

SEPTEMBER 28, 2009

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD IN THE CONFERENCE ROOM OF THE SCHOOL BOARD ADMINISTRATIVE BUILDING, 225 GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY SEPTEMBER 28, 2009 AT 6:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Councilman Batten, Councilman McIntosh, Council President DiGangi, Mayor Magazzu.

Also Present- Donafaye Zoll, Solicitor, Chuck Riebel, Engineer
Michael McGee, Director Public Works, Lori Campisano, CFO
Joe Jackson, Chief Of Police.

Absent- Councilman Morris

PROMOTION

Mayor Phyllis Magazzu administered the Oath of Public Office to the following officers:

**Leonard Check to Lieutenant
Anthony McVeigh to Sergeant**

GOOD AND WELFARE #1

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

The owner of House of Angels spoke about the flooding on her property, Walker Ave and Veterans. Township Engineer Chuck Riebel said that he would go out and check out the situation and see what could be done.

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Mr. Hertzberg from Lucas Avenue asked how the Municipal Building was doing and if we were on schedule.

Council President DiGangi responded that we are about 2 weeks behind on the completion date but the contractor will make that up in the weeks to come.

No more comments were to be heard.

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

DEPARTMENTAL REPORTS

A. CHANGE ORDERS AND VOUCHERS

1. 2008 Street Improvements Program: Change Order No. 4 (Final and Voucher No. 4 (Final) for DiMeglio Construction Company.

B. ENGINEER'S REPORT

1. **TRAFFIC SIGNAL AND GEOMETRIC IMPROVEMENTS AT THE INTERSECTION OF COOPER ROAD AND TAUNTON AVENUE (KEI #393BT0203):** We believe that the County is ready to bid the construction project. The County Engineer is requesting that the Governing Body confirm that the Township will be responsible for the traffic control costs. The County representatives had stated, several years ago, that they would be requiring the Township to bear the cost of the traffic control.

The County will be performing the contract administration and inspection for the project.

As reminded by Ms. Zoll, I will be providing her with a list of the developers, which are required to contribute their fair share towards the cost of the project.

2. **SIDEWALK ALONG N.J.S.H. ROUTE 73, EDGEWOOD AVENUE TO JACKSON ROAD, (N.J.D.O.T. FY 2008 AND FY2009 FUNDING - \$320,000.00):** The N.J.D.O.T. has issued their approval. I have recently received a letter from The Pinelands Commission. They are requiring that we demonstrate compliance with their regulations, in regard to wetlands and stormwater management. I had requested that they allow this project to fall within the approvals for the N.J.D.O.T. project. Since they are not allowing the inclusion with the previously approved project, we must perform the necessary services to address their issues. Due to The Pinelands

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requirement, the project will be delayed until we can, hopefully, obtain their approval.

3. **PURCHASE AND/OR LEASE OF SENIOR CITIZENS BUS, (C.D.B.G. YEARS 30 AND 31 FUNDING- \$60,500.00+/-) (KEI# 165.01BT0209):** Two bids were received on July 28, 2009. The only bid, which appears to be properly submitted, is for the purchase of the bus, by American Bus and Coach of Trenton, New Jersey.

The following is a listing of their bid for Proposal No. 1 – Purchase:

Base Bid – 2009 gasoline powered bus	\$60,749.00
Alternate Bid No. 1 – 2009 diesel powered bus	\$68,849.00
Alternate Bid No. 2 – 2009 propane powered bus	\$78,500.00
Alternate Bid No. 3 – 2009 gasoline powered bus with Trade-in of the existing bus	\$59,749.00

The bid is valid until September 28, 2009, unless extended by the bidder.

The County C.D.B.G. has allotted approximately \$60,500.00 in Years 30 and 31 C.D.B.G. funding.

The bids submitted for the lease and lease/purchase were submitted in a non-compliant format. If the Governing Body is considering an award of a contract for a lease or lease/purchase, it would be necessary to reject the bid and advertise for the re-bid of the bus.

If the Governing Body decides to award a contract for the purchase of the bus, it appears that, due to limited funds, it would be necessary to award the Base Bid for the purchase of the gasoline powered bus.

I would note that, under the Alternative Fuel Vehicle Rebate Program, the Township would be eligible for a \$7,000 rebate for a propane powered bus. Due to the initial cost, the need for a propane filling station and the regulations associated with this station, I recommend that the Governing Body not consider this option, unless there is an intent to power the fleet with propane.

4. **N.J.D.O.T. FY2010 MUNICIPAL AID APPLICATION:** The following applications for street improvements were, electronically, submitted to the N.J.D.O.T.:

- Priority No. 1: Resurfacing of Mt. Vernon Avenue – Franklin Avenue to Minck Avenue
Requested funding = \$254,000.00

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- Priority No. 2: Improvements to Hazel Avenue-
Chestnut Avenue to Cushman Avenue
Requested funding = \$167,000.00

Typically, the funding is limited to a maximum of \$180,000.00. The announcement of selected projects is, typically, made near the end of the year.

In regard to a previous request, which was submitted to the N.J.D.O.T. for discretionary funds for Katherine Avenue, I received a copy of a letter from the N.J.D.O.T. The letter notified the Borough that discretionary funds were not allotted to Katherine Avenue.

5. **PROPOSED MUNICIPAL BUILDING, N.J.S.H. ROUTE 73 AND DAY AVENUE(KEI# 422BT0804):**

- a. Proposed Irrigation System: Since the irrigation system will not be installed, at this time, we have requested that the site subcontractor assist the Public Works Department in installing sleeves in the proposed storm drainage pipe trenches for use, in the future.

I would assume that the testing of the irrigation well will be performed, immediately prior to the installation of the irrigation system.

- b. Site Work: The site contractor has performed the rough grading and will be constructing the storm drainage, during the week of September 7, 2009.

6. **2008 STREET IMPROVEMENT PROGRAM (KEI# 491BT0308):** The contractor has performed the corrective work to the pavement on Toomer Avenue. The corrective pavement has addressed the ponding issue, for the most part. The surface of this pavement is somewhat rough, but represents the best quality which could be provided, under the circumstances. Therefore, we recommend that the corrective work be accepted and the Governing Body approve the final change order and voucher.

7. **HADDON AVENUE STREETScape IMPROVEMENTS (KEI #430BT1104 AND #431BT1104):**

- a. Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$200,000.00) (KEI #431BT0105): As discussed, a request was submitted to Assistant Commissioner Sharon Shinkle-Gardner, Government/Community Relations and Communications for her assistance in obtaining the \$3,180.00 reimbursement.

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Ms. Sharon Shinkle-Gardner, from the N.J.D.O.T. has advised our office that she has contacted the Office of Local Aid and will be forwarding a response to the request, shortly.

Since we have not received a response we have contacted the Office of Local Aid to determine the status. Upon receipt of a status, we will advise the Governing Body.

- b. Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (FY2004 Transportation Enhancement Program and FY2005 SAFETEA-LU) (KEI #29-430BT1104): As reported, the Governing Body had decided not to accept the funds and requested that the project be bypassed to the future time when the Township would be in the position to bond the project.

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

- a. Planting of Trees Along the Rear of the Retail Center, Along the N.J.D.O.T. Ramp, Connecting Oak Avenue to Taunton Avenue (KEI484BT0108): I have not been able to obtain any commitment from the property owner to allow the N.J.D.O.T. to install the evergreen trees along the recently constructed ramp.
- b. Request for No U-Turn at Median Opening Along Route 73 at the Proposed Driveway for the Golden Corral Restaurant: It is my understanding that the applicant for the Golden Corral restaurant is still pursuing the N.J.D.O.T. permit for the proposed driveway. I believe that the matter, regarding the median opening, will be addressed as part of the review for the proposed driveway.

9. **CAMDEN COUNTY OPEN SPACE, ROUND 10 APPLICATION (KEI #487BT0208):**
As discussed at the last Council Meeting, Mr. McGee has requested that the County allow the Township to utilize the entire \$50,000 grant for the recoating of the hockey courts at Robert T. Clyde Memorial Park. Mr. McGee is also obtaining prices for the performance of the work.

10. **SANITARY SEWER ALLOCATION:**

- a. Sewer Extensions within the Pinelands Area (KEI #52BT3151): On September 4, 2009, a telephone conference was held, between representatives of The Pinelands Commission and Mr. McGee and me. The Pinelands representatives had stated that the staff has discussed the request to extend sanitary sewer to the non-sewered, Pinelands area. They felt that there are two options which could be considered by The Pinelands

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Commission. Option "A" would allow for the sewerage of the Public Works Complex and the existing industrial buildings along Edgewood Avenue and Allied Parkway, only. This will require a redesignation of the area to Regional Growth, but will not require any "environmental offsets". They felt that this option would receive the least resistance by the Commissioners. The staff will require the following before they recommend the option to the Commissioners:

- 1) A map, which depicts the location of the existing sewer system.
- 2) The total area of the parcels-in-question be provided to them.
- 3) All of the buildings be connected to the New Jersey American Water Company system and the existing wells be abandoned so there will be no transfer of water from the Atlantic basin to the Delaware basin.
- 4) There must be a commitment to construct the sanitary sewer system to the buildings and they will be mandated to connect the buildings to this sewer system.

They felt that, the Commission could take action in four to five months from the time that the above information was provided to them.

The second option, "B" would be more difficult to obtain approval from the Commission. The representative also believes that it will take at least a year, before the Commission takes action, negative or positive. The option would include the items in Option "A" and removing the non-residential portion from the request. Due to the close proximity of the lands to the headwaters of the Mullica River, offsetting environmental measures will be required, which could consist of the requirement of a 300 feet wetlands buffer along the Mullica River, requiring residential development on the Dandrea parcel on Cooper Road, stormwater improvements, implementing LEED practices, etc.

They felt that the best option to sewer the residential portion was to demonstrate a public health hazard, resulting from the failing septic systems. Sewer could then be extended under this determination. The sewer would be available to the existing dwellings, only. There would be no change in the designation of the management area.

They stated that public water could be extended to serve the area, if it is documented that the wells are contaminated.

- b. Amendment to the Wastewater Quality Management Plan: As suggested by Mr. Kricun, P.E. of the C.C.M.U.A., the Governing Body has decided to

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wait until the Spring of 2011 to push this matter, since he feels that additional capacity will be available, resulting in no need for the Township to pay for upgrades to the C.C.M.U.A. conveyance system.

Future development within the Township will be restricted until the allocation issue is resolved.

11. **REQUEST FOR BOND REDUCTIONS AND RELEASES:** We have received notice that the following requests have been submitted to the Township Clerk:

- a. Reduction in the Performance Bond – Kepple Carpets. We recommend a reduction. We will be inspecting the site and submitting our recommendation for the amount of reduction to the Governing Body for consideration at the Council Meeting on September 14, 2009.
- b. Reduction in the Performance Bond – Monaco Plaza (next to Filomena’s Restaurant). We are currently determining the extent of the recommended reduction. We will be submitting our recommendation for consideration by the Governing Body at the Council Meeting on September 19, 2009.
- c. Release of the Performance Bond – Sahara Sam’s Indoor Water Park. Due to outstanding site issues, we recommend that the Governing Body consider a reduction in the bond and not a release. We are, currently, preparing the recommendation for the amount of the bond reduction.

12. **BERLIN BOROUGH WATER ALLOCATION AND CONNECTIONS FOR NEW DEVELOPMENTS:**

Ms. Zoll addressed this matter, last month.

13. **N.J.D.E.P. ENVIRONMENTAL INFRASTRUCTURE TRUST PROGRAM:**

If the Pinelands Commission, N.J.D.E.P. and C.C.M.U.A. approved the extension of sanitary sewer into the Pinelands Area, the Governing Body may want to consider applying for a N.J.D.E.P. loan for the construction of the extensions. Typically, commitment letters and the initial application package must be submitted by October for consideration for funding at the end of the following year.

14. **ALTERNATIVE ENERGY SOURCES:** Over the past several months, we have been informing the Governing Body of the various programs being offered through the N.J. Board of Public Utilities (BPU) and N.J.D.E.P. Office of Planning and Substantial Communities.

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I had also noted that the N.J.B.P.U. is also willing to provide 100% up-front funds, through the Local Energy Audit Program, if the Township is willing to commit to implementation of the improvements. I believe that the Township still may be waiting for the assignment of a consultant to perform the energy audit.

While funds are still available, I recommend that the Township push for the performance of the audit so the implementation can be performed and funded.

15. **STATE LEGISLATION:**

- a. Inclusion of Facilities Supplying Electrical Energy from Wind, Solar, Photovoltaic Technologies, as "Inherently Beneficial Uses" (S1303/A3062): Both Houses have approved the bill. It is anticipated that the Governor will sign it, but may wait until November, "as it may not be viewed as a priority". I recommend that the Planning/Zoning Board consider developing recommendations for land use and zoning regulations for these facilities. I will submit copies of ordinances, from other municipalities, for their review and consideration when preparing their recommendations to the Governing Body.
- b. New Jersey Economic Stimulus Act of 2009 (A4048/S2299): The Governor signed it into law on July 28, 2009 (P.L. 2009, c.90). This legislation authorizes State and Local incentive grants to developers in qualifying economic redevelopment and growth incentive areas, exempts projects that received site plan approval before July 2010 from the 2.5% non-residential development fee, as long as a construction permit is issued by January 1, 2013. Funds, which have been deposited for the 2.5% non-residential development fee shall be returned, if the developer submits a written claim for said fees.
- c. Recreation and Open Space: The New Jersey Supreme Court handed down its decision that municipalities do not have the authority, under the Municipal Land Use Law, to impose on-site recreation and open space requirements or impose increasing amounts of contribution for off-site recreation and open space requirements on traditional subdivisions and site plans. They did hold that a municipality can require recreation and open space in a planned development, but it cannot impose a fee in lieu for a planned development.

On November 13, 2008, Assembly Bill No. 3443 was introduced, authorizing the set-asides and fees, in lieu of for recreation and open space as conditions to subdivision and site plan approvals. The bill was referred to the Assembly Housing and Local Government Committee. It does not appear that the bill has made it out of the Committee, at this time. I would assume that they were waiting for the Supreme Court decision.

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- d. Deed Restrictions on Affordable Housing Units (A4051/S1622): This legislation “provides that deed restrictions on affordable housing units are not extinguished by foreclosure proceedings. The bill also requires the debtor give notice to the municipal clerk and DCA Commissioner when there is a pending foreclosure on a residential property, which is an affordable housing unit, subject to affordable housing controls.

- e. Restriction of Occupancy of Age-Restricted Dwelling Units Following Resale (S2812/A4083): Both Houses introduced the bill, which requires “dwelling units in an age-restricted community that are transferred by resale to remain occupied by households that will allow the age-restricted community to remain housing for older persons.” “The intent of the legislation is to preserve age-restricted properties’ unique status by requiring that dwelling units transferred by resale, even for affordable housing purposes, continue to be occupied by older adults.” The bills are under review by the Assembly Housing and Local Government Committee and Senate Community and Urban Affairs Committee.

16. **AMENDMENTS TO LAND USE AND ZONING ORDINANCES:**

a. Tree Protection Ordinance:

The Planning Board intends to review the current ordinance and submit recommendations, in the near future. I recommend that Council President DiGangi and/or Mr. McGee discuss this matter with Planning Board Chairman Simone, prior to the Planning Board taking any action, since they have created a list of possible amendments to the ordinance.

- b. Regulations for Wind, Solar and Other Alternative Energy Facilities: Since it is anticipated that the Governor will be signing the legislation, in November, establishing these facilities as “inherently beneficial uses”, we recommend that zoning and land use regulations be established for these facilities (setback, height, noise, etc.).

17. **MULTI-YEAR CAPITAL IMPROVEMENT PROGRAM:** We strongly recommend that the Governing Body implement the long term plan for improvements to streets, recreation, storm drainage and management, sanitary sewer, alternative energy sources and energy efficient, public buildings, vehicles, equipment, etc.

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We had, previously, prepared a recommendation report, which lists projects. If the Governing Body is interested, we will revise the report, to include alternative energy sources and energy efficiency/green improvements.

Should you have any questions or comments in regard to the contents of this report, please contact me at this office.

SOLICITOR'S REPORT

1. Water Agreement with Berlin Borough
2. Increase Sewer Allocation Buildout
3. Vacation Portion Kelley Drive
4. New Municipal Building
5. Richard Winans V. Berlin Township Walt Shendock
6. Nancy Anderson V. Berlin Township
7. Berlin Township ADS. Michael Brown
8. 2009 Real Estate Tax Appeal

PUBLIC WORKS DEPARTMENT

Michael McGee, Public Works Director went over some of the plans for the New Municipal Building. Mike had samples of the rugs, tiles and paint colors. Mike noted that if anybody is to visit the Municipal Building they need to wear boots and a hard hat.

SECOND READING AND PUBLIC HEARING ORDINANCE 2009-14 AMENDING CHAPTER 43 OF THE CODE OF THE TOWNSHIP OF BERLIN TITLED "BUILDING CONSTRUCTION"

WHEREAS, the Governing Body of the Township of Berlin had previously adopted a schedule of fees for charges to be imposed for various construction permits and other fees to be charged for building permits fees; and

WHEREAS, it is necessary to amend the Township's Ordinances setting such fees, to maintain the fees as consistent with fees set by the State of New Jersey.

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

SECTION 1: Chapter 43, §43-3 of the Code of the Township of Berlin titled "Building permit fees" is hereby repealed in its entirety and replaced with the following:

§49-3. Building permit fees.

In connection with the provisions of this chapter and the code hereby established and adopted as a part hereof, the following permit fees shall be charged and paid to the Township of Berlin:

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A. The fee for all construction permits, general fees under the Construction Code, elevator fees, plumbing subcode fees, electrical subcode fees and fire subcode fees shall be charged in accordance with the schedule of fees as set forth in the New Jersey State Uniform Construction Code, N.J.A.C. 5:23-4.20 et. seq., and any subsequent amendments thereto, except that there shall be charged a minimum fee in the sum of Sixty Dollars (\$60.00), for a basic construction permit covering any or all permits for the building, plumbing systems, electrical systems or fire protection.

B. Upon the granting of any permit for the erection of a new structure, fees shall be based upon the volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount of \$0.037 per cubic foot of volume for buildings and structures of all use groups and types of construction as classified and defined in articles 3 and 4 of the building subcode, except that new homes that are built in a development or minor or major subdivision the fee shall be \$0.037 per cubic foot of volume; and \$0.0008 per cubic foot for structures on farms, including commercial farm building under N.J.A.C. 5:23-3.2(d), with the maximum fee for such structures on farms not to exceed \$1,145.

C. Fees for renovations, alterations and repairs or site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and the external utility connection for premanufactured construction shall be based upon the estimated cost of work. The fee shall be in the amount of Thirty Dollars (\$30.00) per One Thousand Dollars (\$1,000.00). For the purpose of determining estimated cost, the applicant shall submit to the Department such cost data as may be available produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The Department shall make the final decision regarding estimated cost.

D. Fees for additions shall be computed on the same basis as for new construction for the added portion.

E. Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with items (C) and (D) above.

F. The fee for tents, in excess of 900 square feet or more than 30 feet in any dimension, shall be Ninety Two Dollars (\$92.00).

G. The fee for roofing and siding work completed on structures in use group R-3 and R-5 shall be Sixty Dollars (\$60.00).

H. The fee for an above-ground swimming pool shall be One Hundred Dollars (\$100.00). The fee for an in-ground swimming pool shall be One Hundred Fifty Dollars (\$150.00).

I. The fee for a Certificate of Occupancy for residential R-3 and R-5 shall be One Hundred Dollars (\$100.00). The fee for all other Certificates of Occupancy shall be computed as Ten Percent (10%) of the fee to be charged for the construction permit, with a minimum fee of One Hundred Twenty Dollars (\$120.00).

SECTION 2: If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed to be valid and effective.

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

SECTION 4: This Ordinance shall take effect upon final passage and publication pursuant to law.

Motion by Councilman Batten, 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 2009-14. There were no requests to be heard. Motion by Council President DiGangi, second by Councilman McIntosh to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Councilman Batten, second by Council President DiGangi to adopt Ordinance 2009-14. Ordinance adopted by call of the roll, four members present voting in the affirmative.

SECOND READING AND PUBLIC HEARING ORDINANCE 2009-15 AMENDING CHAPTER 41 OF THE CODE OF THE TOWNSHIP OF BERLIN CAPTIONED "BRUSH, GRASS AND WEEDS"

WHEREAS, certain property owners and/or developers have continually violated certain provisions of the Township's ordinances concerning the accumulation of brush, grass and weeds on their property, which accumulation may pose a hazard to the health, safety and welfare of the residents of the Township of Berlin; and

WHEREAS, there are repeated violations by the same owners or tenants for the same property within the Township, creating a burden upon Township personnel with respect to enforcement issues; and

WHEREAS, the Governing Body of the Township of Berlin has deemed it appropriate to amend the applicable ordinances to provide that repeat offenders shall not receive a second notice prior to issuance of a citation or other remedial action by the Township.

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

SECTION 1: Chapter 41 of the Code of the Township of Berlin entitled "Brush, Grass and Weeds" is hereby amended to repeal current §41-5 and replace this section with a new section as follows:

§41-5. Removal of debris by Township.

In the event that such owner or tenant shall refuse or neglect to remove or destroy the debris within the time limited by such notice as provided under §41-2 or §41-4, then the Fire

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Marshal, Chief of the Police Department, Health Officer or Property Maintenance Officer shall issue a citation for violation of this chapter. For each subsequent violation of this chapter by an owner or tenant within the same calendar year, for the same property, the owner or tenant shall not receive notice pursuant to §41-2 or §41-4, and a citation shall be immediately issued for said violation. The Fire Marshal, Chief of the Police Department, Health Officer or Property Maintenance Officer may also, either in lieu of or in combination with the issuance of a citation, and within their sole discretion, remove or cause to be removed or destroyed under his or her discretion all such accumulations as hereinbefore set forth.

SECTION 2: Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause or phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

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

SECTION 4: This Ordinance shall take effect twenty (20) days following adoption and publication as required by law.

Motion by Councilman Batten, second by Council President DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2009-15. There were no requests to be heard. Motion by Councilman Batten, second by Councilman McIntosh to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by Council President DiGangi, second by Councilman Batten to adopt Ordinance 2009-15. Ordinance adopted by call of the roll, four members present voting in the affirmative.

FIRST READING ORDINANCE 2009-16 AMENDING ORDINANCE 2008-17 FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY

Motion by Councilman Batten, second by Councilman McIntosh to adopt Ordinance 2009-16 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

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RESOLUTION 2009-174 RESOLUTION CANCELING SEWER BILLINGS FOR 170 BATE AVENUE

WHEREAS, there is a sewer account with billings for the Township of Berlin under the address of the former Municipal Building at 170 Bate Avenue; and

WHEREAS, since the Municipal Building will not be relocated to its former location, it is necessary to cancel the sewer billings associated with the address.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the sewer billings for 170 Bate Avenue be hereby canceled.

Motion by Councilman Batten, second by Councilman McIntosh to adopt Resolution 2009-174. Resolution adopted by call of the roll, four members present voting in the affirmative.

Resolution 2009-175

Payment of Bills September 28, 2009

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
Camden County Animal Shelter	Dog Trust	440.00
Countywide Animal Control	Dog Trust	50.00
KEI Associates	Planning Board Escrow # 32	398.75

CONFIRMING

America on Line	01-201-20-120-2105	32.90
NJ Dept of Treasury	07-201-55-502-2042	50.00
TD Bank	07-201-55-520-2105	85,000.00
	07-240-55-540-3000	8,982.37
	07-201-55-522-2105	34,847.63
	07-168-05-540-3000	202,585.63

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Motion by Councilman McIntosh, second by Council President DiGangi to adopt Resolution 2009-175. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2009-176 RESOLUTION AUTHORIZING EMERGENCY TEMPORARY 2009/2010 BUDGET APPROPRIATIONS

WHEREAS, an emergency condition has arisen with respect to various budget accounts since the 2009/2010 Budget has not been adopted due to the submission of our application for Extraordinary Municipal Aid. The Temporary budget included appropriations for the first three months of 2009/2010 and N.J.S.A 40A-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the local emergency temporary resolutions adopted in the year 2009/2010 pursuant to the provisions of N.J.S.A. 40A-20 (Chapter 96,P.L. 1951 as amended) including this resolution totaling \$3,700,716.96 for Current Fund, \$393,400.00 for Sewer Utility Fund and \$68,000.00 for Open Space, Recreation, Farmland and Historic Preservation Fund.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin in accordance with N.J.S.A. 40 -20:

1. An emergency temporary appropriation be and the same is hereby made to provide for operations of the Township of Berlin through December 31, 2009 in the total amount of \$3,700,716.96 for Current Fund, \$393,400.00 for Sewer Utility Fund and \$68,000.00 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund.
2. That said emergency appropriation will be provided for the 2009/2010 budget.
3. That a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

GENERAL GOVERNMENT:

Mayor & Council	
Salaries & Wages	\$ 29,000.00
Other Expenses	14,000.00
Township Clerk	
Salaries & Wages	43,000.00
Other Expenses	16,000.00
Finance Administration	
Salaries & Wages	56,000.00
Other Expenses	6,000.00
Audit Services	
Other Expenses	12,000.00
Revenue Administration	

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Salaries & Wages	38,000.00
Other Expenses	7,000.00
Tax Assessment Administration	
Salaries & Wages	13,000.00
Other Expenses	5,000.00
Legal Services and Costs	
Expenses	10,000.00
Engineering Services and Costs	
Other Expenses	8,000.00
LAND USE ADMINISTRATION	
Planning Board	
Other Expenses	6,000.00
CODE ENFORCEMENT AND ADMINISTRATION	
Uniform Construction Code	
Salaries & Wages	47,000.00
Other Expenses	12,000.00
Other Code Enforcement	
Salaries & Wages	19,000.00
Other Expenses	1,000.00
INSURANCE	
Liability Insurance	
Other Expenses	70,000.00
Workers Compensation Insurance	
Other Expenses	65,000.00
Employee Group Insurance	
Other Expenses	650,000.00
Unemployment Insurance	
Other Expenses	1,900.00
PUBLIC SAFETY FUNCTIONS	
Police Department	
Salaries & Wages	1,000,000.00
Other Expenses	55,000.00
Emergency Management	
Salaries & Wages	1,600.00
Other Expenses	800.00
Aid to Volunteer Ambulance Company	
Other Expenses	25,000.00
Municipal Prosecutor	
Salaries & Wages	7,000.00
Other Expenses	500.00
PUBLIC WORKS FUNCTION	

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Streets and Road Maintenance	
Salaries & Wages	76,000.00
Other Expenses	6,000.00
Solid Waste Collection	
Salaries & Wages	170,000.00
Other Expenses	8,000.00
Buildings & Grounds	
Salaries & Wages	41,000.00
Other Expenses	40,000.00
Vehicle Maintenance	
Salaries & Wages	56,000.00
Other Expenses	43,000.00
NJPDES-Storm water	
Salaries & Wages	25,000.00
Other Expenses	9,000.00
HEALTH AND HUMAN SERVICES FUNCTIONS	
Public health services	
Salaries & Wages	5,000.00
Other Expenses	500.00
PARKS AND RECREATION	
Recreation Services and Programs	
Other Expenses	6,000.00
Maintenance of Parks	
Salaries & Wages	48,000.00
Other Expenses	7,000.00
Maintenance of Free Public Library	
Salaries & Wages	15,000.00
Other Expenses	4,000.00
OTHER COMMON OPERATING FUNCTIONS (UNCLASSIFIED)	
Accumulated Leave Compensation	1,000.00
Celebration of Public Events	
Other Expenses	10,000.00
UTILITIES EXPENSES AND BULK PURCHASES	
Electricity & Natural Gas	30,000.00
Street Lighting	50,000.00
Telephone	20,000.00
Water	3,000.00
Petroleum Products (Fuel Oil & Gas)	50,000.00
Sewerage	4,000.00
Landfill/Solid Waste Disposal Costs	100,000.00

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STATUTORY EXPENDITURES

Public Employees Retirement System	0.00
Social Security	130,000.00

Police & Fire Retirement System	0.00
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FEDERAL & STATE GRANTS

CC Recreation Facility Enhancement Round 10 Grant	50,000.00
Home Investment Partnership Grant	100,000.00
Over the Limit Under Arrest 2009 Grant	6,000.00
Obey the Signs or Pay the Fines Grant	3,516.96

MUNICIPAL COURT

Municipal Court	
Salaries & Wages	54,000.00
Other Expenses	19,000.00
Public Defender	
Other Expenses	500.00

CAPITAL IMPROVEMENTS (AND CAPITAL IMPROVEMENT FUND)

Capital Improvement Fund	0.00
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MUNICIPAL DEBT SERVICE

Bond Principal	190,000.00
Bond Interest	101,400.00
Note Interest	0.00

TOTAL EMERGENCY TEMPORARY CURRENT FUND APPROPRIATIONS

\$ 3,700,716.96

**EMERGENCY TEMPORARY APPROPRIATIONS
SEWER OPERATING FUND**

OPERATING

Salaries & Wages	120,000.00
Other Expenses	140,000.00

Debt Service

Bond Principal	85,000.00
Bond Interest	37,000.00

STATUTORY EXPENDITURES

Public employees Retirement System	0.00
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SEPTEMBER 28, 2009

Social Security	11,000.00
Unemployment Compensation Insurance	400.00
TOTAL EMERGENCY TEMPORARY SEWER OPERATING FUND APPROPRIATIONS	
	\$ 393,400.00

**EMERGENCY TEMPORARY APPROPRIATIONS
OPEN SPACE, RECREATION, FARMLAND AND
HISTORIC PRESERVATION TRUST FUN**

Salaries & Wages	\$25,000.00
Other Expenses	10,000.00
Bond Principal	5,800.00
Interest on Bonds	27,200.00
TOTAL OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION FUND APPROPRIATIONS	
	\$ 68,000.00

Motion by Councilman McIntosh, second by Council President DiGangi to adopt Resolution 2009-176. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2009- 177 RESOLUTION CONFIRMING THE HIRING OF A PUBLIC WORKS – CLERK TYPIST

WHEREAS, the current temporary clerk typist in the Public Works Department, Theresa Vandegrift has resigned as temporary clerk typist, yet will remain as a part time bus driver; and

WHEREAS, it is necessary to hire a new full time Public Works – Clerk Typist, for the Township of Berlin;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that Kathleen S. Jamison be hired as a full time Public Works – Clerk Typist, effective September 21, 2009.

Motion by Councilman Batten, second by Councilman McIntosh to adopt Resolution 2009-177. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2009-178 RESOLUTION AMENDING SALARY RESOLUTION 2008: 207 ESTABLISHING SALARY AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY

SEPTEMBER 28, 2009

WHEREAS, the Mayor and Council of the Township of Berlin adopted Resolution 2008: 207 on December 15, 2008, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2009; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salaries effective September 21, 2009:

POSITION	AMOUNT PER YEAR
Public Works – Clerk Typist	\$21,000.00

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

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-178. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2009-179 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH IKON OFFICE SOLUTIONS FOR LEASING A DIGITAL COPIER MACHINE FOR THE LAND USE OFFICE IN ACCORDANCE WITH STATE CONTRACT

WHEREAS, The State of New Jersey, Division of Purchasing, has awarded a contract to Ikon Office Solutions for leasing of a digital copier machine; and

WHEREAS, the Township of Berlin wishes to lease a digital copier machine for the Land Use Office in accordance with the State Contract 64039 awarded to Ikon Office Solutions for a price of \$79.10 per month for 48 months as permitted by N.J.S.A. 40A:11-15; and

WHEREAS, funds are available as set forth on the attached Certification from the Township Chief Financial Officer; and

WHEREAS. In accordance with N.J.S.A. 40A:11-15 the lease agreement contains a clause making it subject to the availability and appropriation made annually of sufficient funds as required to meet the extended obligations as well as an annual cancellation clause; and

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor be and is hereby authorized to sign the lease agreement with Ikon Office Solutions in accordance with State Contract 64039 for \$79.10 per month for 48 months.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2009-179. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2009-180 LIST OF UNCOLLECTIBLE TAXES

To the Mayor and Council to the Township of Berlin:

SEPTEMBER 28, 2009

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 23, 2009

Diane Zoppel, CTC - Tax Collector

NAME	YEAR	DESCRIPTION	AMOUNT	REASON
Lois J. Brino	2009	702-9	250.00	Senior Citizen
Lois J. Brino	2009	702-9	250.00	Widow of Veteran
Joann Smith	2009	1304-1	250.00	Disabled Person
			\$750.00	TOTAL to Nov 2009

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2009-180. Resolution adopted by call of the roll, four members present voting in the affirmative.

APPROVAL OF BUSINESS LICENSES

1) Healthcare Technical Institute, Annie Davies, 223 Haddon Avenue West Berlin. Motion by Council President DiGangi, second by Councilman McIntosh to deny business licenses for Healthcare Technical Institute. License approved by call of the roll four members present voting in the affirmative.

2) Saladworks, Kenneth Koch, 199 route 73 north, West Berlin. Motion by Council President DiGangi, second by Councilman Batten to approve business licenses for Saladworks. License approved by call of the roll four members present voting in the affirmative.

3) Party Time Inflatables LLC, Joseph Chopel, 371 Blaine Avenue West Berlin. Motion by Councilman Batten, second by Council President DiGangi to approve business license for Party Time Inflatables LLC. License approved by call of the roll four members present voting in the affirmative.

4) Horning Landscaping, Adam Horning, 465 East Taunton Avenue, West Berlin. Motion by Councilman McIntosh, second by Council President DiGangi to approve business license for Horning Landscaping. License approved by call of the roll four members present voting in the affirmative.

5) Nardi's Deli, Robert Cusato, 201 Haddon Avenue, West Berlin. Motion by Councilman Batten, second by Councilman McIntosh to approve business license for Nardi's Deli. License approved by call of the roll four members present voting in the affirmative.

CONSENT AGENDA

SEPTEMBER 28, 2009

Motion by Councilman Batten, second by Council President 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 MINUTE SEPTEMBER 14, 2009

Motion by Councilman McIntosh, second by Council President DiGangi to approve the minutes of September 14, 2009. Motion carried by voice vote, all present voting in the affirmative.

APPROVAL OF CLOSED SESSION MINUTE SEPTEMBER 14, 2009

Motion by Council President DiGangi, second by Councilman Batten to approve the closed session minutes of September 14, 2009. Motion carried by voice vote, all present voting in the affirmative.

GOOD AND WELFARE #2

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

Mr. Hertzberg from Lucas Avenue asked if we are looking into solar panel for the new building. Mayor Magazzu responded that we are open into looking into all options, that would save money.

No more comments were to be heard.

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

ALL OTHER BUSINESS

Council President DiGangi has been approached about putting street signs up near Andes Trail that say, "Children Playing" "No Outlet". Mike McGee, Director of Public Works stated that there are already signs that are posted in that area, but will check to see about putting mini signs on the ones already posted.

Mayor Magazzu stated that the town is planning a Halloween Parade on October 30th. The response for participation has been good. The parade will start at McPeak Library and end at the DDE School.

Mayor Magazzu commented that Mary Soards would like to be on the committee for the 100 Year Anniversary. Our Anniversary is April 11, 2010. Mayor asked Councilman Batten if he would like to be on the committee. Councilman Batten replied yes.

Councilman Batten noted that there seems to be some Property Maintenance issues with some of the business near the New Municipality and that we should address them. Mayor Magazzu replied that she would have the Maintenance Officer check it out.

SEPTEMBER 28, 2009

RESOLUTION 2009-181 OF THE TOWNSHIP OF BERLIN RESERVING SEWER ALLOCATION

WHEREAS, the Township of Berlin previously conducted its municipal operations at 170 and 176 Bate Avenue, in the Township of Berlin; and

WHEREAS, the Township is developing a new site for municipal operations, located at 135-145 Rt. 73, Block1402, Lot 1.01; and

WHEREAS, the need for sewer service at 170 and 176 Bate Avenue will be temporarily suspended pending transfer to the new municipal building on Rt. 73, and it is necessary to reserve for use by the Township the sewer allocation previously utilized at 170/176 Bate Avenue.

NOW, THEFORE, BE IT RESOLVED, by the Mayor and Governing Body of the Township of Berlin, that the sewer allocation previously allocated for the property located at 170/176 Bate Avenue, for the Township's use, shall be reserved and transferred to the property location for the new municipal complex at 135-145 Rt. 73, Berlin Township.

Motion by Councilman Batten, second by Council President DiGangi to adopt Resolution 2009-181. Resolution adopted by call of the roll, four members present voting in the affirmative.

ADJOURN

Motion by Councilman McIntosh, second by Council President DiGangi to adjourn the meeting at 7:35 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 7:35 pm

Catherine Underwood, Township Clerk

SEPTEMBER 28, 2009