

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL SEPTEMBER 26, 2011 AT 6:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

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

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

Absent-

ENGINEER'S REPORT/ DIRECTORS REPORT

A. CHANGE ORDERS AND VOUCHERS

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

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

B. REQUESTED ORDINANCES AND RESOLUTIONS

1. Redesignation of Pinelands Zoning

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

2. Monument Sign for the Municipal Building

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

C. ENGINEER'S REPORT

1. Porous Sidewalk Along Route 73 Northbound

The contractor, Lexa Concrete, L.L.C. is nearing the completion of the porous concrete sidewalk. It is probable, with the prediction for rain during the week of

September 6 to 9, 2011, that the sidewalk will not be completed until the week ending September 16, 2011. The restoration work will be performed after the completion of the construction of the sidewalk.

2. 2011 Street Improvement Program

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

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

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

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

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

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

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

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

We must perform the design and prepare the bid documents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Municipal Building

a. HVAC System

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

b. Possible Separation of Electronic Door Access and Surveillance Systems

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

c. Landscaping and Irrigation Systems

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

d. Monument Sign Along Route 73

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

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

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

e. School Bell

No update to report

f. Winter Holiday Tree

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

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

9. Library

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

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

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

11. Lester Avenue Storm Drainage and Stormwater Management System

Due to the current workload, we have been unable to perform the fieldwork and design. Once the design has been completed, we will submit the plans to Public Service Electric and Gas Company for their consideration for the granting of a storm drainage easement, across their property.

We had, also, discussed, as an interim measure, the construction of a storm drainage system and stormwater management basin to try to alleviate some of the stormwater runoff issues. At this time, I do not believe that the Public Works staff will be able to devote the necessary time, which is needed for this work, due to the current workload and reduced staff.

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

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

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

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

14. Land Use Ordinances Recommended by The Pinelands Commission

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

15. Request for Additional Sewer Allocation

No update to report

16. Traffic Signal Maintenance and Repair Program

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

17. Solid Waste Disposal

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

18. Recycling Contract

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

19. Capital Improvements Program

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

20. Bond Reduction Request

a. Golden Corral Restaurant

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

D. PUBLIC WORKS DEPARTMENT

1. Request for the Appointment of a Deputy Director

I request that the Governing Body consider the appointment of a Deputy Director to assist with the management and supervision of the Department staff. I would be glad to discuss this matter, in further detail, with the Governing Body.

2. N.J.D.E.P. Diesel Retrofit Program

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

3. Grease Trap Maintenance

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

4. Performance of Tasks

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

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

E. SHARED SERVICES

a. Somerdale Borough Engineer

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

b. Winslow Township Planning Board Conflict Engineer

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

c. Shared Services With Other Municipalities

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

SOLICITOR'S REPORT

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Oddmund Angel, Block 200, Lot 1
5. Clarification of Lateral Utility Lines
6. Police Operating Procedures
7. Wal-Mart Expansion Project
8. Solid Waste Disposal
9. Mustafa A. Muhammad v. Berlin Twp. Police Department
10. Pine lands Comprehensive Management Plan
11. Comprehensive Recreational "Parks and Recreational" Ordinance
12. Dogs and Other animal Ordinance
13. Police Department Ordinance
14. Berlin Township ADS. Estate of Raj Kumar Chopra
15. Berlin Township ADS. David Carp
16. Berlin Twp.ADS. Yimei Edmiston Feng Lian Jiang
17. Berlin Twp.ADS. Linda Fabrico
18. Berlin Twp.ADS. Joel Sussman
19. Berlin Township ADS. Eric Lane
20. Berlin Township ADS Sherry Quering.

POLICE DEPARTMENT

Joe Jackson, Chief Of Police commented that he has received complaints about the traffic on Cooper Road that he will be addressing. Chief also stated that with the school opening the signs are up notifying the public and they are enforcing the speed limits and issuing tickets. Chief talked about the confusion with the residents on Washington Avenue with the street closing. Green Grove Baptist Church asked about the having Cross Walks in place.

MAINTENANCE DEPARTMENT

Josh Shellenberger reported that a large tree had fallen at the dead end of East Franklin Avenue that was preventing Resin Tec from planting a buffer. The resident is finishing cleaning up the branches and limbs from the tree. Josh commented that we are over out limit for the animal shelter. Last month, August the township has taken in 29 animals. Josh noted that all sign were removed.

Mayor Magazzu made a statement that when it is time for the public to speak, either during public portion or the second reading of an ordinance; we will hear all public comments first. Then we will address the questions at the end instead of going back and forth.

SECOND READING AND PUBLIC HEARING ORDINANCE 2011-19 AMENDING ORDINANCES 2011-15 and 2009-1 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REVISING CHAPTER 85 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "PARKS AND RECREATION"

WHEREAS, Chapter 85 of the Code of the Township of Berlin ("Township") sets forth the rules and regulations regarding the use of the Township's parks and athletic fields; and

WHEREAS, on February 9, 2009, the Township adopted Ordinance 2009-1 replacing Chapter 85 of the Township Code with a new Chapter 85; and

WHEREAS, N.J.S.A. 40:61-5 provides that the body or authority having control of any public park, playground or other public place or property in any municipality may permit the same or part thereof to be used for athletic purposes or as playgrounds by the pupils of the public schools of the municipality and the public generally, subject to such reasonable regulations as may be prescribed by the body or authority having control thereof; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township is authorized to enact such ordinances as deemed necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, on June 13, 2011, and consistent with the authority cited above, the Governing Body adopted Ordinance 2011-15 which, in pertinent part, provided for a priority of use of the Township owned athletic fields; and

WHEREAS, the Township's athletic fields and facilities are a limited municipal resource subject to overuse; and

WHEREAS, there are costs associated with the maintenance, use and upkeep of the Township's athletic fields and facilities; and

WHEREAS, Township residents already subsidize these costs by paying local property taxes; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the Township is authorized to enact and amend ordinances related to the management, regulation and control of the finances and property of the Township; and

WHEREAS, the Mayor and Township Council has deemed it in the best interest of the public health, safety and welfare of the residents and taxpayers of Berlin Township to impose reasonable regulations on the use of the Township owned athletic fields and facilities;

NOW THEREFORE, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, that Ordinance 2011-15 and Ordinance 2009-1 are hereby amended, revised and supplemented as follows:

SECTION 1: The reference in Ordinance 2011-15 to §85-1 – Prohibited Activities shall be changed to §85-3, and §85-3 set forth in Ordinance 2009-1 shall be amended to provide as follows:

§ 85-3. Prohibited activities.

A. It shall be unlawful for any person in a public park or recreation area or using a Township-owned athletic facility or field to:

- (1) Willfully mark, alter, modify, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, equipment, benches, fireplaces, railings, pavings or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property, recreation area and/or Township-owned athletic facility, or any appurtenances whatsoever, either real or personal.
- (2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person above the age of seven

- (7) years shall use the rest rooms and washroom designated for the opposite sex.
- (3) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
 - (4) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.
 - (5) Damage, cut, carve, transplant or remove any tree or plant, or injure the bark or pick flowers or seed of any trees or plant, or dig in or other wise disturb grass areas or in any other way injure the natural beauty or usefulness of any area.
 - (6) Climb any tree, or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.
 - (7) Tie or hitch an animal to any tree or plant.
 - (8) Hunt, molest, harm, frighten, wound, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird, or remove or have in his possession the young of any reptile or bird. Excepted from this provision are snakes known to be fatally poisonous or deadly reptiles, both of which may be killed on sight.
 - (9) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary stream, storm sewer or drain flowing into water, any substance, matter or thing, liquid or solid.
 - (10) Have brought in or dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

- (11) Drive any vehicle on any area except the paved roads or parking areas or such areas as may on occasion be specifically designated as temporary areas.
- (12) Park a vehicle in other than an established or designated parking area. All parking shall be in accordance with posted directions at that location and/or at the instruction of any attendant who may be present.
- (13) Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park or recreation area.
- (14) Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.
- (15) Ride a bicycle without reasonable regard for the safety of others.
- (16) Swim, bathe or wade in any waters or waterways in any park or recreation area, nor go onto any ice formed on any such water or waterway.
- (17) Leave a bicycle lying on the ground or pavement or set against trees or in any place or position where other persons may trip over or be injured by it.
- (18) Erect, maintain, use or occupy on or in any area any tent, shelter or structure of any kind unless there shall be an unobstructed view into said tent, shelter or structure from at least two sides, nor shall any guide wire, rope or extension brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.
- (19) Allow his/her person to be so covered as to indecently expose his/her person.
- (20) Dress or undress in any area or in any vehicle or other place, except in such structures as may be provided for that purpose.
- (21) Carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park or recreation areas from beyond park boundaries is forbidden.
- (22) Picnic or lunch in a place other than those designated for that purpose.

- (23) Use any portion of the picnic area or any of the buildings or structures therein for the purpose of the holding of picnics to the exclusion of other persons, nor shall any person use such areas and facilities for any unreasonable period of time if the facilities are crowded.
 - (24) Leave a picnic area before all trash is placed in the disposal receptacle where provided. If no such trash receptacles are available, then trash shall be carried away from the park area by the picnicker, to be properly disposed of elsewhere.
 - (25) Take part in or abet the playing of any games involving thrown or otherwise propelled objects, such as balls, stones, arrows, javelins, horseshoes, quoits or model airplanes, except in those areas set apart for such forms of recreation.
- B. While in a public park or recreational area, or while using a Township-owned athletic facility or field, all persons shall abide by all applicable Township Ordinances and State Statutes, and shall conduct themselves in a proper and orderly manner, and in particular no person shall:
- (1) Bring alcoholic beverages, drink it at any time nor be under the influence of intoxicating liquor or any other substance.
 - (2) Have in his possession or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks, firecrackers or explosives of flammable material, or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. At the discretion of the Berlin Township Council, permits may be given for conducting properly supervised fireworks, following state statutes and regulations, in designated park areas.
 - (3) Appear at any place in other than proper clothing.
 - (4) Solicit alms or contributions for any purpose, whether public or private.
 - (5) Build or attempt to build a fire. No persons shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material within any park or on any highways, roads, or streets abutting or contiguous thereto.
 - (6) Enter an area posted as "Closed to the Public," nor use or abet in the use of any area in violation of posted notices.

- (7) Gamble or participate in or abet any game of chance except in such areas and under such regulations as may be designated by the Board of Parks and Recreations Commission.
- (8) Sleep or protractedly lounge on the seats or benches or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to breach the public peace.
- (9) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
- (10) Paste, glue, tack, or otherwise post any sign, placard, advertisement or inscription whatsoever, nor erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park.
- (11) Be responsible for the entry of a dog or other domestic animal into areas clearly marked by Township signs bearing the words "Domestic Animals Prohibited in this Area". Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six feet in length.
- (12) Expose or offer for sale any article or thing, nor station or place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing. Exception is hereby made as to any regularly licensed concessionaire or other party holding a permit and acting by and under the authority and regulation of the Mayor and Council of the Township.
- (13) Upon request fail to produce and exhibit any permit from the Township of Berlin which the person or organization claims to have obtained, for review by any person authorized to enforce the provisions of this Chapter.
- (14) Smoke or use tobacco-related products, and/or discard of those products, in an area designated as "tobacco free" and/or beyond any point which is otherwise marked as "no smoking beyond this point" or similar language, or within 50 feet of any park and/or recreation area owned, leased or utilized by the Township of Berlin.

- (15) Violate the Code of Conduct of an official youth sports organization as recognized by Resolution of the Mayor and Township Council or any other organization sponsoring the event.
- (16) Ignore or refuse to comply with any warning, suspension, removal or disbarment from the event, park or recreation areas, which warning, suspension, removal or disbarment results from a violation of the provisions of this Chapter, or the Code of Conduct of an official youth sports organization as recognized by Resolution of the Mayor and Township Council or the Code of Conduct of any other organization sponsoring the event.

SECTION 2: The title of §85-4 set forth in Ordinance 2011-15 shall be changed from “Permits for Special Events” to “Application Procedures,” and §85-4 set forth in Ordinance 2009-1 and 2011-15 shall be amended to provide as follows:

§85-4. Application procedures.

- A. All organizations or groups desiring to utilize the Township’s parks, playgrounds or athletic facilities shall be required to obtain a permit from the Township. The permit shall designate the group or organization authorized and permitted to use the field or fields as well as the dates and times on which the use is permitted. Permit applications shall be obtained from the Township Clerk and processed in the following manner:
 - (1) Applications shall be returned to the Township Clerk for processing. All applications must be completed at least thirty (30) days prior to the desired date of use of the park or recreation area. The Township Clerk shall review the application for completeness. Incomplete applications shall not be considered. The application shall be reviewed and either approved or denied by the Clerk, Township Mayor and the Director of Public Works.
 - (2) The application shall contain the following information:
 - (a) The name and address of the applicant.
 - (b) The name and address of the person, persons, corporation or association sponsoring the activity, if any.
 - (c) The date, day and hours for which the permit is desired.
 - (d) The park or portion thereof for which such permit is desired.

- (e) The estimated number of participants and/or spectators expected to attend.
- (f) A detailed description of the proposed activity or use.
- (g) The name of the team, type of sport and player roster.
- (h) The team sponsor(s).
- (i) Schedule of games.
- (j) Proof of comprehensive liability insurance coverage with limits in the amount of \$1,000,000.00/\$3,000,000.00, as well as proof that the Township of Berlin has been named as an additional insured thereunder.
- (k) Proof of crime bond covering theft of league monies in a bond amount acceptable to the Township.
- (l) Proof of participant accident and health insurance coverage which will provide medical coverage if no personal health insurance is available with limits of coverage acceptable to the Township.
- (m) Proof of directors and officers insurance with limits of coverage acceptable to the Township.
- (n) Any other information which the Berlin Township Council shall find necessary to make a fair determination as to whether a permit should be issued hereunder.

SECTION 3: §85-4.1 – Use of Athletic Fields set forth in Ordinance 2011-15 shall be deleted, and §85-5 – Standards for Issuance set forth in Ordinance 2009-1 shall be amended to provide as follows:

§85-5. Standards for issuance.

- A. Standards for issuance of a use permit by the Township Council shall include the following findings:
 - (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
 - (2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

- (3) That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
 - (4) That the proposed activity will not entail extraordinary or burdensome expense of police operation by the Township of Berlin.
 - (5) That the facilities desired have not been reserved for other use at the date and hour requested in the application.
 - (6) In the event of a scheduling conflict, first preference shall be given to township sponsored groups and township residents.
- B. Athletic events commonly referred to as "tournaments" require special review by the Chief of Police and the Public Works Director. Due to the nature of these types of events, careful consideration will be given to traffic and parking issues and to the possible impact on the park grounds. An additional tournament fee may be decided by the Governing Body.
- C. All applicants must submit, simultaneously with their application, proof of liability insurance in the minimum amount of \$1,000,000 covering the use of the park(s) or recreation area(s) to be used. The Township of Berlin must be named as an additional insured. Waiver of the insurance requirement may be applied for, depending upon the requested use. Determination of whether the waiver request will be granted is within the sole discretion of the Mayor and Council of the Township of Berlin.
- D. Applicants must also submit an Indemnity and Hold Harmless Agreement, to be provided by the Township Clerk, signed by an authorized person on behalf of the organization or group utilizing the park or recreation area.
- E. All teams using the athletic fields and/or equipment for games and/or practice shall be required to keep the field and/or equipment in the same condition following a game or practice as it was prior to the game or practice.
- F. There shall be no assignment or transfer of any permits issued pursuant to this Section to any other entity.
- G. Any violation of this Section shall be enforced in accordance with the provisions of this Chapter.

SECTION 4: §85-4.2 – Priority of Use set forth in Ordinance 2011-15 shall be changed to §85-6.1, and Ordinance 2009-1 shall be amended to include a new §85-6.1, which shall provide as follows:

§ 85-6.1. Priority of use.

A. The Township of Berlin finds and declares that it is necessary to allocate the priority of use of athletic facilities within the Township to an official youth sports organization as recognized by Resolution of the Mayor and Township Council. An official youth sports organization as recognized by Resolution of the Mayor and Township Council has been established to benefit the Township's residents and teach its youth the basic skills of organized team sports as well as provide an emphasis on good sportsmanship. It is not the public policy of the Township of Berlin to deny any member of the public the right to utilize any athletic facilities within the Township; however, the Township of Berlin finds that it is in the best interest of the Township to allocate priority of use of the athletic facilities to an official youth sports organization as recognized by Resolution of the Mayor and Township Council, subject to the following:

1. In order to be eligible for priority of use, at least fifty-one percent (51%) of the players on each sports team affiliated with an official youth sports organization as recognized by Resolution of the Mayor and Township Council must be a resident of the Township of Berlin, and no more than twenty percent (20%) of the players per sport per season can be non-residents unless a written waiver request for this requirement is made to the Mayor and Township Council which said waiver shall only be granted for good cause.
2. An official youth sports organization as recognized by Resolution of the Mayor and Township Council shall supply the Township with (a) the names and addresses of all players for each team; (b) a true and correct copy of its registration form for each player; and (c) notify the Township in writing, immediately, of any and all roster changes.

B. Any organization or group of individuals other than an official youth sports organization as recognized by Resolution of the Mayor and Township Council who desire to utilize athletic facilities under the control of the Township for sporting activities must apply for and receive approval from the Mayor and Township Council. Applications shall be made on a form available from the Township Clerk. Upon meeting the requirements set forth in this Chapter, a permit shall be granted on an as available basis, taking into account the priority of the predetermined schedules of an official youth sports organization as recognized by Resolution of the Mayor and Township Council under the requirements established in this Chapter.

C. In the event there is more than one officially recognized youth sports organization and a conflict arises with respect to the use of the athletic fields or facilities, then the official youth sports organization that submitted a complete application first and is not otherwise in violation of this Chapter shall be entitled to priority use of the athletic field or facility.

SECTION 5: §85-7 – Fee Schedule set forth in Ordinance 2009-1 shall be amended to provide as follows:

85-7. Fee schedule.

With the exception of non-resident team members, who shall pay a \$100.00 fee for use of the Township’s athletic fields and facilities on an annual basis prior to using, practicing or playing upon any Township athletic field or facility, members of an official youth sports organization as recognized by Resolution of the Mayor and Township Council are exempt from all fees. All other persons, groups or organizations shall be subject to the following fee schedule, which fees shall be paid prior to receipt of the permit:

- a. Ball Fields
Per Game / Per ball field:
 - Without lights \$ 250.00
 - With lights \$ 350.00
 - Security Deposit \$ 500.00

- b. Street Hockey/Basketball/Volleyball Courts
 - Without lights \$ 100.00
 - With lights \$ 200.00
 - Security Deposit \$ 250.00

- c. **Park areas for:**
All other Recreational Activities
 - Daylight \$100.00
 - Security Deposit \$250.00

- d. **Park Areas for:**
Non-Recreational Activities – e.g. Flea Market, Car Show, Auction,
 - Daylight \$100.00
 - Security Deposit \$250.00

- e. Stage – e.g. Musical Shows, Theater acts, Concerts,
 - Set-up Fee \$100.00
 - Per hour fee \$125.00
 - Security Deposit \$1000.00

- f. Gazebo
 - Per hour fee \$ 50.00
 - Security Deposit \$ 250.00

- g. Concession Stand

Per hour fee	\$ 150.00
Security Deposit	\$ 1000.00

- h. Police Protection Prevailing overtime rate.

Need to be determined by the Chief of Police

- i. Public Works Assistance Prevailing overtime rate

Need to be determined by the Director of Public Works

SECTION 6: The reference in Ordinance 2011-15 to §85-7 – Penalties shall be changed to §85-13, and §85-13 set forth in Ordinance 2009-1 shall be amended to provide as follows:

§85-13. Penalties.

- A. Any person age 18 or older shall, upon conviction of violating §85-3(B)(14) of this Chapter, be subject to a minimum fine of \$100 with the maximum not to exceed \$500 or sentenced to community service within the Township of Berlin, at the discretion of the Municipal Court, plus court costs.

- B. Any person under the age of 18 shall, upon conviction of violating §85-3(B)(14) of this Chapter, be required to perform community service or attend an educational program, subject to the discretion of the Juvenile Court or other juvenile authorities, plus court costs.

- C. Any person violating any of the other provisions of this Chapter or any rule or regulation promulgated pursuant hereto shall, upon conviction, be subject to the replacement, repair or restoration of any damaged park property, athletic field, facility or equipment, and shall be subject to a fine not exceeding \$1,000.00, and in default of payment thereof, may be sentenced to imprisonment in the county jail, in the discretion of the Judge, for a term not exceeding 90 days.

SECTION 7: Except as set forth in Sections 1 - 7 above, the balance of Ordinances 2011-15 and 2009-1 shall not be affected by this Ordinance.

SECTION 8: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9: 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 10: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion by Council President Morris, second by Councilman DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2011-19.

Al Silva, 326 Cleveland Ave asked Mayor and Council to reconsider passing the Ordinances tonight and to reconsider changing the fee to \$25.00. Al asked the governing body to sit down with BTAA and discuss a reasonable fee.

Sue Carlino, 217 Clarence Avenue stated that she had read the minutes from August meeting and commented that she realized that we may need to have out of town player to help the sports organization for BTAA but why do the out of town parents feel in titled to pay the same amount as Berlin Township resident. Sue commented that times are changing and tax payers can't keep giving association money, they need to help themselves. Sue replied that she finds it insulting that the BTAA has a large amount of money in the bank but then asked the tax payers to flip the bill for non resident players.

Ian Moran, 231 Cedarbrook Road stated that he is a member of the Men's Master Soccer League asked the Mayor and Council to consider the need for the adult league so that the children have role models to look up to.

Michael Dodge, 396 Harrison Avenue asked how two organizations in Berlin Township could benefit the children when we have a hard time filling teams with Berlin Township residents as it is.

JP Bell, 4 Fern Circle asked if the new ordinance and fees will apply to both organizations.

Eric Lucier, Cleveland Avenue asked what the process was for getting his money back for the background checks. He also talked about the Men's South Jersey Master League and name the players on the team roster

Chris Bastin	Dave Belisky	Brian Betze	Brian Daly
Fran Convery	Joe Chopel	Doug Robbins	Al Silva
Ed Gonzalez	Mike Dodge	Mike Miller	Bob Johnson
Jeff Maslin	Tony Ruggiero	Eric Lucier	

Eric replied that many of these team member volunteer in the town as coaches and now we are told that we need to pay for our men's league. I ask you to make a motion to allow us to use the fields free.

Doug Robbins, Centaurian Drive stated that sport is about team work and kids come out to watch us play. They learn by example, most of the players have children in the Township sports program.

Al Silva asked Mayor and Council to pass a resolution granting the South Jersey Master League a waiver, stating that they are part of BTAA and Township was aware that the League existed. Mr. Silva asked that all suggested fees be waived also. He also stated that a \$100.00 fee for out of town players is too high for anyone to pay He asked the governing body to reach out to the community to see what is best for them, then make a decision on that.

Michael Dodge asked if the Ordinances will apply both organization, background checks to out town fees. Michael asked about the reimbursements.

Ron Curtis, Centaurian Drive stated that the organization (BTSA) will fundraiser to help off set the cost for the out of town residents.

There were no more comments to be heard

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

Mayor Magazzu replied that there will be no impact to our residents, Mayor and Council has to worry about all residents not just the sports team. She feels that \$100.00 fee is reasonable and that a sports organization can fundraise that money, a resident can not.

Mayor Magazzu replied that our public Works department works hard maintaining the fields and we pay for gas, electric and water for the fields and concession stands, other towns do not.

Mayor Magazzu responded that we did not know that the men's league existed. We were told that a couple of guys were just kicking the ball around. We had just found out in April that it was an organized sport. Mayor remarked that we have had at least ten teams asking to use the fields that we have denied. We have never let adults use the fields.

Mayor Magazzu stated that all ordinances and fees will apply to both sport organization and as far as the reimbursements for the background checks we will advance the money to BTAA and when the Megan Kanka Foundation approves any monies to BTAA for this season sports they will reimburse it back to the Township.

Mayor asked council that if they would be willing to workout an agreement on the fee for the adult men's league.

Councilman DiGangi, replied yes he is willing.

Stuart remarked the ordinance in affect now does not have a provision to waive a fee.

Mayor replied we won't waive it tonight but feels more comfortable meeting with Chuck and the group to see what they could do to help off set some cost and come back to another meeting for the waiver.

Councilman President Morris remarked that we should have a percentage of Berlin Township residents included in waiver criteria.

Stuart talked to Mayor and Council and stated that if they wish to adopt said ordinance tonight then an amendment to the ordinance with such provision be included as below

A person , group or organization that is subject to the aforementioned Fee Schedule may make a request to the Mayor and Council, which request shall be in writing, to waive all or part of the fee set forth above which said waiver shall only be granted for good cause which shall include but not be limited to the percentage of Berlin Township residents in said group or organizations, said group or organization's past compliance with the provisions of this chapter and any other matter which the Mayor and Township Council determine is relevant to such waiver request.

Stuart noted that the tonight adoption shall include such amendments to the ordinance that we have discussed tonight.

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

SECOND READING AND PUBLIC HEARING ORDINANCE 2011-21 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 129 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ZONING"

WHEREAS, the Zoning Ordinance of the Township of Berlin ("Township") is codified in Chapter 129 of the Township Code; and

WHEREAS, the Mayor and Township Council of the Township of Berlin, County of Camden, and State of New Jersey (the "Township"), have reviewed certain amendments to the Pinelands Comprehensive Management Plan related to cluster development, wetlands management and forestry, which revisions became effective April 6, 2009, December 1, 2009 and March 1, 2010, respectively, the entirety of which apply to the Pinelands Area(s) of the Township of Berlin; and

WHEREAS, the Mayor and the Township Council are empowered and required by law to implement said revisions to the Pinelands Comprehensive Management Plan through adoption of an ordinance amending Chapter 129 of the Code of the Township of Berlin, entitled "Zoning"; and

WHEREAS, the Mayor and Township Council have deemed it in the best interest of the public health, safety and welfare to implement said revisions to the Pinelands Comprehensive Management Plan; and

WHEREAS, in order to facilitate the consistency of the Pinelands Comprehensive Management Plan with the Code of the Township of Berlin, the Township Council desires to codify and implement said revisions; and

WHEREAS, this Ordinance was referred to the Planning Board of the Township of Berlin pursuant to the New Jersey Municipal Land Use Law; and

WHEREAS, the Planning Board of the Township of Berlin has recommended adoption of this Ordinance and has determined that it is consistent with the Pinelands Comprehensive Management Plan and the Code of the Township of Berlin;

NOW THEREFORE, be it Ordained by the Mayor and the Township Council of the Township of Berlin, County of Camden, State of New Jersey, that the Code of the Township of Berlin be supplemented and amended as follows:

SECTION 1: Article II, Section 129-5, Definitions of Terms Associated with Pinelands Provisions, is hereby amended by replacing or adding the following definitions:

FORESTRY - The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this Chapter, the following activities shall not be defined as forestry:

- A. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;
- B. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- C. Removal of trees necessitated by the development of the parcel as otherwise authorized by this chapter;
- D. Removal of trees necessary for the maintenance of utility or public rights-of-way;
- E. Removal or planting of trees for the personal use of the parcel owner; and
- F. Removal of trees for public safety.

IMPERMEABLE SURFACE — Any surface which does not permit fluids to pass through or penetrate its pores or spaces, typically having a maximum permeability for water of 10^{-7} cm/second at the maximum anticipated hydrostatic pressure. The term “impermeable” is equivalent in meaning.

IMPERVIOUS SURFACE — Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability.

PERMEABILITY - The rate at which water moves through a unit area of soil, rock, or other material at hydraulic gradient of one.

WETLANDS MANAGEMENT - The establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10. For purposes of this definition, exotic species are those that are not indigenous to North America.

SECTION 2: Article III, Schedule of Area, Yard and Bulk Requirements, is hereby amended by replacing NOTE 1 with the following:

¹Except in the Pinelands Area of the R-1 Zone, where a maximum density of one dwelling unit per 3.8 acres is allowed and where the minimum front yard depth shall comply with the standards of §129-19 of this chapter. The minimum lot size requirement in the Pinelands Area shall be 3.8 acres, unless in accordance with §§129-26H or 129-26P of this chapter.

SECTION 3: Article IV, General Provisions, §129-19, Pinelands Development Standards, is hereby amended by replacing Section 129-19B(1)(e) with the following:

- (e) Fish and wildlife activities and wetlands management, in accordance with N.J.A.C. 7:50-6.10.

SECTION 4: Article IV, General Provisions, §129-19, Pinelands Development Standards, is hereby amended by replacing Sections 129-19E(1) and (2) with the following:

- (1) Application requirements. Any application for approval of forestry operations shall be subject to the requirements of N.J.A.C. 7:50-6.44.
- (2) Forestry standards. Forestry in the Pinelands Area shall be carried out in accordance with the standards set forth in N.J.A.C. 7:50-6.46.

SECTION 5: Article IV, General Provisions, §129-19, Pinelands Development Standards, is hereby amended by replacing Section 129-19I(1) with the following:

- (1) Setbacks and screening requirements for scenic corridors. Except for those roads which provide for internal circulation within residentially developed areas, no development shall be located within 200 feet of the center line of a public paved road, in the R-1, I-1, E-1 and C-2 Districts east and north of Route 73, unless environmental or other physical considerations make it impractical to do so; provided, however, that the development shall be set back as close to 200 feet as practicable, and the site shall be landscaped so as to provide screening from the corridor. These requirements shall not apply to residential cluster developments in the R-1 District which comply with the standards of §129-19P.

SECTION 6: Article IV, General Provisions, §129-19, Pinelands Development Standards, is hereby amended by adding the following as Section 129-19P:

- P. **Residential Cluster Development in the R-1 Zone.** In the Pinelands Area portion of the R-1 Zone, clustering of single-family detached dwellings shall be required whenever two or more units are proposed as part of a residential development. The following standards shall apply:

- (1) Permitted density: one unit per 3.8 acres.
- (2) The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in Subsection P(1) above, with a bonus applied as follows:
 - (a) For parcels under 50 acres in size: 0 bonus units
 - (b) For parcels between 50 and 99.99 acres in size: 10% bonus
 - (c) For parcels between 100 and 149.99 acres: 15% bonus
 - (d) For parcels of 150 acres or more in size: 20% bonus
- (3) The residential cluster shall be located on the parcel such that the development area:

- (a) Is located proximate to existing roads;
 - (b) Is located proximate to existing developed sites on adjacent or nearby parcels;
 - (c) Is or will be appropriately buffered from adjoining or nearby non-residential land uses; and
 - (d) Conforms with the minimum environmental standards of N.J.A.C. 7:50-6.
- (4) Development within the residential cluster shall be designed as follows:
- (a) Residential lots shall be one acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres;
 - (b) The following minimum yard and bulk requirements shall apply:
 - [1] Minimum lot frontage: 125 feet
 - [2] Minimum lot depth: 200 feet
 - [3] Minimum front yard: 50 feet
 - [4] Minimum rear yard: 60 feet
 - [5] Minimum side yard, each: 30 feet
 - (c) Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the standards of §129-19H(1)(d) may serve the lots within the cluster development area. However, in the event that existing agricultural uses will continue on the parcel in accordance with Subsection (5)(b)[2] below, individual on-site septic waste water treatment systems shall comply with the standards of §§129-19H(1)(e) or (g). Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of §§129-19H(1)(e) or (g) shall also be permitted;

- (d) The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and
- (e) Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than one-half acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.
- (5) The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a non-profit conservation organization, Berlin Township or incorporated as part of one of the lots within the cluster development area.
 - (a) All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor of a public agency other than the Township of Berlin or non-profit organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and
 - (b) The deed of restriction shall permit the parcel to be managed for:
 - [1] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 129; and
 - [2] Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:
 - [i] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the

continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

[ii] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for cluster development;

[iii] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection (b)[2][ii] above, the deed of restriction shall permit the land to be managed only in accordance with Subsection (b)[1] above and shall not provide for continuation of any agricultural use on the parcel;

[iv] The deed of restriction to be recorded pursuant to Subsections (b)[2][i] or [ii] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Camden County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and

[v] For parcels which meet the standards of Subsections (b)[2][i] or [ii] above, a provision shall be recorded in the deed for each residential lot within the cluster development area which acknowledges agricultural use of the protected land outside the cluster development area and recognizes the legal protections afforded to that use through the deed of restriction and any applicable statutes.

SECTION 7: Article VI, Single-Family Detached Residential Zone R-1, §129-26, Permitted Uses, is hereby amended by replacing Section 129-26A with the following:

- A. Single-family detached dwellings, provided that in the Pinelands Area portion of the R-1 Zone, clustering of the permitted dwellings shall be required in accordance with §129-19P whenever two or more units are proposed as part of a residential development.

SECTION 8: Article VI, Single-Family Detached Residential Zone R-1, §129-26, Permitted Uses, is hereby amended by replacing Section 129-26H(1) with the following:

- (1) The owner of the lot proposed for development acquires sufficient vacant contiguous or noncontiguous land which, when combined with the acreage of the lot proposed for development equals at least 3.8 acres;

SECTION 9: Article VI, Single-Family Detached Residential Zone R-1, §129-26, Permitted Uses, is hereby amended by replacing Section 129-26H(3) with the following:

- (3) All noncontiguous lands acquired pursuant to Subsections (1) and (2) above shall be permanently protected through recordation of a deed of restriction in accordance with the following requirements:

- (a) The deed of restriction shall permit the parcel to be managed for:

- [1] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this Ordinance;

- [2] Where agricultural use exists on a parcel proposed to be protected, the following standards shall apply:

- [i] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

- [ii] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for density transfer;

- [iii] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection (a)[2][ii] above, the deed of restriction shall permit the

land to be managed only in accordance with subsection (a)[1] above and shall not provide for continuation of any agricultural use on the parcel; and

[iv] The deed of restriction to be recorded pursuant to Subsections (a)[2][i] or [ii] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Camden County or the State Agricultural Development Committee, evidence of their approval shall also be provided.

(b) The deed of restriction shall be in favor of the parcel to be developed and the Township or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Township Attorney and the Pinelands Commission.

SECTION 10: Article VI, Single-Family Detached Residential Zone R-1, shall be amended by adding a new §129-26.1, Conditional Uses, as follows:

A. Non-clustered residential development in the Pinelands Area portion of the R-1 Zone. Single-family detached dwellings which are not clustered in accordance with §129-19P may be permitted as a conditional use in the Pinelands Area portion of the R-1 Zone, provided that:

(1) The Planning Board finds that:

(a) Clustering of the proposed dwellings would be inconsistent with the minimum environmental standards set forth at N.J.A.C. 7:50-6; or

(b) Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.

(2) Minimum lot area requirement: 3.8 acres.

SECTION 11: Except as set forth in Sections 1-10 above, the balance of Chapter 129 shall not be affected by this Ordinance.

SECTION 12: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 13: 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 14: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion by Council President Morris, second by Councilman McIntosh to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2011-21

No comments were to be heard.

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

Motion by Council President Morris second by Councilman DiGangi to adopt Ordinance 2011-21 Ordinance approved by call of the roll, five members present, voting in the affirmative.

FIRST READING ORDINANCE 2011-22 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "DOGS AND OTHER ANIMALS"

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Ordinance 2011-22 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-174 RESOLUTION TO ADOPT THE YEAR 33 COMMUNITY DEVELOPMENT GRANT AGREEMENT

WHEREAS, A Cooperative Agreement was heretofore entered into between the Township of Berlin and the County of Camden for the establishment of a cooperative means of conducting certain community development activities; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-4 et seq.) permits local units such as counties and municipalities to enter into agreements for the provision of joint services; and

WHEREAS, the County has achieved "Urban County" status in accordance with the requirements set forth in Title I of the Housing and Community Development Act of 1974, as amended and the Housing and Urban-Rural Recovery Act of 1983; and

WHEREAS, the County has entered into a Grant Agreement with the U.S. Department of Housing and Urban Development under Title I of the Housing and Community Development Act, as amended, for an Entitlement Grant; and

WHEREAS, this Grant is administered for the County by the County's Community Development Office; and

WHEREAS, the Township of Name of Berlin has proposed certain activities to be carried out under the 33rd Year Program: and

WHEREAS, the County has approved funding for eligible project(s) of the Township of Berlin from said grant and desires the Township of Berlin to undertake said project(s)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, that the Year 33 Municipal CDBG Grant Agreement be adopted between the Township of Berlin and the County of Camden, a copy of the Agreement which is attached thereof; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its enactment as provided by law.

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2011-174. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-175 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) – RECREATION FACILITY ENHANCEMENT GRANT ROUND 12 – LUKE AVENUE RECREATION COMPLEX

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 Recreation Facility Enhancement Grant – Round 12 from Camden County for \$25,000.00 for the Luke Avenue Complex Band Shell;

BE IT FURTHER RESOLVED that a like sum of 25,000.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"
CC Recreation Facility Enhancement Grant for
Luke Avenue Recreation Complex \$25,000.00

BE IT FURTHER RESOLVED that the Township Clerk forward two certified copies of this resolution to the Director of the Division of Local Government Services for approval.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2011-175. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-176 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) – RECREATION FACILITY ENHANCEMENT GRANT ROUND 12 – SPRUCE AVENUE RECREATION COMPLEX

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 Recreation Facility Enhancement Grant – Round 12 from Camden County for \$25,000.00 for the Spruce Avenue Recreation Complex Basketball and Tennis Court Improvements;

BE IT FURTHER RESOLVED that a like sum of 25,000.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"
CC Recreation Facility Enhancement Grant for
Spruce Avenue Recreation Complex \$25,000.00

BE IT FURTHER RESOLVED that the Township Clerk forward two certified copies of this resolution to the Director of the Division of Local Government Services for approval.

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2011-176. Resolution adopted by call of the roll, five members present voting in the affirmative.

Resolution 2011-177

Payment of Bills September 26, 2011

WHEREAS, the Code of the Township of Berlin, Chapter 7-1 et seq., provides

payment of claims after certification by the Treasurer and consideration by Mayor and Council.

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

TO	ACCOUNT		AMOUNT
Robert E. DePersia, II, Esq	Mun Public Defender Trust	\$	300.00
Township of Berlin	Planning Board Esc # 208		289.80

CONFIRMING

America On Line	01-201-20-120-2105		32.90
Verizon Communications	01-201-20-120-2105		99.99
TD Bank, NA	07-201-55-520-2105		90,000.00
	07-240-55-540-3000		23,649.20
	07-201-55-522-2105		17,418.43
	07-168-05-540-3000		216,248.00
General Sign Co.	04-204-55-865-09021		8,200.00
Walmart	04-215-55-860-06015		3,277.50

Motion by Council President Morris, second by Councilwomen Bodanza to adopt Resolution 2011-177. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-178 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE OAK AVENUE (NJDOT RAMP 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-2012-Berlin Township-00700 to the New Jersey Department of Transportation 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 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.

RESOLUTION 2011-179 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HAZEL AVENUE (CHUSMAN AVENUE TO CHESTNUT 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-2012-Berlin Township-00708 to the New Jersey Department of Transportation 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 Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-179. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 180 AWARDING A CONTRACT TO CAMDEN COUNTY ENERGY ASSOCIATES, L.P. FOR SOLID WASTE DISPOSAL SERVICES

WHEREAS, the Mayor and Council of the Township of Berlin had determined that it is in the best interest of the Township to proceed, in a joint effort, to receive bids for solid waste disposal; and

WHEREAS, the Township of Berlin agreed to serve as the lead agency in forming the cooperative effort, preparing the bid documents and receiving the bids for the solid waste disposal services for the municipalities, which participated in the cooperative effort; and

WHEREAS, the Bid Proposal is structured to offer various options for the participating municipalities to award a contract, separately or collectively; and

WHEREAS, bids were received by the Township of Berlin, as the lead agency, from two bidders; and

WHEREAS, the bid documents have been reviewed by the Mayor and Council and the Township Solicitor and the bid proposals have been found to be complete and in compliance with the requirements of the bid specifications; and

WHEREAS, it has been determined that it is in the best interest of the Township of Berlin to award a contract for the solid waste disposal services for the period of November 1, 2011 to December 31, 2012

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin that a contract be awarded to the low bidder for Item Number 1 of Option Number 4 of the Bid Proposal, County Energy Recovery Associates, L.P., for the period of November 1, 2011 to December 31, 2012, at the unit price bid of \$52.50 per ton.

BE IT FURTHER RESOLVED by the Mayor and Council for the Township of Berlin that the Mayor and Township Clerk are authorized to sign the Contract for the Solid Waste Disposal Services.

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-180. Resolution adopted by call of the roll, five members present voting in the affirmative.

APPROVAL BUSINESS LICENSE

1) ACS Quality Services Inc. Norman E. Skersky 1040 Industrial Drive. Warehouse for water treatment and equipment.

2) Millennium Sales Inc. Gale Lynch. 403 Bloomfield Drive Unit 2 .Clear books and magazines/shipping.

3) Halloween Adventure. Richard Orth. 200 Route 73 North Unit 2A and 3A. Selling Halloween Costumes and Accessories.

4) Duca Printing Co. Vincent Duca. 247 Haddon Avenue. Printing Brokers

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

CONSENT AGENDA

Motion by Council President Morris, second by Councilman DiGangi to receive and file the monthly reports on the consent agenda. Motion carried by voice vote, all present voting in the affirmative.

APPROVAL OF CORRESPONDENCE CALENDAR FOR AUGUST 2011

Motion carried by Council President Morris, second by Councilman DiGangi to receive and file the correspondence calendar for August 2011. Motion carried by voice vote, all present voting in the affirmative.

APPROVAL OF MEETING MINUTES FROM SEPTEMBER 12, 2011

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve the minutes for September 12, 2011. Motion carried by voice vote, five present voting in the affirmative.

ALL OTHER BUSINESS

Mayor commented that with the number of OPRA requested that we are receiving on a daily base we may have to consider possibly hiring a part time person.

Mayor remarked that she has met with Peace and we are working with them in doing a tree lighting celebration. Marion talked about Italian American Celebrate in Berlin Township at the Senior hall this Saturday October 1st from 11am to 5pm.

Lori Campisano, CFO stated that the Township was rated by Standard and Poor and received an A1 rating. Lori commented that just recently Moody's reevaluated our records and also rated the Township at A1.

PUBLIC PORTION

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

Michael Dodge asked Mayor to respond how two organizations in towns would benefit the town.

Mayor Magazzu replied how could we deny them, I am hoping that with two organizations we will be able to bring back the people who left our town.

Frank Magazzu, Grove Avenue, remarked that any person or groups has a right to start an association if they meet the requirements. This way the public can go to what ever association they wish to play for.

Kristine Liss, Cleveland Avenue stated that she agreed with Franks comments and that she agreed with Sue Carlino remarks that the tax payers should not support any organization. Kristine stated that we should be teaching them the spirit of sportsmanship.

Michael McGee Pine Avenue stated that he has a neighbor, a senior who is house bound and that he has talked to the rotary and they have agreed to build a ramp for this resident. I am here tonight to ask Mayor and Council to waive the permit fees of \$65.00.

Mayor Magazzu replied yes she would.

Councilman DiGangi replied yes

Council President Morris said that he knew the resident and thanked Michael McGee.

JP Bell fern Circle ask how the funds that township has given BTAA through out the years would be handled now that there are two organizations.

Councilman DiGangi said that it will be divided equally with both organizations.

JP Bell asked who writes the ordinances and how does that come about work.

Mayor Magazzu replies that Mayor and Council come up with the concept and the Solicitor writes the ordinance.

JP Bell talked about ordinance 2011-16 and some of the publics concerns was with privacy issues. The ordinance stated that no one but the Chief of Police would have any information on the background check. But you stated at last meeting to the public, that x amount of people did not pass.

Mayor Magazzu replied that no names were said.

JP bell stated you said two soccer coaches did not pass

Mayor Magazzu replied no, I did not say two soccer coaches. At last months meeting someone said that the soccer coaches have been the same coaches for the last couple of years. And I replied that two of them failed. I didn't know who they are.

JP stated you shouldn't have that information. You wrote the ordinance and you broke the ordinance. Only the Chief of Police and BTAA President should have that information.

Chief of Police, Joe Jackson stated that the information is kept in a secure office and that some of the information was out before he contacted the residents. I don't know how but this is a small town and when someone is on the field one day and then the next day there not then there, people are going to know.

Council President Morris stated that I hear you JP about the pricey but I am glad that we are taking steps for the safety of the children.

Al Silva Cleveland Avenue stated that Lt. Check walked the fields with him identifying the coaches and stated to him that no BTAA coaches had any issues with the background checks. But for the Mayor to state that two coaches did not pass gives the public false impression about the coaches, like gods know what they did. Al stated that we worked with the one person and provided documents to the police and now he is able to coach. It a sensitive issue.

Al Silva asked what Official did not know about our soccer league.

Councilman DiGangi replied he did not know.

Council President Morris replied he did not know.

Al remarked that last June he was in communication with Mr. Riebel and Mrs. Underwood. Al replied that he spoke to the Clerk about the insurance. I don't really know where this is coming from. We have been playing through the BTAA.

Al commented that he has asked Mrs. Underwood to contact the Governing body to get in contact with him.

Mayor Magazzu replied and she did. Everyone was notified.

Council President Morris replied that I have emailed you.

Al Silva commented that the Men's league was not trying to play on the fields and get away with paying a fee it is a BTAA Team.

Mayor Magazzu asked Al didn't you say this was just a couple of men just getting together to kick a ball around.

Chuck Riebel remarked Al you said that to me.

Al Silva replied maybe in June 2010 when we were getting together every Sunday morning.

Chuck Riebel replied in the Spring 2011.

Al stated no never said that. Why would I submit an insurance certificate.

Mayor Magazzu remarked we had a meeting then because we have never had a Men's league play on our fields. If it was just a few guys kicking a ball around fine. But when it comes to umpires or referees we can't do that. That why we have a fee schedule in place.

Al commented that all we want to do is play on the fields and not have to pay. Here is our official request.

Michael Dodge asked Mayor and Council that when it comes to monies given to organization that they look at the percentage of member in the organization rather than 50/50. Michael also said that there should be nobody against the background checks it is protecting our children. Michael asked where the Mayor got her information last meeting.

Mayor responded the Chief of Police stated it that night. When Ed Gonzalez said that we were hurting the teams because they couldn't go out to practice.

Frank Magazzu stated BTAA did not need the monies this year and BTSA is just starting up, I can't see giving a nonprofit organization (BTAA) any money when they have \$30,000.00 dollars in the bank the residents would be upset with that.

Robert Bray, Blackwood NJ questioned the background checks and wants to know why his name was personal put out there.

Stuart Platt advised Mayor and Council that there has been enough discussion on back ground checks and information leaking out peoples names. I recommend no further comments, we have an ordinance in place and the Chief of Police is very aware of the back ground ordinance and the privacy issues.

Sue Carlino stated that you should all be ashamed of your selves BTAA has been in existence for a long long time and if you take all the parents and put them on the sideline and take all there kids and put them on the fields with equipment they would find a way to get along. That is what this is all about the kids.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public.

RESOLUTION 2011-181 CLOSED SESSION TO DISCUSS LEGAL MATTERS WITH THE CHIEF OF POLICE

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Mayor and Council are now going into closed session to discuss legal matters of the Township.

Motion by Councilman DiGangi, second by Council President Morris 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.

ADJOURN

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adjourn the meeting at 9:10 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 9:10 pm

Catherine Underwood, Township Clerk