

**MAY 9, 2011**

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL MAY 9, 2011 AT 6:30 P.M.**

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

All in attendance joined in the Salute to the Flag.

**ROLL CALL**

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

**Also Present-** Stuart Platt, Solicitor, Chuck Riebel, Engineer/ Director Public Works, Joseph Jackson, Chief of Police, Lori Campisano, CFO Joshua Shellenberger, Maintenance

**ENGINEER’S AND DIRECTOR’S REPORT  
FOR THE  
COUNCIL MEETINGS FOR MAY 9, 2011**

A. CHANGE ORDERS AND VARIANCES

None

B. REQUESTED ORDINANCES AND RESOLUTIONS

1. Ordinance Amending Ordinance No. 2010-6 to address the comments from the N.J. Pinelands Commission Staff to redesignate a portion of the Pinelands Rural Development Area to Pinelands Regional Growth Area. The Ordinance needs to be adopted and submitted, hopefully, by the beginning of June, 2011.

C. ENGINEER’S REPORT

1. 2011 STREET IMPROVEMENT PROGRAM
  - a. Edgewood Avenue – Borough Line to Cooper Road (N.J.D.O.T. FY 2011 Funding - \$200,000)

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**(Project No. E-10-0012)**

The estimated construction and materials testing cost is \$296,000, which includes the construction of the remainder of the concrete curb. The construction stakeout, contract administration and inspection will be performed by Township staff.

I recommend that the Governing Body adopt the necessary ordinance to appropriate the funds for the project.

We have completed the fieldwork and will be commencing with the preparation of the construction plans and specifications in the immediate future.

I am hopeful that the project will be bid in the Summer of 2011.

**b. Mt. Vernon – Franklin Avenue to Minck Avenue (N.J.D.O.T.**

**Funding –**

**\$180,000)**

**(Project No. E-10-0002)**

We must perform the surveying work, perform the drafting and design and prepare the bid documents.

The estimated construction and materials testing cost is \$223,000. I recommend that the Governing Body adopt the necessary ordinance to appropriate the necessary funds for the project.

**c. Hill Avenue – Fairview Avenue to End  
(C.D.B.G. Year 32 - \$30,257 and Year 33 - \$29,200 +/- Funding)**

The County CDBG Program has informed us that the U.S.H.U.D. has reduced the Year 33 CDBG funding by 12 percent.

The fieldwork has been completed and we are preparing the construction plans.

I will prepare a revised estimate for the increased scope of construction. I recommend that the Governing Body consider adopting the necessary ordinance to appropriate the funds for this project.

**d. Built-up Bituminous Aprons at 136 and 138 Veteran's Avenue**

This project is fully funded by the Township. I recommend that the ordinance appropriate the necessary funds for the project.

**2. POROUS CONCRETE SIDEWALK ALONG N.J.S.H.  
ROUTE 73 NORTHBOUND – JACKSON ROAD TO EDGEWOOD  
AVENUE (N.J.D.O.T. FY 2008 AND 2009 FUNDING - \$320,000)  
(PROJECT NO. E-10-0004)**

I have received the Consent to Enter from Stellato Brothers. We have not received the Consent from Ms. Liberta. I have contacted the Pinelands Commission staff to see if they will issue their approval without the Liberta consent.

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The contractor has contacted me, questioning if they can commence with the construction. I am hopeful that the Pinelands staff will allow the construction to proceed.

I will be scheduling a second Pre-Construction Meeting in the immediate future and will provide an update to the Governing Body.

The construction stakeout, contract administration and inspections will be performed by Township staff.

**3. CAMDEN COUNTY OPEN SPACE, RECREATION ENHANCEMENT APPLICATIONS**

The applications for the following projects were submitted to the County Open Space Committee:

- a. Improvements to Basketball and Tennis Courts at the Spruce Avenue Park-crack sealing and color coating.  
Estimated construction cost is \$28,798  
Maximum County Funding is \$25,000
- b. Band Shell at Luke Avenue Recreation Complex  
Estimated Materials/Construction Cost is \$56,100  
Current County Open Space Funding is \$25,000  
Requested (Maximum) County Funding is \$25,000

If funded, the Public Works Department will perform the construction of the band shell. The electrical work will be performed by a licensed electrician.

**4. HADDON AVENUE STREETScape, PHASE 1 AND 3 (FEDERAL AND STATE AID - \$677,000)**

Key Engineers has informed me that they have requested a revised proposal, for the street lighting, from Atlantic City Electric. The Camden County Soil Conservation District has stated that their approval is still valid. We are still waiting for the approvals from reviewing agencies and approval of the Federal funding from the D.V.R.P.C.

**5. LESTER AVENUE STORM DRAINAGE AND STORMWATER MANAGEMENT SYSTEMS**

We must perform the surveying fieldwork and the design. Once completed, we must submit the construction plan to Public Service Electric and Gas Company for their review and hopeful granting of the drainage easement.

I had suggested, as an interim measure, storm drainage inlets be constructed at the low point on Lester Avenue and a portion of the pipe and an interim stormwater management basin be constructed on the Luke Avenue Recreation Complex. I will prepare cost estimates for the interim and final improvements for review and consideration by the Governing Body.

**6. DRAINAGE ISSUES WITHIN THE SOUTHWEST PORTION OF THE TOWNSHIP**

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I had mentioned, last month, that the County Engineer was going to contact the Delaware Valley Regional Planning Commission to see if there is any type of assistance, which they may be able to offer.

**7. ENERGY SAVING IMPROVEMENTS AT THE PUBLIC WORKS BUILDINGS- N.J. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM**

The installation has been completed by the State Contractor.

**8. BATE AVENUE (FORMER MUNICIPAL BUILDING AND PLAYGROUND) SITE**

We are performing the outbounds survey and expect to finish the work within the next few weeks.

I must also perform the preliminary site assessment.

**9. LIBRARY AND ADJACENT PLAYGROUND – POSSIBLE RE-DIVISION OF LAND**

No additional information to report.

**10. N.J.D.E.P. ANNUAL STORMWATER REPORT**

I will be preparing and electronically filing the report, with the N.J.D.E.P., this month.

**11. MUNICIPAL BUILDING**

**a. Contract with MJJ Construction**

No matters to report

**b. HVAC System**

I have met with a representative of Tozour-Trane, the system manufacturer. He will be submitting a proposal for annual maintenance and service contract, over and above the work which is being performed by the Township Custodian. Tozour-Trane will, also, be reviewing the Balancing report and the system design to see if there are any measures, which could be taken to further improve the efficiency of the system. Once they complete their evaluation, they will report to the Township.

**c. Possible Separation of the Electronic Door**

**Access and Surveillance Systems**

We have received proposals from a contractor. I have forwarded the “white papers”, addressing system security, to Chief Jackson for his review and comments. If the Chief is satisfied with the system security, I recommend that the Governing Body consider the proposal with the lesser cost for the work.

**d. Landscaping and Irrigation System**

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I must submit the requests to landscapers, landscape materials suppliers and irrigation contractors for their contribution of materials and services. It is my understanding that an Eagle Scout may be performing the landscape design and some installation, as part of his Eagle Scout project.

e. **Monument Sign Along Route 73**

We are preparing the quote documents and expect to receive quotes, in the immediate future. Once we receive the quotes, we will submit our recommendations for consideration by the Governing Body.

f. **School Bell**

The school bell is being stored at the Public Works Complex. I believe that the intent is to construct an attractive base for placement in the Municipal Lobby.

**12. REDESIGNATION OF PINELANDS ZONING AND EXTENSION OF SANITARY SEWER TO ALLIED PARKWAY AND EDGEWOOD AVENUE**

I must prepare the recommended changes to Ordinance No. 2010-6 to address the comments from The Pinelands Commission. I strongly recommend that the amending ordinance be introduced at the Council Meeting on May 9, 2011 and, if possible, adopted at the Council Meeting on May 23, 2011.

**13. WAL\*MART EXPANSION**

I attended the meeting with the attorney and engineers for Wal\*Mart. I must review the documents, which they provided at the meeting, and issue a report. I must, also, prepare a bond estimate for the proposed site improvements.

**14. N.J.D.E.P. DRAFT SEWER SERVICE AREA MAP**

The deadline for the submission of the request to remain within the sewer service area and the supporting documentation, must be submitted to the N.J.D.E.P. by May 5, 2011.

I had submitted a letter to the N.J.D.E.P. noting our objection to the removal of specific parcels from the sewer service area. I did not provide the required supporting documentation as that is the responsibility of the individual property owners.

I am hopeful that the N.J.D.E.P. representatives will schedule a meeting with us, before they take any formal action for the removal of parcels from the Sewer Service Area.

**15. TRAFFIC SIGNAL MAINTENANCE AND REPAIR PROGRAM**

I have prepared the specifications for the desired services for the year 2011. I have requested Mr. Platt's review and comments, before we solicit for quotes. As requested by the County Shared Services Department, I have submitted a copy of the specifications for their review and possible consideration for use, in

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a modified form, for the County sponsored program, which will be offered to interested municipalities.

**16. REQUEST FOR ADDITIONAL SANITARY SEWER ALLOCATION**

Paparone Housing has requested that the Governing Body allow the discharge of sanitary sewer from their Highpoint II single family development, in Voorhees Township, be permanent. We have noted that, due to the limited available allocation, the Township is not in the position to accept the flow unless additional allocation is permitted by the N.J.D.E.P. or the flow is not assessed against the Berlin Township allocation.

We have met with the representatives of the N.J.D.E.P., C.C.M.U.A., and Paparone Housing and are waiting for a response from the N.J.D.E.P. Once we receive the response from the N.J.D.E.P., I will inform the Governing Body.

**17. N.J.D.O.T. REPAIRS TO ROUTE 73, MILE POST 17.92 TO 21.34**

I have received a letter from R.E. Pierson Construction Company that they will be milling and resurfacing the highway on or about May 9, 2011, which includes portions of the highway in Winslow Township. The anticipated completion date is August 31, 2011.

**18. REQUEST FOR BOND RELEASE FOR MONTEBELLO RECREATION/CLUB HOUSE**

We will perform our inspection and submit the recommendation for consideration by the Governing Body, at the Council Meeting on May 9, 2011.

**D. PUBLIC WORKS DEPARTMENT**

**1. SPRING SEASON PREPARATION**

We have finished the last round of Spring leaf collection. We are currently cutting the grass for all Township parks and buildings. We are hopeful that we are back on schedule by May 6, 2011. We are also repairing damaged irrigation systems. We will, periodically, sweep streets throughout the Spring, Summer and Fall seasons.

**2. N.J.D.E.P. SANITARY SEWER COMPLIANCE EVALUATION REPORT**

On March 9, 2011, the N.J.D.E.P. performed an inspection of the sanitary sewer system and the respective records. The inspector is requiring the improvements to the record keeping.

**3. N.J.D.E.P. DIESEL RETROFIT PROGRAM**

The N.J.D.E.P. is requiring the retrofitting of the remaining diesel engines for Public Works vehicles and equipment. The Township is required to submit an inventory/cost estimate to the N.J.D.E.P. by September 8, 2011.

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There is no cost for the retrofit technology as it is covered by the N.J.D.E.P. I will be preparing the necessary documents with the assistance of the retrofit firm, Johnson and Towers.

**4. INSTALLATION OF STREET AND TRAFFIC SIGNS**

The street signs and speed warning signs have been installed at the desired locations. We will be fabricating No Dumping with penalty signs along Grove Avenue, near Minck Avenue and at the dead end of Cleveland Avenue.

**5. SHARED SERVICES**

No updates to report.

**SOLICITOR'S REPORT**

1. Water Agreement with Berlin Borough
2. Berlin Township ADS. David Carp
3. Berlin Twp.ADS. Yimei Edmiston Feng Lian Jiang
4. C & M Repair Environmental
5. Bate Avenue Property Former Municipal Site
6. Oddmund Angel, Block 200, Lot 1
7. Berlin Twp.ADS. Linda Fabrico
8. Berlin Twp.ADS. Joel Sussman
9. Clarification of Lateral Utility Lines
10. Police Operating Procedures
11. Township Civilian Organization Chart
12. Mustafa A. Muhammad v. Berlin Twp. Police Department
13. Comprehensive Recreation Ordinance
14. Sergeant William Hill
15. Traffic Light Camera

**POLICE DEPARTMENT REPORT**

Chief of Police Joseph Jackson said that he is waiting to hear back on the Click-it or Ticket Grant as soon as he hear back he will forward it to CFO. The Chief stated that the sign boards are all over town and that he is planning on moving it around since it seems to be helping. Chief Jackson noted that with the warm weather arriving so is the increase in home burglaries, traffic accidents and tickets.

**PROPERTY MAINTENANCE**

Maintenance Officer, Josh Shellenberger reported that he as been getting a head start on all the foreclosed homes with maintaining the grass and weed on those properties. Josh stated that the Township had collected about \$250.00 in fines from the Cat and Dog summons this year. Josh also stated that he spoke to Palace Diner and that he had started to clean up the property but the house itself is in rough shape.

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**SECOND READING AND PUBLIC HEARING ORDINANCE 2011-8 AN ORDINANCE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 3 OF THE CODE OF THE TOWNSHIP OF BERLIN, ENTITLED "ADMINISTRATION OF GOVERNMENT," TO ESTABLISH A REQUIREMENT FOR MEMBERS OF THE GOVERNING BODY TO ATTEND BASIC COURSES ON THEIR RESPONSIBILITIES AND OBLIGATIONS IN LOCAL GOVERNMENT**

**WHEREAS**, the Legislature has implemented a Best Practices initiative which provides measures and incentives designed to support local governments in planning and managing local budgets more effectively without raising property taxes; and

**WHEREAS**, included in the Best Practices Checklist is a recommendation that elected officials attend basic courses regarding their responsibilities and obligations in local government; and

**WHEREAS**, before receiving its last state aid payment, the Township will need to certify compliance with the items included on the Best Practices Checklist;

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

**SECTION 1:** Chapter 3 of the Code of the Township of Berlin is hereby revised, amended and supplemented to include a new Section 3-8.3, which shall provides as follows:

**SECTION 3-8.3 Basic Course Requirements for Governing Body Members**

Each member of the Governing Body shall complete a basic course on their responsibilities and obligations in Local Government in the following subject matters:

- (a) Budgeting;
- (b) Policy Setting;
- (c) Local Government Contracting;
- (d) Risk Management; and
- (e) the Open Public Records Act.

These courses shall be coordinated through Rutgers University, the County and State League of Municipalities; Mayors Association; New Jersey Association of Counties; and Joint Insurance Funds.

Upon completion of these courses, members shall not be required to repeat these courses in any subsequent term as a member of the Governing Body.

**SECTION 2:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

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**SECTION 3:** 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 4:** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

**Introduced: April 11, 2011**

**Adopted: May 9, 2011**

Motion by Council President Morris, second by Councilman DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2011-8

Barbara Cubit, Thurman Avenue asks who pays for these classes.

Mayor Magazzu replied that some of the classes are given by our insurance companies or by the League of Municipalities at the convention.

No more comments were to be heard

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

Motion by Council President Morris second by Councilman McIntosh to approve Ordinance 2011-8. Ordinance approved by call of the roll, five members present voting in the affirmative.

**ORDINANCE 2011-9 AN ORDINANCE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY ORDINANCE IMPLEMENTING THE CITIZEN SERVICES ACT**

**WHEREAS**, effective October 19, 2009, the Legislature enacted P.L. 2009, c.141, known as the Citizen Service Act (hereinafter "CSA"); and

**WHEREAS**, the CSA empowers municipalities to establish strict absentee policies for members appointed to authorities, boards and commissions established by the municipality in order to better enable these entities to function; and

**WHEREAS**, the CSA requires municipal clerks to compile and maintain a roster of its local authorities, boards and commissions in order to provide more easily accessible information for residents interested in serving their municipality; and

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**WHEREAS**, the CSA provides for a model one-page "Citizen Leadership Form" to be provided by the Township Clerk to any person interested in serving on a municipal authority, board or commission, which statutorily protects their home address, phone number and email address from public disclosure under the Open Public Records Act; and

**WHEREAS**, the CSA allows municipalities to determine, by ordinance, when a position becomes vacant due to unexcused absences, within statutory limits; and

**WHEREAS**, an appointment to a Township authority, board or commission can only be deemed vacant after a required period of unexcused absences, which the vote of a majority of the applicable body may excuse for good cause; and

**WHEREAS**, the Mayor and Township Council of the Township of Berlin believes it is in the best interests of the taxpayers of the Township to foster the openness of government and provide citizens with information and opportunities to serve on the various appointed municipal positions that exist within the Township;

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

**SECTION 1:** The Code of the Township of Berlin is hereby amended, revised and supplemented to include a new Chapter 5, entitled "Appointed Municipal Positions," which shall provide as follows:

**CHAPTER 5 – APPOINTED MUNICIPAL POSITIONS**

**§ 5-1. DEFINITIONS**

The following terms as used in this ordinance shall have the meaning set forth below unless the context within which the term is used clearly provides for a different meaning:

APPOINTING AUTHORITY - The official or body that by virtue of statutory law or by ordinance or resolution is given the authority to appoint a person to hold a particular appointed municipal position.

APPOINTED MUNICIPAL POSITION - Any appointed position within the Township, which is created either by statutory law or by ordinance or resolution. Examples of such positions are a member of any board, commission, agency or committee of the municipality.

**§5-2. REGISTRY OF APPOINTED MUNICIPAL POSITIONS**

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The Township Clerk shall cause a Register of Appointed Municipal Positions to be prepared and maintained in conformance with N.J.S.A. 40A:9-9.2(a). Such Register shall be made available on the Township's website and at the Township Clerk's Office.

**§5-3. CITIZEN LEADERSHIP FORM**

The Township Clerk shall maintain an application form to be completed by any eligible person interested in serving in an Appointed Municipal Position in conformance with the provisions of N.J.S.A. 40A:9-9.2(b)(2).

**§5-4. MAINTAINING CITIZEN LEADERSHIP FORMS**

The Township Clerk shall maintain all filed Citizen Leadership Forms in a file, binder, or accessible electronic format segregated for each authority, board or commission for a period not to exceed three (3) years, or pursuant to applicable records retention statutes and regulations.

**§5-5. VACANCY BY UNEXCUSED ABSENCE**

A. A vacancy shall be determined to exist on any Township board, committee, commission, authority or other applicable municipal agency, whenever a member, without being excused by a vote of the majority of the authorized members of such body, fails to attend and participate at meetings of such body for a period of eight (8) consecutive weeks, or for four (4) consecutive regular meetings, whichever shall be of longer duration.

B. The applicable body upon which such a vacancy has been determined to have occurred shall notify the Appointing Authority in writing of such determination; provided, however, that such vacancy is not due to a legitimate illness.

C. Whenever a vacancy shall be deemed to have occurred pursuant to the reasons set forth under N.J.S.A. 40A:9-12.1 or pursuant to the terms of this ordinance, the Appointing Authority shall forthwith fill the office for the unexpired term in the manner prescribed by law, ordinance or resolution.

**SECTION 2:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3:** 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 4:** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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**Introduced: April 11, 2011**

**Adopted: May 9, 2011**

Motion by Council President Morris, second by Councilman DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2011-9

No comments were to be heard

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

Motion by Council President Morris second by Councilman McIntosh to approve Ordinance 2011-9. Ordinance approved by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2011-10 OF THE TOWNSHIP OF BERLIN AMENDING CHAPTER 117-31 "VEHICLES AND TRAFFIC" OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED " SPEED LIMIT"**

Motion by Council President Morris, second by Councilman DiGangi to adopt Ordinance 2011-10 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2011- 11 AMENDING ORDINANCE 2011-1 FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY**

Motion by Councilman DiGangi, second by Council President Morris to adopt Ordinance 2011-11 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2011-12 AMENDING ORDINANCE 2010-6 OF THE TOWNSHIP OF BERLIN AMENDING CHAPTER 129 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ZONING" TO REDESIGNATE A PORTION OF THE PINELANDS RURAL DEVELOPMENT AREA TO THE PINELANDS REGIONAL GROWTH AREA**

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Ordinance 2011-12 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

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**RESOLUTION 2011-107 SETTING COSTS OF TAX SALE**  
**N.J.S.A. 54:5-26 – N.J.S.A.54:5-29 – N.J.S.A. 54:5-38**

WHEREAS, at any time before a scheduled tax sale, the collector shall receive payment of the amount due on any property, with the interest and costs incurred up to the time of payment, and;

WHEREAS, the taxpayer shall pay the full amount advertised which includes the cost of sale, at two percent of the total delinquency not to be less than \$15.00 nor more than \$100.00, and now must be paid as part of costs, in order to remove the property from sale and;

WHEREAS, the Tax Collector may mail NOTICE OF SALE for any two weeks and advertise for any two weeks, or just advertise consecutively for the full four weeks, with the official tax sale held the following week, and;

WHEREAS, the costs incurred for each mailing of NOTICE OF SALE be set at \$25.00 per mailing, and be collected in order for the property to be removed from said tax sale, so;

THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Council of the Township of Berlin that costs incurred including advertisement be set at the two percent delinquency of not less than \$15.00 nor more than \$100.00, and also be collected if mailed, the \$25.00 Notice of Sale per notice, in order for the property to be removed from said tax sale along with any delinquencies and interest due.

Motion by Council President Morris, second by Councilman DiGangi to adopt Resolution 2011-107. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-108 AUTHORIZATION TO HOLD ACCELERATED TAX**  
**SALE 2010/2011 FISCAL YEAR TAX 2010/2011 FISCAL YEAR SEWER**  
**CAMDEN COUNTY MUNICIPAL UTILITY SEWERAGE ACCOUNTS**  
**AND THE BOROUGH OF BERLIN WATER DELINQUENCIES**  
**PER THE OFFICIAL EXTENDED TAX DUPLICATE**  
**LIST RULES AND REGULATIONS PURSUANT TO N.J.S.A. 54:5-19**

WHEREAS, according to the amended regulations set forth in N.J.S.A. 54:5-19 et seq., all taxes and municipal sewer and other lienable charges payable through the eleventh day of the eleventh month of the current fiscal year shall be subject to tax sale and offered for sale of lien to the lowest bidder or highest premium bidder at a tax sale to be held on the 21st day of June, 2011 at 10:00 AM at the Municipal Hall Court Room, and;

WHEREAS, there are delinquencies appearing in the records of the Township of Berlin for monies levied on the owners of record as they appear in the official tax

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list filed in the office of the Collector of Taxes of Berlin Township, as well as certified listings from the Borough of Berlin Water Department and the Camden County Municipal Utilities Authority, so;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that the Tax Collector be authorized to hold a Tax Sale for all tax, sewer, maintenance liens, Borough of Berlin water accounts servicing the Township of Berlin and the Camden County Municipal Utilities Authorities arrears payable through the eleventh day of the eleventh month of the current fiscal year, properties located in our municipality on June 21st, 2011 and being advertised and/or with official notices of sale for four consecutive weeks and notice to the owners of record according to the requirements of N.J.S.A. 54:5-19 et seq.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2011-108. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-109 RESOLUTION ADOPTING THE 3 YEAR COOPERATION AGREEMENT WITH THE COUNTY OF CAMDEN**

**WHEREAS**, the Township of Berlin and the County of Camden wish to establish a cooperative means of conducting certain eligible community development and affordable housing 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**, Title 1 of the Housing and Community Development Act of 1974, the Housing and Urban-Rural Recovery Act of 1983, and the Home Program Act of 1991, as amended, provides federal funds being made available to Camden County for use to carry out eligible Community Development Activities therein; and

**WHEREAS**, the Township of Berlin will propose certain activities to be carried out under the 34, 35, 36<sup>th</sup> Year Community Development and Home Programs; and

**WHEREAS**, the aforesaid activities are in the best interest of the Township of Berlin;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Berlin that the 34<sup>th</sup>, 35<sup>th</sup>, 36<sup>th</sup> Year Cooperative Agreement be adopted.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon its enactment.

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Motion by Councilman DiGangi, second by Councilwoman Bodanza to adopt Resolution 2011-109. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-110 RESOLUTION RECONFIRMING THE DEDICATED TAX RATE FOR THE MUNICIPAL OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND FOR TAX BILLING PURPOSES**

**WHEREAS**, on November 2, 1999 a referendum question was passed by the residents of the Township of Berlin, dedicating \$.04 per hundred dollars of assessed valuations for such purposes with the results certified by the County; and

**WHEREAS**, there has been no further referendum passed since November 2, 1999 to change such rate;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey that the dedicated tax rate of \$ .04 per hundred dollars of assessed valuations for the Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund be confirmed for tax billing purposes.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-110. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-111 RESOLUTION AUTHORIZING PURCHASES BASED UPON THE AWARD OF CONTRACT TO HESS CORPORATION IN ACCORDANCE WITH THE COOPERATIVE BID AWARDED BY THE COUNTY OF CAMDEN FOR THE SOUTH JERSEY POWER COOPERATIVE**

**WHEREAS**, the County of Camden, on behalf of the South Jersey Power Cooperative ("SJPC"), in which Berlin Township is a member, received and opened bids at its Division of Purchasing on July 22, 2010 at 11:10 a.m., Prevailing Time, for Electric Generation Supply Service for the South Jersey Power Cooperative (Bid A-28); and

**WHEREAS**, bids were received from two vendors and Hess Corporation was the lowest responsible bidder who complied with the specifications and submitted the following rates:

EDC	Rate Category	Bid Price	Duration	Service/Start
Atlantic City Electric	FP	\$0.09147	12 Mo.	Sept/Oct 2010
Atlantic City Electric	CIEP	\$0.09225	12 Mo.	June 2011

and

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**WHEREAS**, by resolution adopted on July 22, 2010, the Camden County Board of Chosen Freeholders awarded contracts for Camden County's needs and participating members of the SJPC as described above commencing on the above-specified dates; and

**WHEREAS**, due to facility relocation, Berlin Township was unable to award a contract prior to this date; and

**WHEREAS**, the term of the contract awarded shall be for one year commencing on the above-specified dates; and

**WHEREAS**, funding for this purpose shall not exceed the maximum budgeted line items for the Street Lighting and Electricity/ Natural Gas line items in the permanent SFY 2011 budget and the temporary and/or permanent 2012 budgets and shall be encumbered in accordance with N.J.A.C. 5:34-5.3(b)(2); and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the Chief Financial Officer/Qualified Purchasing Agent is hereby authorized to purchase electric energy services for a one year term commencing from the above-specified dates.

Motion by Council President Morris to table Resolution 2011-111, second by Councilman DiGangi to Table Resolution 2011-111. Resolution tabled by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-112 RESOLUTION APPROVING PRELIMINARY MUNICIPAL TAX LEVY FOR THE CALENDAR YEAR 2011**

**WHEREAS**, THE New Jersey Division of Local Government Services has revised the method of calculating the Local Municipal Tax Rate for municipalities operating on a fiscal year basis ending June 30<sup>th</sup> and

**WHEREAS**, this revised procedure for the calculation of a Preliminary Municipal Tax Levy on the Basis of a calendar year requirement as per form attached hereto;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Berlin that the attached Certification of Preliminary Fiscal Year Tax Levies is hereby approved reflecting a Preliminary Tax Levy of \$ 5,733,479.05 for the calendar year 2011.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be filed with the New Jersey Division of Local Government Services and with the Camden County Board of Taxation.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2011-112. Resolution adopted by call of the roll, five members present voting in the affirmative.

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**RESOLUTION 2011- 113 RESOLUTION AUTHORIZING ADVERTISEMENT OF RFQ'S FOR TRAFFIC SIGNAL CONTROL MONITORING SYSTEMS (AUTOMATED RED LIGHT AND SPEED ENFORCEMENT SYSTEMS)**

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that the Municipal Clerk is hereby authorized to advertise for RFQ's for Traffic Signal Control Monitoring Systems (Automated Red Light and Speed Enforcement Systems), which includes, but is not limited to the preparation of all necessary applications to the State of NJ Department of Transportation for approvals, for the intersections of State Highway Route 73 and Franklin Avenue and State Highway Route 73 and Prospect Avenue, in the Township of Berlin, in the 5/26/11 issue of the Courier Post.

Motion by Councilman DiGangi, second by Councilwoman Bodanza to adopt Resolution 2011-113. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011- 114 RESOLUTION AMENDING SALARY RESOLUTION 2011: 62 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 2011: 62 on January 24, 2011, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2011; and

**WHEREAS**, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salaries effective January 1, 2011:

POSITION	AMOUNT
Chief Financial Officer	\$ 77,463.00
Township Clerk	50,000.00
Assistant Township Clerk	27,540.00
Tax Assessor	26,398.00
Tax Collector	55,313.00
Sewer Clerk	3,812.00
Tax/Sewer/Finance Clerk	29,621.00
Municipal Judge	19,909.00
Municipal Court Administrator	51,024.00
Deputy Court Administrator	32,110.00
Court Recording Operator	79.00 per court
Prosecutor	12,352.00
Clerk Typist/Part Time	10.70, 11.40, 12.45, 13.80 per hour
Const. Code Official/Building Inspector	21,375.00
Electrical Sub Code Official/Electrical Inspector	9,976.00

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Crossing Guards	11.29 per hour
Public Works – Clerk Typist	21,420.00
Administrative Secretary, Land Use	44,203.00
Librarian	14,364.00
Emergency Management Coordinator	510.00
Bus Drive	16.37 per hour
Building Custodian/Property Maint./ Bd of Health Inspector	14.28 per hour
Lieutenants of Police	85,758.00
Sergeants of Police	81,228.00
Patrolmen:	
Date of Hire	44,571.00
Beginning of 2 <sup>nd</sup> Year	50,301.00
Beginning of 3 <sup>rd</sup> Year	56,032.00
Beginning of 4 <sup>th</sup> Year	61,762.00
Beginning of 5 <sup>th</sup> Year	67,492.00
Beginning of 6 <sup>th</sup> Year	76,804.00
Police Department – Clerk Typist	25,500.00
Police Department – Clerk Typist – Part Time	14.01 per hour
Director of Public Works/Township Engineer	139,740.00
(with C-2 Wastewater License)	140,740.00
Employees of Public Works Department	\$14.79 to \$24.27 per hour
Temporary Public Works Employees	\$12.24 per hour

**WHEREAS**, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary effective June 20, 2011:

POSITION	AMOUNT
Fire Sub Code Official	\$6000.00 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 Councilman DiGangi, second by Councilwoman Bodanza to adopt Resolution 2011-114. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011- 115 APPOINTMENT OF FIRE SUB-CODE OFFICIAL/FIRE INSPECTOR**

**WHEREAS**, N.J.S.A. 40:69A-122 provides that the Mayor with the advice and consent of the Council, appoint such other officers as may be provided by ordinance; and

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**WHEREAS**, Section 3-3 of the Code of the Township of Berlin provides for a Department of Public Safety, and 3-30 provides for the enforcement of the fire regulations of the Township of Berlin;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, that pursuant to N.J.S.A. 52:27D-126 **RALPH JONES**, is hereby appointed FIRE SUB-CODE OFFICIAL effective May 7, 2011 until the term is expired.

Motion by Councilman DiGangi, second by Councilwoman Bodanza to adopt Resolution 2011-115. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011- 116 RESOLUTION FOR SHARED SERVICES AGREEMENT FOR THE PROVISION OF POLICE SERVICES WITH BERLIN BOROUGH AND WATERFORD TOWNSHIP**

**WHEREAS**, The Governing Body of the Township of Berlin has determined it to be in the best interested of its residents to formulate a shared services agreement for the provision of police services with Berlin Borough and Waterford Township; and

**WHEREAS**, a shared services agreement for police services among the three municipalities will enhance the quality of life for the residents of the municipalities as well as the safety of the police personnel; and

**WHEREAS**, a sharing of police services will result in reduced costs and less overtime for special events, training and emergency call outs; and

**WHEREAS**, the police chiefs of the three municipalities will meet regularly to address issues such as staffing, purchasing, training, specialized units, traffic investigations, and special events with the following goals:

**A) Purchasing-** to streamline purchasing to effectuate the utilization of the same products or specification to reduce costs and to ensure that products are interchangeable during emergency situations.

**B) Staffing-** The staffing needs of each department will be assessed to ensure appropriate staffing levels while at the same time limiting overtime whenever possible, particularly with respect to special; events within respective municipalities.

**C) Training-** the three police departments will schedule mandatory training and ensure that all training will be standardized so that all officers working together will receive similar training, knowledge, and experience.

**D) Specialized Units-** A tactical team is ready in place and the police chiefs will cooperate to provide more efficient training in an effort to streamline a larger regionalized unit.

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**E) Traffic Investigation-** Officers specialized in investigating serious crashes will share experiences with personnel scheduled for emergency traffic incidents and officers from all three departments will assist, which will reduce call outs and overtime.

**F) Detectives-** The police chiefs will design a plan so that detectives units will work together and detectives will share the workload using joint investigative tactics and technology; and

**WHEREAS,** with the cooperation of the mayors, directors, and police chiefs the long term goal is to unify rules, regulations, and standard operating procedures so that all municipalities can work in unison without losing their respective individualities, and retain the right to control their respective budgets and determine how to best provide for the health, welfare and safety of their residents.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Berlin, County of Camden, State of New Jersey, that the Township of Berlin enter into a shared services agreement with the Borough of Berlin and the Township of Waterford for police services within the three municipalities; and

**BE IT FURTHER RESOLVED** that the attached Exhibit "A" set forth the initial outline for the provision of joint services.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2011-116. Resolution adopted by call of the roll, five members present voting in the affirmative.

### **CONSENT AGENDA**

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

### **APPROVAL OF MEETING MINUTES FROM APRIL 11, 2011**

Motion by Councilman McIntosh, second by Councilman DiGangi to approve the minutes for April 11, 2011. Motion carried by voice vote, four present voting in the affirmative one abstain.

### **ALL OTHER BUSINESS**

No comments were to be heard

### **PUBLIC PORTION**

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

Mary Lou Maloney, Haddon Avenue presented and read a petition to Mayor and Council of the Township of Berlin and asked for their

### **We the People of Berlin Township want our voices heard...**

As you may have heard, the Berlin Township School Board, under the direction and advice of Superintendent Brian Betze, has initiated a plan to create a "shared services agreement" with the town of Chesilhurst (currently a sending district for Winslow Township). Under the proposed plan, Berlin Township would accept children from Chesilhurst into Berlin Township Schools and in turn bus our Pre-K and Kindergarten babies to their former (now vacant) school 8 miles away despite having an excellent early education program right here in our own town. While the intentions of this plan might sound appealing to create a quick fix to our financial downfall, we have gotten practically no information that would guarantee this is the most beneficial plan for our children now or in the future. Additionally, this plan lacks the backing that it's the best plan for Chesilhurst children either. Unfortunately, there are so many unanswered questions and issues that need to be resolved before we take on an added responsibility of a struggling district. To make matters worse, the children of Chesilhurst would be going to their third school system in 2 years.

We ask that the New Jersey State Department of Education and Governor Christie please listen to the people of Berlin Township and consider the following two requests:

- We ask that since there has not been a thorough investigation and gathering of information on a plan that can impact our town and children financially, educationally and the safety of our youngest of all our school age children, that a complete feasibility study be completed by Berlin Township School Board in conjunction with the New Jersey Department of Education before a plan can even be considered.
- It is our feeling that since the Berlin Township School Board has adopted a resolution to accept the children of Chesilhurst without complete public disclosure to all residents of Berlin Township and no real input from the public, we, the under signed citizens and taxpayers of Berlin Township are left with no choice but to take matters in to our own hands and respectfully request the State of New Jersey order a referendum on the issue.

Thank you from the undersigned parents, grandparents and concerned citizens from our great town of Berlin Township. Please insure that we will be given the information we need to make such an important decision that will affect our children and township residents for many years to come and the ability to let our voices be heard by the most important fundamental democratic value - the right to vote!

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Mary Lou states that she works for Winslow Township and that Chesilhurst sill has not paid the 2 million that they owe in tuition. Also Winslow has taken in all of Chesilhurst teachers, now what is going to happen to those teachers, this arrangement is going to effect a lot of people.

Michael and Cindy Edwards, Boyer Avenue stated they are her tonight for the same reasons and handed in their petitions.

Mayor Magazzu noted that Michael Edward was School Board President at one time.

Cindy Edwards said that we are hearing a lot of conflicting information on this issue.

Mayor Magazzu stated that she is being told that Chesilhurst was ordered by a judge to do a feasible study and that they were told that they have to do referendum, so I don't think this is going to happen this coming school year in September. I also heard that they have to pay Winslow some money and put some money aside until the dispute is resolved.

Michael Edwards commented that we have no information, no studies, nothing except a Superintendent saying this is what we are going to do. And who is going to pay for all this. A couple of years ago we were in a situation like this.

Mayor remarked yes and we all worked together with the school.

Michael replied I don't have a problem with this if everyone agrees on this, but give us the information for us the public to make a decision and vote on it.

Cindy commented that we don't have children in the school, so we don't get any information and a lot of people in town that I have talk too have no idea this is going on.

Mayor Magazzu asked if the Council would want to do a resolution supporting the petition, Council all agreed.

**RESOLUTION 2011-117 RESOLUTION TO SUPPORT THE PETITION FROM THE RESIDENTS OF BERLIN TOWNSHIP TO HAVE A FESIBILITY STUDY DONE AND TO HAVE THE RESIDENTS VOTE ON A REFERENDUM FOR THE PROPOSED PLAN FROM THE BERLIN TOWNSHIP SCHOOL BOARD WITH CHESILHURST**

**WHEREAS,** The Berlin Township School Board, under the Direction and advice of Superintendent has initiated a plan to accept children from Chesilhurst Borough into Berlin Township Schools; and

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**WHEREAS**, in this plan our Pre-K and Kindergarten children would be bussed eight miles away to a now vacant school despite having an exceptional early education program in Berlin Township; and

**WHEREAS**, the residents of Berlin Township have submitted a Petition to the Mayor and Township Council at its public meeting May 9, 2011 indicating that they have not received any information, studies, or have had an opportunity to discuss or have any input to this plan: and

**WHEREAS**, Chesilhurst Borough has been afforded the opportunity to do a feasibility study and have their residents vote in a referendum; and

**WHEREAS**, the residents of Berlin Township has submitted petitions to the governing body to have there voices heard

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of Berlin that the New Jersey State Department of Education and Governor Christie, listen to the people of Berlin Township and consider the following request:

- Since there has not been a thorough investigation and gathering of information on this plan that may impact our town and children financially, educationally and the safety of our youngest of all our school age children, that a complete feasibility study be completed by Berlin Township School Board in conjunction with the New Jersey Department of Education before the plan can even be considered.
- Since the Berlin Township School Board has adopted a resolution to accept the children of Chesilhurst without complete public disclosure and input of all residents of Berlin Township we respectfully request, the State of New Jersey order a voter referendum on this issue.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2011-117. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-118 A RESOLUTION AGAINST THE PROPOSED PLAN FROM THE BERLIN TOWNSHIP SCHOOL BOARD WITH CHESILHURST**

**WHEREAS**, the Mayor and Township Council of the Township of Berlin is in favor and supportive of shared services; and

**WHEREAS**, the lack of information and studies not done we feel this proposed shared services with Berlin Township School Board and Chesilhurst is not in the best interest of Berlin Township children and residents at this time.

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**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that we are hereby against the proposed plan from the Berlin Township School Board with Chesilhurst.

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2011-118. Resolution adopted by call of the roll, five members present voting in the affirmative.

Roe Able, Powell Avenue, thanked Mayor and Council for all their support on the Petition and the Chesilhurst issue. Roe then asked if the Township was going to do anything about the merging lane on 73 in front of Canals Liquor store, it looks like an accident waiting to happen.

Chief Jackson Responded that area is Berlin Borough and that there Chief of Police is looking into that with the State Engineer. He stated that he will give Berlin Borough a call and see what can be done.

Al Silva, Vice President of BTAA reported that Baseball and Softball is going strong and that BTAA will be having an All-Star weekend and would like to invite Mayor and Council. Al said that soccer registration has started for the soccer season and will continue till the end of the month. He stated that he had submitted a waiver form that the organization is planning to use but would like the Township input before using.

Jackie Bonfiglio, Thurman Avenue asked if there was a way to get Chuck Rebiel Engineer report.

Mayor Magazzu replied that it is in the minutes.

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

Council President Morris gave an update on what the Historical Committee has been working on. For the July Fourth Celebration they will be present to let the community know what future events that they are planning. In the month of October they are going to do Italian Heritage month and also will be honoring the famous Apple Taffy Lady.

## **ADJOURN**

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

Meeting adjourned 7:35 pm

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Catherine Underwood, Township Clerk

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