

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL FEBRUARY 22, 2016 AT 5:30 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-** Mayor Magazzu, Councilman McIntosh, Councilwoman Bodanza, Councilman Epifanio, Council President Morris.

**Also Present-** Solicitor, Stuart Platt Esq, CFO, Lori Campisano, Maintenance/Animal Control, Josh Shellenberger, Township Engineer / Public Works Director Chuck Riebel

**Absent-** Chief of Police Leonard Check

**Departmental Reports**

**Engineer / Public Work Director**

Chuck Riebel commented that he has two items that he would like the Governing Body to take action on this evening.

1) A RESOLUTION AUTHORIZING THE SUBMISSION OF THE NEXT ROUND OF CAMDEN COUNTY OPEN SPACE RECREATION ENHANCEMENT APPLICATION YEAR 2016

Chuck remarked that he would recommend the Hockey Rink for this year 2016 project.

2) RESOLUTION TO AWARD A CONTRACT TO FIFTHROOM.COM FOR A MANUFACTURERED WOOD BAND SHELL KIT.

Chuck stated that he had received one quote for the wooden band shell and recommends that the Governing Body take action awarding a contract since researching with other companies this is a reasonable quote.

**Solicitor Report**

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental

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3. Bate Avenue Property Former Municipal Site
4. Sherwood, Orio, Olyroyd & Fruggerio
5. Saverio Garofalo V. Township of Berlin
6. Michael Curtis V. Berlin Township
7. Estate of Carol Bowne
8. Open Public Records Act
9. Ordinance Revision
10. In Rem Tax Foreclosure
11. Municipal Building Roof Claim
12. Lester Avenue Drainage Project

**SECOND READING AND PUBLIC HEARING ORDINANCE 2016-1 ORDINANCE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, REVISING, AMENDING AND SUPPLEMENTING CHAPTER 87 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ANIMALS"**

**WHEREAS**, a significant number of puppies and kittens sold at pet shops come from large-scale commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills” respectively). According to the Humane Society of the United States it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

**WHEREAS** the inhumane conditions in puppy and kitten mills facilities lead to health and behavioral issues in the animal bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both lack of education on the issue and misleading tactics of some pet shops in some cases. These health behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional cost on consumers; and

**WHEREAS** current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

**WHEREAS** restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from shelters and rescue organizations; and

**WHEREAS**, according to the NJ Department of Health 2014 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually, including nearly 1,500 in the County of Camden. Restricting the retail sale of puppies and kittens to only those that are sourced from

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animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on the local taxpayers; and

**WHEREAS** across the country, thousands of independent pet shops as well as large chains operate profitably with the business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

**WHEREAS** this ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dog or cat are bred, or can confer directly with the hobby breeder concerning those conditions; and

**WHEREAS** the Berlin Township Mayor and Council believes it is in the best interests of this municipality to adopt reasonable regulations to reduce costs to the municipality and its residents, protect the citizens of the municipality who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment within the municipality; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and the Township Council of the Township of Berlin, as follows:

**SECTION 1:** Chapter 87, Entitled "Animals," is hereby amended, revised and /or supplemented by adding a new Article IV, relocating and renumbering Sections 87-25 through Section 87-27 to the new Article IV and adding a new Section 27-33 thereto as follows:

**ARTICLE IV. Kennels, Pet Shops and Shelters**

**§87-30 License required**

- A. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound shall apply to the Township Clerk or other official designated to license dogs in the municipality where such establishment is located, for a license entitling him to keep or operate such establishment. The application shall describe the premises where the establishment is located or is proposed to be located, the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the local municipal and health authorities showing compliance with the local and State rules and regulations governing location of and sanitation at such establishments.
- B. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the

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last day of June of each year, and be subject to revocation by the Township on recommendation of the State Department of Health and Senior Services or the local board of health for failure to comply with the rules and regulations of the State department or local board governing the same, after the owner has been afforded a hearing by either the State department or local board, except as provided in subsection C. of this section. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.

- C. The license for a pet shop shall be subject to review by the Township, upon recommendation by the State Department of Health and Senior Services or the local health authority for failure by the pet shop to comply with the rules and regulations of the State department or local health authority governing pet shops or if the pet shop meets the criteria for recommended suspension or revocation provided under subsection c. or d. of section 5 of P.L.1999, c. 336 (C.56:8-96), after the owner of the pet shop has been afforded a hearing pursuant to subsection e. of section 5 of P.L.1999, c. 336 (C.56: 8-96). The Township, based on the criteria for the recommendation of the local health authority provided under subsections c. and d. of section 5 of P.L.1999, c. 336 (C.56:8-96), may suspend the license for 90 days or may revoke the license if it is determined at the hearing that the pet shop: (1) failed to maintain proper hygiene and exercise reasonable care in safeguarding the health of animals in its custody or (2) sold a substantial number of animals that the pet shop knew, or reasonably should have known, to be unfit for purchase.
- D. The Township may issue a license for a pet shop that permits the pet shop to sell pet supplies for all types of animals, including cats and dogs, and sell animals other than cats and dogs but restricts the pet shop from selling cats or dogs, or both.
- E. Every pet shop licensed pursuant to this Chapter shall submit annually and no later than May 1 of each year records of the total number of cats and dogs, respectively, sold by the pet shop each year to the Township, and the Township shall provide this information to the local health authority.

### **§87-31 License fees**

- A. The annual license fee for a kennel providing accommodations for ten or less dogs shall be ten dollars (\$10.00), and for more than ten dogs twenty-five dollars (\$25.00).
- B. The annual license fee for a pet shop shall be ten dollars (\$10.00).
- C. No fee shall be charged for a shelter or pound.

### **§87-32 Dogs in kennels, pet shops and shelters to remain on site**

No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises, except on a leash or in a crate or other safe control.

**§87-33 Sale of dogs and cats from pet shops**

- A. Definitions: When used herein, the following terms shall have the following meanings:

**Animal Care Facility** means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

**Animal rescue organization** means any not-for-profit organization which has tax exempt status under section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is in whole or in significant part, the rescue and placement of animals in permanent homes.

**Cat** means a member of the species of domestic cat, *Felis Catus*.

**Dog** means a member of the species of domestic dog, *Canis Familiaris*.

**Offer for Sale** means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

**Pet Shop** means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

- B. Restrictions on the Sale of Animals

- (1) A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
- (a) An animal care facility; or
  - (b) An animal rescue organization
- (2) A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

**SECTION 2:** Chapter 87, entitled "Animals," is further amended, revised and/or supplemented by renumbering the following Article and Section numbers as follows:

<u>Current Article/Section Number</u>	<u>New Article/Section Number</u>
§87-28	§87-25
Article III	Article III [NO CHANGE]
§87-29	§87-26
§87-30	§87-27
§87-31	§87-28

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§87-32	§87-29
Article IV	Article V
§87-33	§87-34
§87-34	§87-35
§87-35	§87-36
§87-36	§87-37
§87-37	§87-38
Article V	Article VI
§87-38	§87-39
§87-39	§87-40
§87-40	§87-41
§87-41	§87-42

**SECTION 3:** Except as set forth in Sections 1-2 above, the balance of Chapter 87 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 become effective 90 days after passage.

Motion by Council President Morris, second by Councilwoman Bodanza to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2016-1.

No comments were to be heard.

Motion by Councilman McIntosh, second by Councilman Epifanio 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 for questions or comments on Ordinance 2016-1.

Motion by Councilwoman Bodanza second by Council President Morris to adopt Ordinance 2016-1. Ordinance approved by call of the roll, five members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2016-3 AMENDING ORDINANCE 2015-11 FIXING AND DETERMINING SALARY RANGES 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

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Ordinance 2015-11 on December 14, 2015 fixing and determining salary ranges for the officers and employees for the calendar year 2016; and

**WHEREAS**, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary range for the calendar year 2016 effective February 8, 2016 as follows:

POSITION	.....SALARY RANGE.....	
	FROM	TO
Temporary Court Assistant	\$124.00	\$125.00 per court

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the above mentioned salary range is amended as stated.

Motion by Council President Morris, second by Councilman Epifanio 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 2016-3.

No 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. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2016-3.

Motion by Council President Morris second by Councilwoman Bodanza to adopt Ordinance 2016-3. Ordinance approved by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-79 TEMPORARY CAPITAL BUDGET**

**WHEREAS**, the Mayor and Members of Township Council of the Township of Berlin, in the County of Camden, desire to constitute the 2016 Temporary Capital budget of said municipality by inserting therein various capital projects,

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Members of Township Council of the Township of Berlin approve the temporary capital budget as follows:

Section 1. The 2016 Temporary Capital Budget of the Township of Berlin is hereby constituted by the adoption of a schedule to read as follows:

<b>PROJECT</b>	<b>ESTIMATED COST</b>	<b>DOWN PAYMENT</b>	<b>GRANTS</b>	<b>DEBT AUTHORIZED</b>
Road Construction	\$458,850.00	\$119,206.00	---	\$339,644.00
Drainage Improvements	\$342,825.00	\$89,064.00	---	\$253,761.00

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Acquisition of Equipment	\$1,397,550.00	\$363,074.00	---	\$1,034,476.00
Improvement to Recreational Facilities	\$44,100.00	\$11,457.00	---	\$32,643.00
Acquisition of Ambulance	\$181,675.00	\$47,199.00	---	\$134,476.00

Section 2. The Township Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for the 2016 Temporary Capital Budget and that these projects are to be included in the 2016 Permanent Capital Budget as adopted.

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adopt Resolution 2016-79. Resolution adopted by call of the roll, five members present voting in the affirmative

**FIRST READING APPROPRIATION ORDINANCE 2016-4 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, APPROPRIATING \$518,500 FOR THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT AND THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS.**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** There is hereby appropriated the sum of \$518,500 from the General Capital Surplus for the acquisition of various pieces of capital equipment and the completion of various capital improvements including: (i) \$65,000 for the Refurbishment of two (2) existing Trash Trucks; (ii) \$97,000 for the Acquisition of Various Equipment for the Public Works Department including, but not limited to, Lawn Mowers and a Loader; (iii) \$150,000 for the Acquisition of Vehicles for the Public Works Department including, but not limited to, a Pick-Up Truck with Plow and Tool Box and a Utility Vehicle; (iv) \$69,500 for Various Improvements to Municipal Buildings and Land including, but not limited to, the Installation of a Fuel Dispensing System at the Public Works Complex, Upgrades to the Electrical Supply in the Public Works Garage and the Demolition of Existing Structures at 176 Bate Avenue and related environmental testing/analysis; (v) \$87,000 for the Acquisition of Various Equipment for the Police Department including, but not limited to, License Plate Readers and Computer Equipment; and (vi) \$50,000 for the Acquisition of Various Computer Equipment for Municipal Offices, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto (collectively, the "Project").

**Section 2.** It is hereby determined and stated that the Project set forth in Section 1 is a general improvement and is not a current expense of the Township.

**Section 3.** The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local

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Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

**Section 4.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect after final adoption and publication as required by law.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Ordinance 2016-4 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**FIRST READING BOND ORDINANCE 2016-5 AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN AND FOR THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$2,425,000 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 \$1,795,000; 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 \$2,425,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$1,795,000;
- (c) a down payment in the amount of \$630,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11; and

**Section 3.** The sum of \$1,795,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$630,000, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

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**Section 4.** The issuance of negotiable bonds of the Township in an amount not to exceed \$1,795,000 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 \$1,795,000 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 \$118,500.

**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>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A Reconstruction and/or Resurfacing of Various Township Roadways including, but not limited to, Hazel Avenue, Taunton Avenue, Lester Avenue, McClellan Avenue and Centaurin Drive, all as more particularly described in the plans and specifications on file and available for inspection in the Township Clerk's office, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$458,850	\$119,206	\$339,644	10 years
B Drainage Improvements at Various Locations, all as more particularly described in the plans and specifications	342,825	89,064	253,761	10 years

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<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligatio ns</u>	<u>Period of Usefulne ss</u>
on file and available for inspection in the Township Clerk's office, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto				
C. Acquisition of Various Equipment for the Public Works Department for Trash Collection Purposes including, but not limited to, Automated Trash Collection Vehicles, Dual Rotary Cart Tipper Attachments and a Grabber Lift Unit, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	977,550	253,961	723,589	10 years
D. Acquisition of Various Replacement Equipment for the Public Works Department including, but not limited to, Dump Trucks and a Large Stake Body Truck, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	420,000	109,113	310,887	15 years
E. Various Improvements to Recreational Facilities including, but not limited to, Reconstruction of Basketball Courts and Upgrades to Luke Avenue Dog Park, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	44,100	11,457	32,643	15 years
F. Acquisition of an Ambulance, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	181,675	47,199	134,476	10 years
<b>TOTALS</b>	<b>\$2,425,000</b>	<b>\$630,000</b>	<b>\$1,795,000</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

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consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 10.95 years.

**Section 9.** 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 \$1,795,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 10.** 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 11.** 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 12.** 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 13.** 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

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(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 14.** 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 15.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 16.** 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 Councilwoman Bodanza, second by Councilman McIntosh to adopt Bond Ordinance 2016-5 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

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**RESOLUTION 2016-80 RESOLUTION APPROVING THE CONTRACT AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT BETWEEN THE TOWNSHIP OF BERLIN AND THE BERLIN TOWNSHIP POLICE ASSOCIATION.**

**WHEREAS**, there exists a need for a contractual understanding of employment services to be rendered to the Township of Berlin by the Berlin Township Police Association; and

**WHEREAS**, negotiations for such a contractual understanding were undertaken and completed between representatives from the Township of Berlin and the Berlin Township Police Association; and

**WHEREAS**, the terms and conditions of said contractual understanding are incorporated into a written document identified as the Contract between the Township of Berlin and the Berlin Township Police Association as herein above described, be approved subject to review by the Solicitor.

**BE IT FURTHER RESOLVED**, that the appropriate Township Officials be authorized to sign and execute said contract for the period of January 1, 2016 to December 31, 2018.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2016-80. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2016-81 RESOLUTION FOR SHARED SERVICES BY AND BETWEEN THE BERLIN TOWNSHIP AND THE BOROUGH OF SOMERDALE FOR PROFESSIONAL ENGINEERING AND ENGINEERING SUPPORT SERVICES.**

**WHEREAS**, the Township of Berlin desires to Share Services by and between the Berlin Township and the borough of Somerdale for Professional Engineering and Engineering support services; and

**WHEREAS**, the Township Of Berlin has determined that proceeding a shared service agreement would be beneficial to Berlin Township; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the shared services by and between the Berlin Township and the Borough of Somerdale is hereby authorized: and

**NOW FURTHER, BE IT RESOLVED** by the Mayor and Governing Body of the Township of Berlin, County of Camden and State of New Jersey, that the Mayor is hereby authorized to execute the attached Agreement on behalf of the Township of Berlin.

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Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2016-81. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2016-82 RESOLUTION AMENDING SALARY RESOLUTION 2015: 193 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 2015: 193 on December 14, 2015, establishing the salary and wages for the officers and employees of the Township of Berlin for the calendar year 2016; and

**WHEREAS**, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary effective February 8, 2016 as follows:

POSITION	AMOUNT
Temporary Court Assistant	\$ 125.00 per court

**WHEREAS**, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salaries effective January 1, 2016 as follows:

Chief of Police	\$119,704.00
Lieutenants of Police	\$ 95,147.00
Sergeants of Police	\$ 90,121.00
Patrolmen:	
Date of Hire (without certification)	\$ 30,600.00
Date of Hire (with certification or completion of the Academy)	\$ 42,448.00
Beginning of 2 <sup>nd</sup> Year	\$ 45,632.00
Beginning of 3 <sup>rd</sup> Year	\$ 49,451.00
Beginning of 4 <sup>th</sup> Year	\$ 55,809.00
Beginning of 5 <sup>th</sup> Year	\$ 62,166.00
Beginning of 6 <sup>th</sup> Year	\$ 68,525.00
Beginning of 7 <sup>th</sup> Year	\$ 74,882.00
Beginning of 8 <sup>th</sup> Year	\$ 85,214.00
Township Clerk	\$ 61,365.00

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

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2016-82. Resolution adopted by call of the roll, five members present voting in the affirmative

FEBRUARY 22, 2016

**RESOLUTION 2016-83 RESOLUTION REQUESTING THE ISSUANCE OF RAFFLE LICENSES FOR CONTACT COMMUNITY HELPLINES.**

**WHEREAS**, Contact Community Helplines, 100 West Gate Drive, Cherry Hill, New Jersey has requested the issuances of license by the Township of Berlin for;

**March 31, 2016 Location at 400 Commerce Lane West Berlin NJ 08091**

**On- Premises Draw Raffle (Basket / Auction)  
On- Premises 50/50 Cash Raffle**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of Raffle licenses to the Contact Community Helplines, 100 West Gate Drive, Cherry Hill, New Jersey for, March 31, 2016

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2016-83. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2016-84 RESOLUTION TO REFUND IN CASE FEE FOR NICHOLAS PELUSO, 240 POWELL AVENUE WEST BERLIN NJ.**

**WHEREAS**, Nicholas Peluso, 240 Powell Avenue West Berlin New Jersey, registered for "In Case", but decided to withdraw his registration: and

**WHEREAS**, Nicholas Peluso is requesting a refund of \$10.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey that a refund of \$10.00 be issued to Nicholas Peluso, 240 Powell Avenue West Berlin New Jersey.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2016-84. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2016- 85 RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE CONTRACT BETWEEN THE TOWNSHIP OF BERLIN AND THE TOWNSHIP OF BERLIN CHIEF OF POLICE.**

**WHEREAS**, there exists a need for a contractual understanding of employment services to be rendered to the Township of Berlin by the Chief of Police; and

**FEBRUARY 22, 2016**

**WHEREAS**, negotiations for such a contractual understanding were undertaken and completed between representatives from the Township of Berlin and the Township of Berlin Chief of Police; and

**WHEREAS**, the terms and conditions of said contractual understanding are incorporated into a written document identified as the Contract between the Township of Berlin and the Township of Berlin Chief of Police as hereinabove described, be approved subject to review by the Solicitor.

**BE IT FURTHER RESOLVED**, that the appropriate Township Officials be authorized to sign and execute said contract for the period of January 1, 2016 to December 31, 2018.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2016-85. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2016-86 PAYMENT OF BILLS FOR FEBRUARY 2016.**

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>
Treasurer, State of NJ	Dog Trust	\$	362.40
Township of Berlin	PB Escrow #358		3,134.56
	PB Escrow #199		1,904.17
Fulton Bank	PB Escrow #304		14,210.62
Pinedge Associates	PB Escrow #32		13,707.44
NJ Restaurants, LP (Taco Bell)	Cash Maintenance Bond		3,700.80
<b>CONFIRMING:</b>			
Ameriflex (01/27/16)	Flex Claims Acct	\$	75.00
Verizon Fios TV (01/13-2/12/16)	6-01-20-120-2105		165.60
Kelly Foster	6-01-43-490-2028		125.00
Ameriflex (01/28/16)	Flex Claims Acct		175.00
State of NJ Health Benefits (A-Jan)	6-01-23-220-2092		64,090.08
State of NJ Health Benefits (R-Jan)	6-01-23-220-2092		39,289.86
Voorhees Truck Service	5-01-26-315-2025		2,744.95
Camden County Treasurer	6-01-55-208-0000		1,150,630.51
	6-01-55-209-0000		34,302.97
	6-01-55-208-0000		70,702.83
	6-01-55-211-0000		28,502.18
Verizon Admin (01/16-02/15/16)	6-01-31-443-2077		139.99
Berlin Township Animal Clinic	6-01-55-160-0160		691.25
Ameriflex (02/04/16)	Flex Claims Acct		75.00

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Atlantic City Electric	5-01-31-435-2071	10,235.23
Verizon	5-01-31-440-2076	1,452.60
Verizon	5-07-55-502-2076	262.96
Payroll, Current Fund	02/04/2016	134,568.37
Payroll, Sewer Operating Fund	02/04/2016	9,262.37
Payroll, Current Fund	02/18/2016	126,044.74
Payroll, Sewer Operating Fund	02/18/2016	6,797.92

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2016-86. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2016-87 RESOLUTION AUTHORIZING THE SUBMISSION OF THE NEXT ROUND OF CAMDEN COUNTY OPEN SPACE RECREATION ENHANCEMENT APPLICATION YEAR 2016.**

**WHEREAS**, the Township of Berlin desires to submit an application to Camden County Open Space Enhancement Program; and

**BE IT RESOLVED**, that the Mayor and Council of the Township of Berlin formally approves the application submission of the next round of Camden County Open Space Recreation Enhancement Program for the resurfacing of the large Hockey Rink at the Robert T. Clyde Memorial Park; and

**BE IT FURTHER RESOLVED**, that the Mayor of the Township of Berlin is hereby authorized to sign the application and any other respective documentation.

Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2016-87. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2016-88 RESOLUTION TO AWARD A CONTRACT TO FIFTHROOM.COM FOR A MANUFACTURED WOOD BAND SHELL KIT.**

**WHEREAS**, the Township of Berlin had received quotes for a wood band shell kit; and

**WHEREAS** the Township of Berlin received only one quote; and

**WHEREAS**. It is the Township Engineer's recommendation to consider awarding a contract to Fifthroom.com located at 5410 Route 8 Gibsonia PA, 15044.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that a contract be awarded to Fifthroom.com for the manufacturing of a wood band shell.

**FURTHER BE IT RESOLVED**, that the Mayor of the Township of Berlin is hereby authorized to sign the contract and any other respective documentation conditional upon solicitors review.

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Motion by Councilman McIntosh, second by Council President Morris to adopt Resolution 2016-88. Resolution adopted by call of the roll, five members present voting in the affirmative

### **Business Approvals**

**1) Graham Dillaway T/A Exceptional Medical Transportation, 301 Allied Parkway West Berlin. Ambulance Service provided.**

**2) Esteban Sobrado T/A Electro Parts Inc, 1044 Industrial Drive Suite 1 West Berlin. Contract on Manufacturing spare parts for the Department of Defense. Hard Metal Brackets. Wiring harness.**

**3) Kevin Rodgers T/A Precision Laser Specialists Inc. 154 Cooper Road West Berlin NJ. Unit 1501. Service of Medical Lasers.**

**4) Sukhchain Singh T/A US Gas / Citgo. 170 Route 73 West Berlin. Gas Station Service.**

Motion by Council President Morris, second by Councilman McIntosh to approve the mercantile licenses above. Mercantile Licenses approved by call of the roll, five members present voting in the affirmative.

### **Approval of January 25, 2016 Meeting Minutes.**

Motion by Councilman McIntosh, second by Councilman Epifanio to approve the Meeting Minutes for January 25, 2016. Motion carried by voice vote, five present voting in the affirmative.

### **Approval of February 8, 2016 Meeting Minutes.**

Motion by Councilman McIntosh, second by Councilman Epifanio to approve the Meeting Minutes for February 8, 2016. Motion carried by voice vote, five present voting in the affirmative.

### **Approval of the Consent Agenda January**

Motion by Councilwoman Bodanza, second by Council President Morris to receive and file the monthly reports on the consent agenda for January 2016. Motion carried by voice vote, all present voting in the affirmative.

### **Correspondence for January 2016**

Motion by Council President Morris, second by Councilman Epifanio to receive and file the Correspondence Calendar for January 2016. Motion carried by voice vote, all present voting in the affirmative.

### **All Other Business**

Councilwoman Bodanza remarked that the Berlin Historical Event is coming up on Saturday and will begin at 12 noon.

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**Public Portion**

Motion by Councilwoman Bodanza, second by Councilman McIntosh to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments.

No Comments were to be heard

Motion by Council President Morris, second by Councilman McIntosh to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments.

**Adjourn**

Motion by Council President Morris, second by Councilman Epifanio to adjourn the meeting at 5:56 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 5:56 pm

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Catherine Underwood, Township Clerk

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