

**SEPTEMBER 9, 2013**

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL SEPTEMBER 9, 2013 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-** Council President Morris, Councilman Epifanio, Councilman McIntosh, Councilwoman Bodanza, Mayor Magazzu

**Also Present-** Solicitor, Stuart Platt, CFO, Lori Campisano, Engineer/Public Works Director, Chuck Riebel, Chief of Police, Leonard Check, Josh Shellenberger, Maintenance/Animal Control

**Absent-**

**Mayor Magazzu asked for a moment of silence for the remembrance of September 11<sup>th</sup> victims, this will mark the 12<sup>th</sup> year.**

**Eagle Scout Project Candidate Mr. Latimer did Presentation for the Landscaping of the Municipal Grounds**

**Proclamation: "National Grandparents Day"**

**NATIONAL GRANDPARENTS DAY**

In every corner of our country and across all walks of life, grandparents are a tremendous source of wisdom, strength, and joy. They are caregivers, teachers, and friends -- windows to the past and guideposts for the future. On National Grandparents Day, America pauses to honor the bedrocks of our families and thank every grandmother and grandfather for their immeasurable contributions to our country.

Our grandparents' generations made America what it is today. They led our Nation through times of war, heralded new ages of innovation, and tested the limits of human imagination. They challenged longstanding prejudices and shattered barriers, both cultural and scientific. In our homes and our communities, grandparents pass down the

values that have led generations of Americans to live well and give back. As individuals, as families, and as a society, we have an unshakable obligation to provide the care and support our grandparents have earned. Together, let us guarantee the right of every American to live out their golden years in dignity and security.

Today, we reflect on the ways our grandparents have enriched our lives, and we celebrate their contributions to the life of our Nation.

NOW, THEREFORE, the Mayor and Council of the Township of Berlin hereby proclaim September 8, 2013, as National Grandparents Day. I call upon all Americans to take the time to honor their own grandparents and those in their community.

## **Departmental Reports**

### **ENGINEER/ PUBLIC WORKS**

#### **A. CHANGE ORDERS AND VOUCHERS**

##### **1. 2013 Street Improvement Program**

###### **a. Proposal Number 2 – Improvements to Edgewood Avenue**

I will be reviewing the invoice, which has been submitted by the contractor and expect to recommend payment (amount to be determined).

###### **b. Proposal Number 3, Improvements to Various Streets**

I expect to be submitting a revised Change Order No. 1 and revised Voucher Number 1 for consideration for approval by the Governing Body at the Council Meeting on September 9, 2013.

#### **B. RESOLUTIONS AND ORDINANCES FOR CONSIDERATION**

##### **1. N.J.D.O.T. FY 2014 Applications**

The N.J.D.O.T. has announced the acceptance of applications for Municipal Aid (90% Street Improvements, 10% Pedestrian Safety Improvements, and Bikeways (preference given to off-road bikeways). The deadline for the electronic submission of the applications is September 20, 2013. I recommend that the Governing Body consider applying for the same Municipal Aid projects as the past two years, which are the following:

- a. Oak Avenue – N.J.D.O.T. Jughandle “A” to 80 feet past Clover Avenue.
- b. Hazel Avenue - Chestnut Avenue to Cushman Avenue

The Governing Body may want to apply for those pedestrian safety improvements which were identified under the Safe Routes to School Study and/or an off-road bikeway.

##### **2. Release of Performance Bond for Monitoring Well Along Veteran’s Avenue – I.P. Singh (C&M Motors Site)**

The applicant has submitted a request to release the bond for one of the two monitoring wells as they only had to install one well.

I question if separate bonds were posted for each well or if it will be necessary to reduce the bond to retain the guarantee for the well, which was installed by the applicant.

I recommend that the Governing Body consider passing a resolution to release the bond for one well while retaining the bond for the installed well.

## **C. ENGINEER'S REPORT**

### **1. 2013 STREET IMPROVEMENT PROGRAM**

- a. Proposal No. 1 – Improvements to Mt. Vernon Avenue from Minck Avenue to Franklin Avenue (Partial Funding Through N.J.D.O.T. - \$180,000)

We have completed the construction stakeout and are preparing the grade sheets for the curb and gutters. The Contractor, Lexa Concrete, L.L.C. commenced with the construction of the concrete items August 26, 2013. It is expected that construction will take approximately six weeks. Once the concrete items are completed the street pavement will be excavated and a new pavement cross section constructed.

Ms. Campisano has informed me that the initial reimbursement for the grant has been received from the N.J.D.O.T.

- b. Proposal No. 2 – Improvements to Edgewood Avenue- From Cooper Road to the N.J.D.O.T. Project Near Rt. 73 (Partial Funding Through N.J.D.O.T. - (\$200,000.00))

We have completed the construction stakeout. The grade sheets for the curbing, still must be completed by our office.

The sub-contractor for Lexa Concrete, L.L.C. has completed the construction of the extension of the storm drainage to the existing swale at the Edgewood Recreation Complex. The construction has alleviated the flooding at the low point of the road. I have observed standing water, after the recent, intense storm, in the swale, which dissipated several days after the storm.

It is anticipated that the roadway improvements will take approximately six weeks to complete.

I will be submitting a change order, in the near future for the as-built changes for the drainage and the increase in the contract amount to correct the length of concrete curb.

- c. Proposal No. 3 – Various Streets

The contractor, Charles Marandino, L.L.C., has completed the construction along McClellan and Krumm Avenues (pavement reconstruction settled sewer trench), reconstruction of the intersection of Grove and Cleveland Avenue, built up driveway aprons at 136 and 138 Veteran's Avenue and reconstruction of the gutterline across from 245 Mt. Vernon Avenue.

I will be revising Change Order Number 1 and Voucher Number 1 to address the comments, which have been made by the contractor, I recommend that the Governing Body consider reviewing these documents and, hopefully, approving them at the Council Meeting on September 9, 2013.

We will be preparing a punch list for the corrective work to be performed by the contractor.

We have been informed by the owner of 138 Veteran's Avenue that the stormwater, during the recent, intense storms, is still entering her property. I have observed the condition, during two of the recent, intense storms, and observed the storm water toppling the built up apron and handicap ramp, at the corner of Veteran's and Walker Avenues. The owner has requested that a (doghouse) storm inlet be constructed, along Veteran's Avenue just up-gradient from her property, to intercept the stormwater from the gutterline of Veteran's Avenue. It appears that, from my observation, during these intense storms, the drainage system along Veteran's and Walker Avenue is under capacity, causing the stormwater to travel onto the above mentioned property. The additional storm inlet will intercept stormwater when the receiving piping system is operating at or less than its capacity.

**2. IMPROVEMENTS TO MCCLELLAN AVENUE – DEAD END**

This project is included in Ordinance 2011-26. I intend to include this project with the street improvements to Hill Avenue project. I could, also, request a price from Lexa Concrete, L.L.C. if the Governing Body would like to include, by Change Order, to the current contract.

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

I must perform the preliminary design and prepare the construction cost estimate to determine if the current Township and C.D.B.G. funds are sufficient to cover the construction cost.

**4. CAPITAL IMPROVEMENTS PROGRAM**

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

It is my understanding that the Governing Body is considering bonding for the improvements to the sewer pumping stations.

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

**5. HADDON AVENUE STREETScape, PHASES 1, 2, AND 3, JEFFERSON AVENUE TO LUCAS AVENUE (FEDERAL TEA-21 FUNDS \$555,240)**

We have submitted the Final Change Order, Final Voucher and other documents to the N.J.D.O.T. for their approval. I must submit a few more documents to the N.J.D.O.T. in order to close out the project, which I intend to do, in the immediate future.

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

I recommend that the Governing Body consider passing individual resolutions for the respective projects:

- a. Municipal Aid
  - 1. Oak Avenue- N.J.D.O.T. Ramp A to 80' Past Clover Avenue
  - 2. Hazel Avenue – Chestnut Avenue to Cushman Avenue
  - 3. Pedestrian Safety Improvements – in the area of the Elementary School Complex (flashing signs, crosswalks, signage, etc.)
- b. Bikeways
  - 1. Any on or off road bikeways, which the Governing Body may be considering for submission (off-road bikeways are preferred by the N.J.D.O.T. )
- c. Safe Streets to Transit
  - 1. Possible applications could be the pedestrian way from Jackson Road to Atco Rail Station, sidewalks along Franklin Avenue to the bus stop on Haddon Avenue.

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

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

**8. PROPOSED DOG PARK AT LUKE AVENUE RECREATION AREA, COUNTY OPEN SPACE APPLICATION**

The application package was submitted to the County.

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

I am hopeful that the Public Works staff will be able to construct the concrete foundation and floor. I believe that it will be necessary for a contractor to erect the bandshell structure and install the electric due to the anticipated, limited amount of time which the Public Works staff will be able to devote to the erection of the structure.

**10. PERVIOUS CONCRETE SIDEWALK ALONG NORTHBOUND  
ROUTE 73 -JACKSON ROAD TO EDGEWOOD AVENUE  
(N.J.D.O.T. FY'S 2008 AND 2009 FUNDING)**

The Contractor has applied the hardener/sealer, in the test areas. I will be observing the test areas and am hopeful that the application will be acceptable so that the application can be performed along the remaining area of the project.

Once the corrective work has been completed, we will submit the final invoice to the N.J.D.O.T. for the reimbursement of Municipal Aid funds.

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

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

We will be attending a seminar, presented by the N.J.D.O.T., regarding requirements for Federally Funded projects, in September, 2013.

**12. NO PASSING ZONE ALONG COOPER ROAD**

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

**13. MUNICIPAL BUILDING**

a. Roof Membranes

We must perform the vertical and horizontal measurements of the existing conditions, perform the design, prepare the bid documents and receive bids. I expect to receive bids in the Spring, 2014 for construction to follow, shortly thereafter.

b. Improvements to the Unfinished General Assembly Rooms

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

I believe that it may be possible for the Public Works staff to install the vinyl tile floor, during the winter season 2013/2014.

c. Free Standing Monument Sign

I had recommended that the Governing Body consider awarding a contract to Dandrea Masonry for the installation of the brick facing and concrete capping to the masonry block base. Since the quote is dated, at this time, I will contact the quoter to see if they are willing to hold their price.

d. Irrigation and Landscaping

The design for the irrigation system remains to be completed. I am hopeful that we will be able to have an irrigation contractor donate their design services. Otherwise, we must purchase design software to complete the task.

The Public Works staff will be completing the construction of the curved sidewalk, along the Day Avenue side of the building. The Public Works will be removing the grass, in the proposed landscape areas. The Eagle Scout candidate is scheduled to install the landscape plantings and mulch on September 7 and 8, 2013.

## **14. STORM DRAINAGE IMPROVEMENTS**

a. Lester Avenue Storm Drainage and Stormwater Management

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

The utility companies have marked the locations of their respective utilities. We will be performing the land surveying work and engineering design, in the near future. It is intended that the Public Works Department will perform the construction in early winter 2013.

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

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

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

b. Kelley Drive Stormwater Basin Reconstruction

We must prepare the bid documents so that the reconstruction work can be completed before the end of this year.

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

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

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

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

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

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

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

We must prepare the documents to support the request for the redesignation of the Pinelands Zoning to allow for greater density development and the extension of sanitary to the re-designated areas.

The Pinelands Commission staff has presented various proposals for changes to the requirements to purchase Pinelands development credits (PDC's) for lands within the Regional Growth Area.

I have contacted Mr. Dandrea and recommended that he meet with Pinelands staff to see if it would be possible to incorporate his lots into the Regional Growth Area, as part of this change for PDC's. Mr. Dandrea has provided me with a plan, depicting the desired development of his lands, to present to the Pinelands staff.

**17. MONTEBELLO PUMPING STATION**

No update to report. Therefore, I continue to recommend that the Governing Body NOT take any action to accept the ownership of this pumping station.

**18. TAX MAP REVISIONS**

We have not completed the revisions to the Tax Maps.

**19. FORMER MUNICIPAL BUILDING SITE, BATE AVENUE**

Key Engineers has completed the surveying fieldwork for the location of the existing improvements and have provided the respective CAD file. They are, currently, performing the outbounds closure calculations. I am hopeful that I will obtain the information and will issue the survey of the premises, in the immediate future.

Key Engineers, also, submitted a quote for the performance of the preliminary site assessment. I have recommended that Key Engineers perform this work, if funds are available. At this time, they are ready to commence with the work, once authorized. I believe that Ms. Campisano is in the process of determining if there are funds for this work.

**20. TRAFFIC MATTERS**

a. **Adjustment to the Timing Sequence for the Traffic Signal at the Intersection of Haddon and Franklin Avenues**

Chief Check has recommended that the green time be extended for Haddon Avenue (coming from Voorhees Twp) between 4:30 and 6:30 p.m. In order to change the signal timing it is necessary to perform traffic counts and a traffic engineering study. It will also be necessary to obtain County consent of re-timing of the signal sequence.

I have e-mailed the Director of the County Public Works Department and the County Engineer, requesting the status of the commencement of the improvements to the intersection, which includes the traffic signal upgrade and re-timing. Once I receive the response from the County, I will inform Chief Check.

b. **Installation of “NO THROUGH TRAFFIC” Signs**

With the direction of Chief Check, the signs have been relocated and re-oriented for improved sight and notice to motorists at the identified intersection along Haddon and Franklin Avenues. These signs have, also been installed at the intersection of Katherine Avenue and Rt. 73 Southbound.

c. **Traffic Calming Program**

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

Residents along Minck Avenue, Fairview Avenue and Taunton Avenue have voiced their concerns with the excessive speeding, along their streets. Several residents along Mt. Vernon Avenue have voiced their concern of vehicles speeding within the section where

the reconstruction project will be eliminating the high crown area at the intersections.

d. **Revision to Traffic Ordinance**

I have not been available to meet with the Solicitor's Office to discuss the many changes to the traffic code, which are necessary. I will be scheduling a meeting with the Solicitor's Office in September, 2013.

**D. PUBLIC WORKS DEPARTMENT**

1. **ROUTE 73 PUMPING STATION**

The new pumps have been delivered to the station compound area. The contractor, along with the assistance of the Public Works Staff, is scheduled to install and connect the pumps, during the week of September 2, 2013.

2. **IMPROVEMENTS TO SEWER PUMPING STATIONS**

It is my understanding that the Governing Body will be introducing a Bond Ordinance for the Improvements to every pumping station.

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

I continue to recommend that the Governing Body consider allocating the necessary funds for several vehicles and pieces of equipment for the Public Works Department. We have been experiencing frequent breakdowns, requiring repairs and making them unreliable and unavailable for usage for the performance of Public Works tasks.

4. **COMMUNITY CLEAN UP DAY**

I have met with Councilwoman Bodanza to schedule a community clean-up day for October 5, 2013. We have requested participation from various local organizations and groups. We have, also, contacted various businesses and restaurants, requesting donations for an appreciation luncheon for the participants of the clean – up activities.

5. **GREASE TRAP MAINTENANCE**

I believe that the Construction Office officials are reviewing the amending ordinance and will be submitting their comments and recommendations to the Governing Body.

6. **TEXTILE RECYCLING**

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

7. **LEAF COMPOST MATERIAL**

A large volume of composted leaves still exist within the compost facility, as individuals are not interested in taking the material in the un-grinded condition. We are unable to grind the leaves, during the composting process, as the tub grinder has been un-repairable and, therefore, unusable. We are trying to find someone that may be able to repair the tub grinder.

I have contacted contractors with tub grinders, to contract the grinding of the leaves, without anyone willing to perform the leaf grinding.

8. **IMPROVEMENTS TO THE FACILITIES AT CLYDE PARK**

The Public Works staff has removed the dilapidated shed. Individuals of the local street hockey organization have performed repairs to the large hockey rink. Their volunteer services are deeply appreciated.

The Public Works staff continues to perform frequent clean-ups, repairs and improvements to the facilities. The staff is in the process of replacing the vandalized gazebo railings with painted, wood railings. Wood railings will be utilized due to the greater cost of vinyl railings and frequent replacement/repair, due to damages.

I recommend that consideration be given for the installation of a camera surveillance system to monitor and record the activities at the facility.

9. **PERFORMANCE OF VARIOUS TASKS**

The Public Works staff continues to perform the seasonal tasks. With the rainy summer, the staff has been performing grounds maintenance at the parks and Township lands.

The staff has completed the replacement of the concrete curb and sidewalk, which was damaged by the tree along Bishop Avenue.

The new banners have been delivered, which we will be installing the "Fall" banners, in the early September 2013.

The street sweeper has, recently, swept all streets, throughout the Township.

We will be preparing the leaf collection equipment, in the immediate future, for the upcoming leaf collection season in October, November and December.

## **SOLICITORS REPORT**

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. DiluzioV. Berlin Township
5. Chief Jackson
6. Berlin Township ADS. Estate of Raj Kumar Chopra
7. Berlin Township ADS. David Carp
8. Berlin Twp. ADS. Jason Black
9. Berlin Twp. ADS. Abdul Mansaray
10. Berlin Twp. ADS. Jennnifer Vernacchio as Guardian Hannah Maslanka
11. Berlin Township ADS. Tarin Durham
12. Berlin Twp. ADS. Tyrone Powell
13. Open Public Records Act.
14. Fire Safety Ordinance
15. Grease Trap Ordinance
16. Traffic Ordinance Overhaul
17. Speed Humps
18. Junk Vehicle Ordinance
19. Overnight Parking of Boats, Trailers& Camper Ordinance
20. Pawn Shop Ordinance

### **SECOND READING ORDINANCE 2013-10 AMENDING ORDINANCE 2011-13 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, RELATING TO CHAPTER 40 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "POLICE DEPARTMENT"**

**WHEREAS**, Chapter 40 of the Code of the Township of Berlin ("Township") establishes and sets forth the powers, duties, rules and regulations of and for the Township's police department; and

**WHEREAS**, on November 21, 2011 the Township adopted Ordinance No. 2011-13 amending Chapter 40 of the Township Code; and

**WHEREAS**, the Governing Body has, consistent with the authority vested in it pursuant to N.J.S.A. 40A:14-118, determined that it is necessary to amend Ordinance No. 2011-13; and

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

**SECTION 1:** Section 40-5(D) as set for in Ordinance 2011-13 is hereby amended, revised and supplemented to read as follows:

**§ 40-5. Chief of Police.**

D. Promotional testing procedure. The promotional testing procedure for the Berlin Township Police Department for the position of Chief of Police shall consist of a written examination, unless waived by the Appropriate Authority, and an oral examination in which all candidates will be given the same questions, a personal interview with the Mayor and Township Council, a review of the candidate's service record, education, merit and experience.

(1) Written examination.

(a) Unless waived by the Appropriate Authority, the written test shall be supplied by a professional testing company, professional law enforcement organization or such other written examination approved by the Appropriate Authority. The written examination shall be given and supervised by a designee of the Appropriate Authority.

(b) Where a written examination is given, a candidate must achieve a score of at least 70% to proceed to the oral portion of the examination procedure. Candidates will be notified in writing of their grades on the written portion of the exam by the Appropriate Authority or its designee.

(2) Oral examination.

(a) When a written test is given, candidates who achieved a minimum qualifying score (70%) on the written examination will be permitted to sit for an oral examination by the reviewing committee.

(b) The oral examination by the reviewing committee shall focus on leadership and management skills, knowledge of police practices and procedures, knowledge of the laws applicable to police work, knowledge about Berlin Township and its form of government, knowledge of the Police Department Ordinance, and knowledge of N.J.S.A. 40A:14-118. The reviewing committee shall grade each candidate on a one-hundred-point scale.

(c) The reviewing committee shall grade each candidate's oral interview on a 100 point basis. In order to proceed to the final portion of the promotional process, a candidate must achieve a score of at least 70%.

(3) Personal Interview.

Candidates for the rank of Chief of Police may be interviewed by the Appropriate Authority.

(4) Record review.

(a) Candidates that successfully achieve a score of 70% on the written examination or written submission and 70% on the oral examination shall proceed to the next step in the promotional process, the review of service record.

(b) The reviewing committee shall examine the length and merit of candidate's service. The examination process shall give specific weight to performance evaluations, experience, military service, demonstrated leadership ability, education and disciplinary history.

(c) The weight to be given each portion of the review shall be:

Type	Weight (percentage)
Written test or submission	20%
Oral exam	20% (30% in event written examination is waived)
Interview with	20% (30% in event written examination is

<b>Type</b>	<b>Weight (percentage)</b>
Appropriate Authority	waived)
Performance evaluations	20%
Leadership evaluation	10%
Experience	5%
Education	5%
	Associates degree or 60 college credits = 2.5%
	Bachelors degree = 5%
	Two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard can be substituted for Associates Degree or 60 college credits, if honorably discharged.
	Associates Degree or 60 college credits and two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard will be worth 5%, if honorably discharged

Discipline shall be a minus depending on seriousness and timeliness of the infractions.

**SECTION 2:** Section 40-7 as set for in Ordinance 2011-13 is hereby amended, revised and supplemented to read as follows:

**§ 40-7. Promotions.**

A. The Mayor and Township Council desire to promote the most qualified candidates to positions of higher rank. This section establishes the eligibility requirements and the process for promotion to all higher ranks.

(1) Promotions shall be made on the basis of merit, experience, education, demonstrated ability and competitive examinations. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer must be made from the membership of the Department.

(2) No person shall be eligible for promotion unless he or she shall have served as a full-time police officer in the Berlin Township Police Department for a period of three years as required by N.J.S.A. 40A:14-130.

(3) No person shall be eligible for promotion unless he or she has previously served as patrolman in the Department as required by N.J.S.A. 40A:14-129.

(4) Promotions shall be open to members of the next lowest rank, unless the Appropriate Authority, in the best interest of the Department, chooses to test a wider pool of candidates. Generally, a pool of less than three eligible candidates will not generally be considered "in the best interest of the Department."

B. Upon receiving instructions from the Appropriate Authority to do so, the Chief of Police shall announce the promotional process to members of the Department at least 45 days before a written test is to be given and at least 15 days before a written submission is to be submitted, unless such written examination or submission is waived by the Appropriate Authority for good cause. The announcement shall be posted in common areas of the Department accessible to all members and shall also be sent in writing to each eligible officer's home address. The announcement shall contain, at a minimum, the rank to be filled, the date(s) of the exam(s), source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates who qualify shall notify the Chief of Police of his/her interest in taking the examination by submitting a letter of interest no later than 10 calendar days after the promotion announcement. This time period may be extended at the discretion of the Appropriate Authority. Failure to submit a timely letter of interest will make an officer ineligible to participate in the promotional process.

C. Where two or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or to a resident of the Township of Berlin over a nonresident pursuant to N.J.S.A. 40A:14-122.6.

D. The Appropriate Authority shall make all department promotions and may appoint a reviewing committee to assist in the process.

E. Promotional testing procedure. The promotional testing procedure for the Berlin Township Police Department shall consist of a written examination (and/or narrative), unless waived by the Appropriate Authority for good cause, and an oral examination in which all candidates will be given the same questions, a review of the candidates' service record, education, merit and experience.

(1) Written examination.

(a) The written test shall be supplied professional testing company, professional law enforcement organization or such other written examination approved by the Appropriate Authority, unless waived for good cause. The written examination shall be given and supervised by the Chief of Police or his/her designee.

(b) Where a written examination is given, a candidate must achieve a score of at least 70%. to proceed to the oral portion of the examination procedure. Candidates will be notified in writing of their grades on the written portion of the exam by the Chief of Police or his/her designee.

(2) Oral examination.

(a) Where a written test is given, candidates who achieved a minimum qualifying score (70%) on the written examination will be permitted to sit for an oral examination by the Appropriate Authority or its designee.

(b) The oral examination shall focus on leadership and management skills, knowledge of police practices and procedures, knowledge of the laws applicable to police work, knowledge about Berlin Township and its form of government, knowledge of the Police Department Ordinance, and knowledge of N.J.S.A. 40A:14-118. The reviewing committee shall grade each candidate on a one-hundred-point scale. The Appropriate Authority, or its designee, shall be present at this step.

(c) The Appropriate Authority, or its designee, shall grade each candidate's oral interview on a 100 point basis. In order to proceed to the final portion of the promotional process, a candidate must achieve a score of at least 70 %.

(3) Personal Interview.

Candidates may be interviewed by the Chief of Police and/or the Appropriate Authority, or its designee.

(4) Record review.

(a) Candidates that successfully achieve a score of 70% on the written examination or written submission and 70% on the oral examination shall proceed to the next step in the promotional process, the review of service record.

(b) The reviewing committee shall examine the length and merit of candidate's service. The examination process shall give specific weight to performance evaluations, experience, military service, demonstrated leadership ability, education and disciplinary history.

(c) The weight or percentage of each portion of the process shall be as follows:

[1] Sergeant.

<b>Type</b>	<b>Weight (percentage)</b>
Written test	30%
Oral exam	30% (50% in event written examination is waived)
Performance evaluations	20% (30% in event written examination is waived)
Leadership evaluation	10%
Experience	5%
Education	5%

Associates degree or 60 college credits = 2.5%

Bachelors degree = 5%

Two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard can be substituted for Associates Degree or 60 college credits, if honorably discharged.

If Associates Degree or 60 college credits and two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard will be worth 5%, if honorably discharged.

Discipline shall be a minus depending on seriousness and timeliness of the infractions.

[2] Lieutenant.

<b>Type</b>	<b>Weight (percentage)</b>
Written test or submission	20%
Oral exam	20% (30% in event written examination is waived)
Interview with Appropriate Authority	20% (30% in event written examination is waived)
Performance	20%

<b>Type</b>	<b>Weight (percentage)</b>
evaluations	
Leadership evaluation	10%
Experience	5%
Education	5%
	Associates degree or 60 college credits = 2.5%
	Bachelors degree = 5%
	Two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard can be substituted for Associates Degree or 60 college credits, if honorably discharged.
	Associates Degree or 60 college credits and two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard will be worth 5%, if honorably discharged

Discipline shall be a minus depending on seriousness and timeliness of the infractions.

F. The review committee shall rank each candidate based on the total score as outlined above. The candidates shall then be ranked from the highest to lowest based on score. The list shall include the candidates' names and the final scores.

G. The results of the promotional process with the final scores of the candidates and any other information that may be pertinent shall be submitted to the Appropriate Authority, which shall make the final promotional decision.

H. Test results shall remain valid for a period of two years and subsequent promotions may be made based upon these test result. However, the Township may call for a new promotional process at any time.

**SECTION 3:** Except as set forth in Sections 1 and 2 above, the balance of Ordinance 2011-13 shall not be affected by this Ordinance.

**SECTION 4:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5:** 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 6:** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

**Introduced August 5, 2013**

Motion by Councilwoman Bodanza, second by Council President 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 2013-10.

No more comments were to be heard.

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

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt Ordinance 2013-10 Ordinance approved by call of the roll, five members present voting in the affirmative.

**ORDINANCE 2013-11 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 333 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "WATER AND SEWER"**

Motion by Councilman Epifanio, second by Council President Morris to adopt Ordinance 2013-11 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative

**BOND ORDINANCE 2013-12 AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF UTILITY EQUIPMENT AND COMPLETION OF VARIOUS UTILITY CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$750,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$750,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.**

**BE IT ORDAINED** by the Township Council of the Township of Berlin, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant

to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

**Section 1.** The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Berlin, County of Camden, New Jersey ("Township").

**Section 2.** It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$750,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$750,000.

**Section 3.** The sum of \$750,000, to be raised by the issuance of bonds or bond anticipation notes are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the Township in an amount not to exceed \$750,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

**Section 5.** In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$750,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$70,000.

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimat ed Total</u>	<u>Down Payme nt</u>	<u>Amount of Obligations</u>	<u>Period of Usefuln</u>
----------------------------	---------------------------------	------------------------------	--------------------------------------	----------------------------------

	<u>Cost</u>			<u>ess</u>
A. Various improvements to the Township's Pumping Stations including, but not limited to, the replacement and/or rehabilitation of the existing pumps and control panels and installation of aeration systems, all as more particularly described in the records on file in the office of the Township Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$420,000	\$0	\$420,000	30 years
B. Acquisition of various pieces of equipment including, but not limited to, a Sewer Jetter/Vacuum, Camera and Portable Gas Monitor, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	330,000	0	330,000	15 years
<b>TOTALS</b>	<b>\$750,000</b>	<b>\$0</b>	<b>\$750,000</b>	

**Section 8.** The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 23.40 years.

**Section 9.** Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

**Section 10.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$750,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 11.** The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the

Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

**Section 12.** The applicable Capital Budget of the Township is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

**Section 13.** The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

**Section 14.** The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**Section 15.** The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 16.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 17.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Motion by Councilman Epifanio, second by Councilman Epifanio to adopt Bond Ordinance 2013-12 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative

**ORDINANCE 2013-13 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 249 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "PROPERTY MAINTENANCE"**

Motion by Council President Morris, second by Councilman Epifanio to adopt Ordinance 2013-13 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative

**ORDINANCE 2013-14 AN ORDINANCE AMENDING CHAPTER 333-16 SECTION A OF THE CODE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, ENTITLED SEWER CONNECTION FEE.**

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Ordinance 2013-14 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative

**ORDINANCE 2013-15 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 226 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "PARKING IN FRONT YARDS"**

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Ordinance 2013-15 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2013-152 RESOLUTION TO ADOPT THE YEAR 35 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 35<sup>th</sup> 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 35 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 Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-152. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013- 153 DESIGNATING RECIPIENTS FOR THE CAMDEN COUNTY HOUSING REHABILITATION PROGRAM AND AUTHORIZING CAMDEN COUNTY DIVISION OF COMMUNITY DEVELOPMENT AS ADMINISTRATIVE AGENT.**

**WHEREAS**, the Township of Berlin Housing Rehabilitation Agency, hereinafter referred to as "Agency" has received and reviewed applications by certain homeowners specified herein for rehabilitation of their dwellings under the Camden County Community Development Block Grant program; and

**WHEREAS**, said Agency has determined that said homeowners are eligible under the guidelines of said program; and

**WHEREAS**, the County of Camden has been authorized by Cooperation Agreements between the County and the various participating municipalities to administer the Housing Rehabilitation Program from funds received under Community Development Block grant Program;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

- 1.) That the following homeowners are hereby determined eligible for assistance under the Camden County Home Improvement Program:

a) **06-H-280- Timothy Millek, 305 Magnolia Avenue West Berlin NJ 08091**

2.) The Camden County Division of Community Development is hereby authorized to process the aforementioned homeowner's application for rehabilitation of their dwellings as specified herein.

3.) That the Camden County Division of Community Development is further authorized to do the following:

a) Execute any and all documents and perform all administrative functions which may be required or desired in order to carry out the terms and conditions of the Community Development Block Grant Program.

b) Make payments to the homeowners and contractors in amounts determined by the County for services performed in rehabilitating the dwellings specified herein.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-153. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-154 AUTHORIZING REFUND OF PAYMENT  
N.J.S.A. 54:49-15 BLOCK 214 LOT 8.02, 135 NORTH AVENUE.**

**WHEREAS**, an on line payment was received on the above property from the owner in the amount of \$2,202.93 on July 31, 2013 through our wipp payment site, and;

**WHEREAS**, the mortgage company paid the taxes billed for the August tax quarter in the amount of \$2,202.93 on August 6, 2013, and;

**WHEREAS**, the owner has requested a refund for the amount paid by him because he was unaware the bank was paying them, and;

**WHEREAS**, the mortgage company is responsible for these payments, so

**THEREFORE, BE IT RESOLVED** that a refund be made in the amount of Two thousand, two hundred, two dollars and ninety three cents (\$2,202.93) to:

**ANGEL D VILLANUEVA  
135 North Avenue  
West Berlin, NJ 08091**

These funds are in the General Account.  
Submitted for the September 9, 2013 Meeting.

**Diane Zoppel, CTC**

Voucher # 56972

Motion by Councilman Epifanio, second by Council President Morris to adopt Resolution 2013-154. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-155 LIST OF UNCOLLECTIBLE TAXES PART DUE BACK FROM STATE.**

**To the Mayor and Council to the Township of Berlin:**

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

**Dated August 19, 2013**

**Diane Zoppel, CTC - Tax Collector**

NAME	YEAR	DESCRIPTION	AMOUNT	REASON
Jeane Eddis	2013	220-3	250.00	Sr. Citizen to Nov.
George Jr & Donna Purkins (Purchased 7/8/13)	2013	1203-43	3119.18	100% Disabled Veteran Per NJSA 54:4-3.30et seq
				<b>\$ 3369.18 TOTAL</b>

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-155. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-156 AUTHORIZING REFUND OF REBATE  
N.J.S.A. 54:49-15 BLOCK 1203 LOT 43, 311 STRATFORD AVENUE.**

**WHEREAS**, the Division of Taxation has directed the Tax Collector to adjust the August 2013 tax quarters for qualified homeowners for the 2011 State of New Jersey Homestead Rebate program, and;

**WHEREAS**, the property owner has been approved for a 100% permanent and total disabled veteran per N.J.S.A. 54:4-3.30 et seq, and;

**WHEREAS**, the taxes levied for the time of purchase through December 2013 are now exempt from paying real estate taxes requiring a refund to be made for the 2011 New Jersey Homestead Rebate to the current property owner, so;

**THEREFORE, BE IT RESOLVED** that a refund be made in the amount of Three hundred, seventy one dollars and eighty six cents (\$371.86) to:

**George E Jr & Donna Purkins  
311 Stratford Avenue  
West Berlin, NJ 08091**

Submitted for the September 9, 2013 meeting.

**Diane Zoppel, CTC**

Voucher #56973

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-156. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-157 RESOLUTION AMENDING SALARY RESOLUTION 2012-184 ESTABLISHING SALARY AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY.**

**WHEREAS**, the Mayor and Council of the Township of Berlin adopted Resolution 2012: 184 on December 20, 2012, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2013; and

**WHEREAS**, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salaries effective August 26, 2013:

POSITION	AMOUNT
Patrolmen:	
Date of Hire (without Certification)	\$30,000.00 per year
Date of Hire (with Certification)	\$40,000.00 per year

**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 Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-157. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013- 158 TO AMEND CAPITAL BUDGET.**

**WHEREAS,** the Mayor and Members of Township Council of the Township of Berlin, County of Camden desires to amend the calendar year 2013 Capital Budget by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

*Adding and amending the cost of projects which were not foreseen at the time of adoption of the capital budget.*

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Members of Township Council of the Township of Berlin, County of Camden that the following changes be made to the Capital Budget of the calendar year 2013:

**AMENDMENT TO  
CAPITAL BUDGET OF THE  
TOWNSHIP OF BERLIN  
COUNTY OF CAMDEN, NEW JERSEY**  
Project Schedule for Calendar Year 2013  
Method of Financing

<u>PROJECT</u>	<u>ESTIMATED COST</u>	<u>CAPITAL IMP. FUND</u>	<u>DEBT AUTHORIZED</u>
Various improvements to the Township's Pumping Stations including, but not limited to, the replacement and/or rehabilitation of the existing pumps and control panels and installation of aeration systems, all as more particularly described in the records on file in the office of the Township Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$420,000.00	\$0.00	\$420,000.00
Acquisition of various pieces of equipment including, but not limited to, a Sewer Jetter/ Vacuum, Camera and Portable Gas Monitor, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	330,000.00	0.00	330,000.00

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the office of the Director of the Division of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget adopted by the governing body on the 9th day of September, 2013

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-158. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-159 RESOLUTION AUTHORIZING CHANGE IN CUSTODIAN OF THE PETTY CASH FUND FOR POLICE UNDERCOVER INVESTIGATIONS.**

**WHEREAS**, Joseph Jackson, Chief of Police was the custodian of the Petty Cash Fund for Police Undercover Investigations, and

**WHEREAS**, in accordance with N.J.S.A.40:5-21, the Township of Berlin is changing custodians to Leonard J. Check, Chief of Police; and

**WHEREAS**, Leonard J. Check is bonded in the amount of \$1,000,000.00 by virtue of a Public Employee Dishonesty Bond through the Camden County Joint Insurance Fund.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Township of Berlin, County of Camden hereby authorize such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-159. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-160 RESOLUTION AUTHORIZING CHANGE IN CUSTODIAN OF THE PETTY CASH FUND FOR POLICE ADMINISTRATION.**

**WHEREAS**, Joseph Jackson, Chief of Police was the custodian of the Petty Cash Fund for Police Administration, and

**WHEREAS**, in accordance with N.J.S.A.40:5-21, the Township of Berlin is changing custodians to Leonard J. Check, Chief of Police; and

**WHEREAS**, Leonard J. Check is bonded in the amount of \$1,000,000.00 by virtue of a Public Employee Dishonesty Bond through the Camden County Joint Insurance Fund.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Township of Berlin, County of Camden hereby authorize such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-160. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-161 PAYMENT OF BILLS FOR AUGUST.**

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

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

<b>TO</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
Robert E. DePersia, II, Esq.	Mun Public Defender Trust	\$ 375.00
<b>CONFIRMING</b>		
Various Current Fund and Sewer Operating Fund Checks	See Purchase Order Listing attached dated: 8/26/13	\$ 19,870.51
Ameriflex	Flex Claims Account	75.00
America on Line	3-01-31-443-2077	37.99
Treasurer, State of New Jersey	3-12-45-920-2105	6,182.89
Treasurer, State of New Jersey	3-12-45-930-2105	1,590.01
Camden County Animal Shelter	Dog Trust	1,176.28
Verizon Communications	3-01-31-443-2077	99.99
Treasurer, State of New Jersey	Dog Trust	22.20
State of New Jersey, Dept of Labor	3-01-23-220-2092	567.58
Roy A Duffield RMC	3-01-20-120-2042	50.00
Ameriflex	Flex Claims Account	75.00
State of NJ Health Benefits	3-01-23-220-2092	59,721.53
State of NJ Health Benefits	3-01-23-220-2092	27,300.17
TD Bank, NA	3-01-45-930-2105	41,462.50
TD Bank, NA	3-01-45-930-2105	14,518.75
Payroll, Current Fund	8/8/2013	116,388.30

Payroll, Sewer Operating Fund	8/8/2013	6,204.28
Payroll, Current Fund	8/22/2013	119,305.20
Payroll, Sewer Operating Fund	8/22/2013	6,070.69

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-161. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-162 CONFIRMING THE WAIVING OF PARK FEE FOR BERLIN TOWNSHIP ATHLETIC ASSOCIATION FOR THEIR DEK HOCKEY CLINIC HELD IN AUGUST.**

**WHEREAS** the Berlin Township Athletic Association held a free hockey clinic open to the public on August 26, 2013 to August 30, 2013; and

**WHEREAS** the Berlin Township Athletic Association Park Fee was waived in exchange of the clean up and maintenance that the Athletic Association had done to Day Avenue Park.

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the Berlin Township Athletic Association park fee is hereby waived.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-162. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-163 RESOLUTION REQUESTING THE ISSUANCE OF RAFFLE LICENSES FOR ET HAMILTON PARENT FACULTY ASSOCIATION (50/50 RAFFLE)**

**WHEREAS**, ET Hamilton Parent Faculty Association of 23 Northgate Drive, Voorhees New Jersey has requested the issuances of license by the Township of Berlin for;

**On- Premises 50/50 Cash Raffle for October 23, 2013 at United Food and Commercial Worker Union, 400 Commerce Lane. West Berlin NJ 08091**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of licenses to ET Hamilton Parent and Faculty Association, 23 Northgate Drive Voorhees, New Jersey for the Date of October 23, 2013.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-163. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-164 RESOLUTION REQUESTING THE ISSUANCE OF RAFFLE LICENSES FOR ET HAMILTON PARENT FACULTY ASSOCIATION (COACH BAG BINGO)**

**WHEREAS**, ET Hamilton Parent Faculty Association of 23 Northgate Drive, Voorhees New Jersey has requested the issuances of license by the Township of Berlin for;

**Coach Bag BINGO for October 23, 2013 at United Food and Commercial Worker Union, 400 Commerce Lane. West Berlin NJ 08091**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of licenses to ET Hamilton Parent and Faculty Association, 23 Northgate Drive Voorhees, New Jersey for the Date of October 23, 2013.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-164. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-165 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-2014-Berlin Township-00472 to the New Jersey Department of Transportation Year 2014 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 Councilman McIntosh, second by Councilman Epifanio to adopt Resolution 2013-165. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-166 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR HAZEL AVENUE TO (CUSHMAN AVENUE TO CHESTNUT AVENUE)**

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

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Berlin Township-00474 to the New Jersey Department of Transportation Year 2014 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 Council President Morris to adopt Resolution 2013-166. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-167 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR PEDESTRIAN SAFETY IMPROVEMENTS**

**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 for Pedestrian Safety Improvements to the New Jersey Department of Transportation Year 2014 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 2013-167. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-168 RESOLUTION AUTHORIZING KEY ENGINEER TO PERFORM PRELIMINARY SITE ASSESSMENTS FOR THE TOWNSHIP PROPERTIES ALONG BATE AVENUE BLOCK 220, LOTS 1,1.01 and 2**

**WHEREAS**, Key Engineer has submitted a estimate to perform a preliminary site assessment for the land along Bate Avenue; and

**WHEREAS**, Key Engineer will perform necessary environmental database research, historic deed and map research, site reconnaissance and personal interviews with those familiar with subject properties, prepare environmental site audit report for consideration by the Governing Body; and

**WHEREAS**, the cost estimate for Key Engineering services is \$3,600.00 and will substantially follow the format of the New Jersey Department of Environmental Protection Preliminary Site Assessment.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that Key Engineer is hereby authorized to perform a preliminary site assessment for the Township Properties along Bate Avenue.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2013-168. Resolution adopted by call of the roll, five members present voting in the affirmative.

### **Approval Business License**

**1) Record Museum, Doug Kepple**, 110 Cushman Avenue West Berlin NJ. Records storage, accessories and displays for sales for Kepple's Carpets.

**2) Indoorance Sports Academy, Michael Geis**, 609 Cooper Road West Berlin NJ. Indoor Sports Training Facility for Local Town Sports.

Motion by Councilwoman Bodanza, second by Council President Morris to approve the business licenses. Licensed approved by call of the roll, five members present voting in the affirmative.

**3) Creative Minds Academy, Joy M.L. Reid**, 305 Cedar Avenue West Berlin NJ. Child Care Facility providing care for children ages 0 -6 years old.

Motion by Council President Morris, second by Councilman Epifanio to deny the business licenses for Creative Minds Academy. Licensed denied by call of the roll, five members present voting in the affirmative.

### **Approval of Minutes for August 5, 2013**

Motion by Councilman McIntosh, second by Councilman Epifanio to approve the minutes for August 5, 2013. Motion carried by voice vote, five present voting in the affirmative.

### **Consent Agenda for July**

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

### **Correspondence Calendar for August, 2013**

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

### **All Other Business**

Council President Morris stated that he and a local resident along with Mayor Magazzu have gone around town putting up teal ribbons for Ovarian Cancer awareness Month.

Council President Morris also spoke about how the Township has been working along with the Berlin Township Athletic Association in building a great relationship, staying positive and professional and getting stronger and better everyday. But recently a coach recently sent out a nasty gram which I personally took offense and have responded back with this email.

August 18, 2013

Dear Parent -

My name is Chris Morris and I serve as Council President for the Township of Berlin. I understand that you recently received an email from BTAA Coach Ed which was not only very negative but also very inaccurate.

Here are the facts:

1.) Coach Ed says he is ready and the paperwork was in weeks ago for the kids to play soccer...

In fact, the paperwork was just submitted this past Wednesday (yes – 4 days ago) and unfortunately the paperwork wasn't even complete. But our Township Clerk worked on it on Thursday and even stayed late to get as much of it done before giving it to our Police Chief for his review and signature on Friday. Our Chief has already reached out to JP with the BTAA to obtain the info Coach Ed left out.

2.) Coach Ed says since July the town has been delaying all things including the clinic we were supposed to have...

In fact, I'm not even aware of a request to have a clinic but even if such a request was made through our Township Clerk's Office – the Governing Body would definitely not delay it as suggested.

3.) Coach Ed says the town is too busy to have the permits ready for the kids to play on our fields...

In fact, the town and in particular Mayor Magazzu and our Council Members have always made it our priority to process any paperwork (yes there has always been some sort of paperwork required even back in the day 30 years ago) as quickly and efficiently as possible in an effort to get the kids on the fields and play sports. As a life long resident, former player and former coach for the BTAA, I have always had a soft spot in my heart for Berlin Township, it's residents and our children who look forward to playing sports, staying off the streets and building a great little community. Too busy?? That's just plain wrong and insulting to me which is part of the reason I chose to send you this note with the facts!!

In conclusion, I thought you would appreciate the other side of the story and frankly the side with the most factual information. Do you really think we would work as hard as we've worked to spend tax dollars to develop top notch fields and then stand in the way of having the kids enjoy the fields? We actually do care very deeply about this stuff and only want what's best for our residents and their children.

On the other hand, I found it quite interesting that Coach Ed chose to make reference to a political website in his communication to you?? Is he really interested in what's best for the kids or only trying to make political hay?? In any event, I welcome you to let me or any member of the Governing Body know if you have any comments, questions or concerns.

Thank you,

Chris

Christopher T. Morris

Council President Morris stated that we are moving forward and staying positive and professional. We won't let one individual ruin what we are trying to accomplish with the Berlin Township Athletic Association.

Mayor Magazzu stated to Council President Morris that this individual is no longer a trustee to the athletic board.

**Public Portion**

Motion by Councilman Epifanio, second by Council President 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.

Mr. Leroy Haley talked about transparency in government and how he has requested the minutes be posted on the website from July meeting. He suggested having another person train to update the website. Mr. Haley did receive a copy of the minutes from the Clerk.

Mr. Haley asked how many days off does the Mayor get.

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

### **Mayor and Council Responded**

Mayor Magazzu stated she has a copy of last month minutes along with tonight approved minutes for him. Mayor Magazzu replied that some towns don't even post their minutes on their websites and that we try to get them posted as soon as we can. Mayor commented to Mr. Haley that we have tried to give you hard copies but you don't want them for some reason. Mayor Magazzu remarked that she will be updating the website so if you need anything please let her know.

Council President also replied that he agreed with the Mayors comments of a transparency government and that we do our best to be as transparent as possible. Council President remarked as for the rumors of the Mayors days off, this is political season or "silly season" I don't feel that a response is necessary we all take vacation, this is a part time position but we all put in double the amount of time or more.

Stuart Platt, Township Solicitor responded that elected officials are not entitled to days off or vacation time it doesn't work that way. In some respect elected officials are availability 24 hour seven days a week.

Mayor Magazzu remarked if you want to know how much time I have off its zero. When I am away I always have my cell phone my lap top and my fax machine 24 hour a day. If you call me 3 o'clock in the morning I will pick up.

Council Woman Bodanza and Councilman Epifanio stated that the Mayor puts in more time then any elected official that they know.

### **Adjourn**

Motion by Councilman Epifanio, second by Councilman McIntosh to adjourn the meeting at 7:40 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 7:40 pm

---

Catherine Underwood, Township Clerk