

SEPTEMBER 8, 2008

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY, WAS HELD IN THE CONFERENCE ROOM OF THE SCHOOL BOARD ADMINISTRATIVE BUILDING, 225 GROVE AVENUE, WEST BERLIN, NEW JERSEY ON MONDAY, SEPTEMBER 8, 2008 AT 6:30 P.M.

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

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

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

Arrived at 7:30 - Councilman McIntosh

GOOD AND WELFARE #1

Motion by Councilman Morris, 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.

L. Amato from Lucas Avenue spoke about the ditch in the back of her property and how it was not being maintained.

T. Hertzberg of Lucas Avenue said if the ditch is not cleaned water will back up on Haddon Avenue and Walker. Michael McGee stated that he called Robert Kelley at the County and was waiting for a call back. Engineer Chuck Riebel spoke to the County today and that Frank Moran of the Highway Department is in charge and is working on the ditch as their schedules permits.

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

DEPARTMENTAL REPORTS

A. CHANGE ORDER(S) AND/OR VOUCHER(S)

2008 Street Improvement Program:

- We have processed and submitted Voucher No. 1 in the amount of \$55,946.24 and Change Order No. 1 (no change to contract amount) for DiMeglio Construction Company for review and consideration, by the Governing Body, at the Council Meeting of September 8, 2008.

ENGINEERS REPORT

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

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

2. **2007 STREET IMPROVEMENTS PROGRAM:**

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

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

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

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

- a) Clarence Avenue-Haddon Avenue to Veteran's Avenue.
Amount of funding requested: = \$ 415,725.00
- b) N.J.S.H. Route 73 sidewalk, Phase 2-Jackson Road to Edgewood Avenue. Amount of funding requested = \$174,000.00

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

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

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

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

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

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

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

The developer has requested that the Township not commence with the reconstruction of the street until the Spring of 2010 so that they can begin

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marketing the development in 2009 without any disruption, caused by the street reconstruction.

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

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

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

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

8. **HADDON AVENUE STREETScape IMPROVEMENTS (KEI #430BT1104 & #431BT1104):**
 - a. Phase 2 – Franklin Avenue to Bate Avenue (N.J.D.O.T. Discretionary Fund – \$ 200,000.00) (KEI #431by0105)

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

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

 - b. Future Phases – Jefferson Avenue to Franklin Avenue and Walker Avenue – Bate Avenue to Lucas Avenue (KEI#29-430BT1104)

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

We have completed the amendments to the Construction Plans and Specifications and will resubmit them to the Department, during the week of September 8, 2008, for authorization to schedule the receipt of bids.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SOLICITOR'S REPORTS

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

PUBLIC WORKS DEPARTMENT

Mike McGee presented a draft copy of Park Ordinance for discussion. Mike also stated that he was not in favor on approving the Interlocal Service Agreement for Snow Removal with Camden County.

POLICE DEPARTMENT

Michael Hayden reported on the hiring of a new crossing guard. Talked about an increase with Towing Fees and said we were in line with surrounding communities. He also said he would like to start the interview process for the new Police Chief.

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PROPERTY MAINTENANCE / ZONING

Michael Laginestra spoke about how busy this summer was with shed permits, property maintenance issues and pools. He spoke about the regulations with 2ft pools needing permits.

SECOND READING AND PUBLIC HEARING ORDINANCE 2008-10 STATE FISCAL YEAR 2009 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Township of Berlin in the County of Camden finds it advisable and necessary to increase its SFY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$ 58,470.11 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council of the Township of Berlin hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Township of Berlin, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2009 budget year, the final appropriations of the Township of Berlin shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0 %, amounting to \$ 58,470.11 , and that the SFY 2009 municipal budget for the Township of Berlin be approved and adopted in accordance with this ordinance; and,

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BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion by Council President DiGangi, second by Councilman Morris to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2008-10. There were no request to be heard. Motion by Councilman Morris, second by Council President DiGangi to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Motion by President DiGangi, second by Councilman Batten to adopt Ordinance 2008-10. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2008-11 OF THE TOWNSHIP OF BERLIN
AMENDING CHAPTER 37 OF THE CODE OF THE TOWNSHIP OF BERLIN
CAPTIONED "AMUSEMENT DEVICES; COIN OPERATED"**

Motion by Council President DiGangi, second by Councilman Batten to adopt Ordinance 2008-11 on first reading by title. Ordinance adopted by call of the roll ,four of the members present voting in the affirmative, one abstained.

RESOLUTION 2008:166 RESOLUTION TO READ BUDGET BY TITLE

WHEREAS, N.J.S. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection in the free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

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Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2008-166. Resolution adopted by call of the roll, five members present voting in the affirmative.

PUBLIC HEARING 2009 SFY BUDGET

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

Carol Picciotti of Berlin Township had question on how the Township is spending money without a budget being passed. The CFO replied that we are currently working on a temporary budget.

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

RESOLUTION 2008-167 LIST OF UNCOLLECTIBLE TAXES

To the Mayor and Council to the Township of Berlin:

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

Dated August 22, 2008

Diane Zoppel, CTC - Tax Collector

NAME	YEAR	DESCRIPTION	AMOUNT	REASON
Frances Kernan Citizen	2008	206-2	250.00	Senior
			\$ 250.00	TOTAL to Nov
2008				

By resolution of the Mayor and Council of the Township of Berlin, the taxes listed above have been ordered remitted and the Collector relieved thereof.

Motion by Councilman Morris, second by Councilman McIntosh to adopt Resolution 2008-167. Resolution adopted by call of the roll, five members present voting in the affirmative.

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RESOLUTION 2008-168 A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT N.J.S.A. 54:49-15 FOR BLOCK 1904 LOT 15 CA107

WHEREAS, Commerce Bank was responsible for making tax payments for property owned by Stephen Frankel & Ronald Rubinson in the Township of Berlin where funds were received on July 18th, 2008, and;

WHEREAS, the new owners made payment for the same installment stating they took ownership to the property of 465 Taunton Avenue, unit 107 on July 1, 2008 and paid August 1, 2008 tax, and;

WHEREAS, an overpayment for the August tax has been created in the amount of \$1,147.57 and must be refunded, so;

THEREFORE, BE IT RESOLVED that a refund be made in the amount of One thousand, one hundred, forty seven dollars and fifty seven cents to:

Commerce Bank
1701 Route 70 East
Cherry Hill, NJ 08034-5400
Attn: Susan Collins-Loan #1361706813 partial release

These funds are in the General Account.

Submitted for the September 8, 2008 meeting

ADOPTED: September 8, 2008 ATTEST: _____
Jamey Eggers, Clerk

RESOLUTION #2008-168

Diane Macri-Zoppel, CTC

Voucher # 49471

Check # Dated:

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2008-168. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-169 A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT N.J.S.A. 54:49-15 BLOCK 1306 LOT 30

WHEREAS, First American Real Estate Tax Service was responsible for making tax payments for property owned by Nancy Dubinick located at 23 Holly Drive in the Township of Berlin where funds were received on August 5, 2008, and;

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WHEREAS, Southern United Title Agency handled the settlement transfer to Elizabeth Derbyshire on July 9, 2008 and paid August 1, 2008 tax, and;

WHEREAS, First American Real Estate Tax Service made payment for the August 1, 2008 prior to the payoff of the mortgage and sent notice to this office to refund the overpayment to them, and;

WHEREAS, an overpayment for the August tax has been created in the amount of \$1,026.936 and must be refunded, so;

THEREFORE, BE IT RESOLVED that a refund be made in the amount of One thousand, twenty six dollars and ninety six cents to:

First American Real Estate Tax Service
Refund Unit DFW 1-3
One First American Way
Westlake, Texas 76262
RE: Contract # 29331204

These funds are in the General Account.

Submitted for the September 8, 2008 meeting

ADOPTED: 9-08-08

ATTEST: _____
Jamey Eggers, Clerk

RESOLUTION #2008-169

Diane Macri-Zoppel, CTC

Voucher # 49470

Check # Dated:

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2008-169. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008:170 RESOLUTION TO INCREASE TOWING AND STORAGE FEES PURSUANT TO ORDINANCE 2000-10

WHEREAS, the Township of Berlin has adopted Ordinance 2000-10 establishing a procedure for private towing services within the Township; and

WHEREAS, the Ordinance requires the towing and storage fees to be set by Resolution of the Governing Body; and

WHEREAS, the Township is authorized to adopt the fee schedule pursuant to N.J.S.A. 40:48-2.54, based upon the usual, customary and reasonable rates of operators towing and storing motor vehicles in the municipality:

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RESOLUTION 2008-172 WAIVING THE CONSTRUCTION PERMIT FEES FOR THE WESLEY UNITED METHODIST CHURCH

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the municipal construction permit fees for the Wesley United Methodist Church a 159 Bate Avenue, Township of Berlin be waived.

Motion by Council President DiGangi, second by Councilman Morris to adopt Resolution 2008-172. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-173 CHANGE ORDER NO. 1 FOR COMPLETING THE 2008 STREET IMPROVEMENTS

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin that Change Order No. 1 if hereby authorized and approval is hereby granted (contract amount remains the same).

Motion by Councilman Batten, second by Councilman McIntosh to adopt Resolution 2008-173. Resolution adopted by call of the roll, five members present voting in the affirmative.

Resolution 2008:174 Payment of bills September 8, 2008

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

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

TO	ACCOUNT	AMOUNT
CC Animal Shelter	Dog Trust	440.00

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Countywide Animal Control	Dog Trust	200.00
Robert E DePersia, II	Mun Public Defender	450.00
Exterior Images	Housing Rehab Trust	3,592.00
Bloom Organization	Planning Board Esc # 183	36,745.31
David F. Carlamere	Planning Board Esc #313	125.00
KEI Associates	Planning Board Esc# 208	891.25
	Planning Board Esc # 233	680.00
	Planning Board Esc # 285	1,893.75
	Planning Board Esc # 286	671.25
	Planning Board Esc # 308	3,391.25
	Planning Board Esc # 313	1,142.50
	Planning Board Esc # 332	1,096.25
	Planning Board Esc # 339	935.00

CONFIRMING

Treasurer, State of NJ	Dog Trust	8.40
Krisanna Construction	04-204-55-865-07092	3,265.28
	04-204-55-865-07091	3,005.14
	04-204-55-866-70804	8,233.82
	04-204-55-867-70806	2,860.03
America on Line	01-201-20-120-2105	32.90
American Asphalt	01-213-82-026-3000	5,563.95
Atlantic City Electric	01-201-31-435-2075	5,437.26
	01-201-31-435-2071	4,677.36
AT&T Mobility	01-201-31-440-2076	1,007.68
Berlin Twp Bd of Education	01-207-55-020-3000	710,855.00
Commerce Bank	01-201-46-930-2105	36,515.02
	01-170-05-010-3000	18,353.73
	01-201-45-930-2105	46,218.02
	01-170-05-010-3000	8,474.50
James Hale	01-201-26-310-2020	75.00
National Telecommunications`	01-201-31-440-2076	1,295.00
S & H Electrical	01-201-26-310-2024	100.00
George Turner	01-201-26-310-2024	375.00
State of New Jersey	01-201-23-220-2092	11,456.79
State of New Jersey	01-201-23-220-2092	11,456.79
State of New Jersey	01-201-23-220-2092	39,423.48
State of New Jersey	01-201-23-220-2092	39,423.48

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Payroll, Current Fund	7/3/2008	61,012.25
Payroll, Sewer	7/3/2008	4,854.16
Payroll, Current Fund	7/10/2008	64,785.01
Payroll Sewer	7/10/2008	4,638.82
Payroll, Current Fund	7/17/2008	59,932.72
Payroll, Sewer	7/17/2008	4,628.35
Payroll, Current Fund	7/24/2008	60,657.57
Payroll, Sewer	7/24/2008	4,638.87
Payroll, Current Fund	7/31/2008	77,631.08
Payroll, Sewer	7/31/2008	4,762.52

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2008-174. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-175 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE SURETY BOND FOR TOBO, L.L.C.; THOMAS BERARDI AND POSTING OF MAINTENANCE GUARANTY

WHEREAS, Tobo, L.L.C.; Thomas Berardi of 179 Lucas Avenue; Block 207, Lot1, West Berlin, New Jersey; has requested the release of their Performance Surety Bond No. 587034S in the amount of \$15,900.00, and

WHEREAS, the Engineer has recommended that the Township grant the request for the release of the Performance Surety Bond contingent upon the posting of a two year Maintenance Bond in the amount of \$2,385.00, beginning on the date of the release of the Performance Bond.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Surety Bond No. 587034S for Tobo, L.L.C., is hereby granted with the conditions stated above.

Motion by Councilman Morris, second by Councilman Batten to adopt Resolution 2008-175. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-176 RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE INTERLOCAL SERVICES AGREEMENT BY AND BETWEEN THE COUNTY OF CAMDEN AND THE TOWNSHIP OF BERLIN

WHEREAS, the Township of Berlin wishes to enter into an Interlocal Services Agreement by and between the County of Camden; for the provision of snow removal for designated County roads in exchange for pro-rata allotments, of road salt or calcium.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden that the Mayor is hereby authorized to sign the Interlocal Services Agreement by the County of Camden.

Motion by Councilman Batten, second by Councilman Morris to deny Resolution 2008-176. Resolution denied by call of the roll, five members present voting in the affirmative.

APPROVAL OF BUSINESS LICENSES

A) PICCIOTTI CONSULTING, Management consulting, gathering information for clients, all work done in home office. 94 Hudson Ave.

Motion by Councilman Batten, second by Councilman Morris to approve business license for Picciotti Consulting. License approved by call of the roll, five members present voting in the affirmative.

B) PERFECT WEDDING GUIDE, Publish Wedding Magazine, office work done on premises. 1000 Taunton Avenue.

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

CONSENT AGENDA

Motion by Councilman Batten, second by Council President DiGangi to receive and file the monthly reports on the consent agenda. Motion carried by call of the roll, five members present voting in the affirmative.

APPROVAL OF CORRESPONDENCE CALENDAR FOR JULY AND AUGUST 2008

Motion by Council President DiGangi, second by Councilman Morris to receive and file the correspondence calendar for July and August 2008. Motion carried by call of the roll, five members present voting in the affirmative

APPROVAL OF THE MINUTES OF AUGUST 4, 2008

Motion by Council President DiGangi, second by Councilman Morris to approve the minutes of August 4, 2008. Motion carried by call of the roll, four voting in the affirmative, one abstained.

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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.

There were no comments to be heard.

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

ALL OTHER BUSINESS FOR DISCUSSION

Discuss Park use Ordinance - Solicitor will make changes and introduce later.

RESOLUTION 2008-177 RESOLUTION TO WAIVE THE LATE FEE CHARGES FOR THE TOWNSHIP OF BERLIN SEWER BILL

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request to waive the late fee charge, now the outstanding principal balance of the Berlin Township Sewer bill is hereby granted to be cancelled.

Motion by Councilman Morris, second by Council President to adopt Resolution 2008-177. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2008-178 CLOSED SESSION TO DISCUSS THE DEVELOPMENT OF A NEW MUNICIPAL BUILDING

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 the Development of a New Municipal Building.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-178. Resolution adopted by call of the roll, five members present voting in the affirmative.

REOPENED PUBLIC MEETING

Motion by Councilman McIntosh, second by Council President to reopen to public meeting. Motion carried by voice vote, five member present in the affirmative.

RESOLUTION 2008-179 RESOLUTION OF THE TOWNSHIP OF BERLIN FOR THE DEVELOPMENT OF A NEW MUNICIPAL BUILDING

WHEREAS, the Township of Berlin has been investigating various sites for the building and development of a new municipal building; and

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WHEREAS, in the course of the investigation, the Governing Body has engaged in discussions with officials from the Borough of Berlin regarding the possibility of jointly purchasing property and developing a new building to be utilized by both entities; and

WHEREAS, it is necessary to move forward in this process without further delay.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Governing Body of the Township of Berlin, that in the event the Borough of Berlin does not commit, by binding Resolution on or before September 24, 2008, to jointly purchase with the Township of Berlin the Walker Avenue site (84 Haddon Avenue) and to build a joint municipal building thereon, the Township of Berlin shall immediately proceed to develop the parcel currently owned by the Township, on Bate Avenue, for a new municipal building for the Township.

Motion by Council President DiGangi, second by Councilman McIntosh to adopt Resolution 2008-179. Resolution adopted by call of the roll, five members present voting in the affirmative.

OPEN MEETING TO PUBLIC FOR COMMENTS ON RESOLUTION 2008-179

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.

Carol Picciotti asked if there was state funding for shared services and Mayor Magazzu answered that there is no funds available for shared services or building cost, only for feasibility study.

Mr. McShea of Berlin Township commented on building at 170 Bate Avenue or at the Walker Avenue site. Mayor Magazzu responded that we are looking at all aspect

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

ADJOURNED

Motion by Councilman McIntosh, second by Council President DiGangi to adjourn the meeting at 9:23 p.m. Motion carried by voice vote, all present voting in the affirmative.

Jamey Eggers, Township Clerk

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