September 22, 2014, that an Executive Session closed to the public shall be held on September 22, 2014, at 5:00 P.M. in the Township of Berlin, 135 Route 73 South, West Berlin, New Jersey for the discussion of the following litigation matter: *Joseph M. Jackson v. Township of Berlin*, Superior Court of New Jersey, Docket No. L-002339-13. The deliberations conducted in closed session may be disclosed to the public upon the determination of the Mayor and

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Council of the Township of Berlin that the public interest will no longer be served by such confidentiality.

Mayor Magazzu asked for a motion to go out of Executive Session. Motion made by Councilman Epifanio, seconded by Councilwoman Bodanza, all present voting in favor.

**Adjourn**

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adjourn the meeting at 8:40 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 8:40 pm

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Catherine Underwood, Township Clerk