

FEBRUARY 8, 2016

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL FEBRUARY 8, 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, Eric Rizo, Chief of Police, Leonard Check, Maintenance/Animal Control, Josh Shellenberger Township Engineer / Public Works Director Chuck Riebel

Absent- , CFO, Lori Campisano

Departmental Report

ENGINEERS / PUBLIC WORKS DIRECTOR

A. CHANGE ORDERS AND VOUCHERS

None, at this time.

B. RESOLUTIONS AND ORDINANCES FOR CONSIDERATION

1. Possible Purchase of Vehicles for Public Works Department

I recommend that the Governing Body consider the introduction of a bond ordinance, in the immediate future, for the purchase of various vehicles and equipment. We are preparing the list of requested vehicles and equipment with the respective, estimated costs for consideration by the Governing Body.

2. Proposed Dog Park at Luke Avenue Recreation Complex

I am hopeful that the lowest, responsible bid will be within the funding amount. We will be submitting the Bid Summary and Engineer's Recommendation to the Governing Body for consideration for action at the Council Meeting on February 8, 2016.

3. Proposed Band Shell at Luke Avenue Recreation Complex

FEBRUARY 8, 2016

We will be receiving quotes, in the immediate future. I am anticipating that the quotes will be received and we will be submitting the Quote Summary and Engineer's Recommendation for consideration for action by the Governing Body at the Council Meeting on February 22, 2016.

4. Order for 20 Gallon Recycling Cans Through the Middlesex Regional Educational Services Commission (MRESC) Cooperative Purchasing Program

We recommend that the Governing Body consider passing a resolution authorizing the agreement with the Middlesex Regional Educational Services Commission for purchase of recycling cans, through this cooperative purchasing program.

B. ENGINEER'S REPORT

1. Dog Park at Luke Avenue Recreation Complex (Camden County Recreation Enhancement Funding- \$25,000)

The Governing Body rejected the initial bids and authorized the re-bid of the project. The bid documents have been revised to include a proposal for the initially bid fence and another proposal for a more basic type of wood fence.

The second round of bids are scheduled to be opened on February 4, 2016. I expect to submit the Bid Summary and Engineer's Recommendation for consideration for formal action, by the Governing Body, at the Council Meeting on February 8, 2016.

2. N.J.D.O.T. FY 2016 Municipal Aid Program Applications

The applications, for the following street improvement, have been electronically submitted to the N.J.D.O.T. :

a. Priority 1- Taunton Avenue- NJDOT Rt.73 Ramp "A" to 400' from Cooper Road- \$555,000

b. Priority 2- Oak Avenue - Route 73 Ramp "A" to 80' Past Clover Avenue- \$ 94,000

I would expect the announcement of the selected projects to be announced in the early Spring, 2016.

3. Improvements to Hazel Avenue (NJDOT FY 2015 Funding)

The N.J.D.O.T. has returned the signed Agreement for \$201,000 for the improvements to Hazel Avenue. A construction contract must be awarded by June 26, 2017. It is important that the contract be awarded and the work completed, as soon as possible, as the failure to complete the work, in a timely manner, will jeopardize the consideration for future NJDOT Municipal Aid funding.

The requested amount of funding was \$236,000. The estimated construction cost is estimated to be \$210,627 and materials testing costs is estimated to be \$9,000. The

FEBRUARY 8, 2016

engineering, contract administration and inspection will be performed by the Engineering Department.

The Governing Body authorized the preparation of the bid documents and advertisement for and the opening of bids for this project. I recommend that the Governing Body consider appropriating the necessary funds.

Key Engineers, Inc. has completed the fieldwork and submitted the existing conditions plan and profile. We are, currently, preparing the bid documents and expect to receive bids within the next month for hopeful construction in the early Spring of 2016.

4. Camden County Community Development Block Grant Funds, Year 35 (\$21,000+/-), 35 Supplemental (\$11,410), 36 (\$21,000+/-) and 37 (\$25,800 +/-)

The push button activated openers and closers, for the front doors, remain to be installed. We are, currently, receiving quotes for this work.

I believe that payment has been made to the Borough of Somerdale for the construction work, which their work force performed for this project.

The Country CDBG Program has informed us that the grant monies must be spent in the immediate future as the Federal agency is threatening to recapture all funds, which have not be spent in a timely manner.

5. Collection and Hauling of Solid Waste and Recyclable Materials

It is my understanding that the Governing Body has determined that the collection and hauling, in the future, will remain in-house, using automated collection vehicles. We are, currently, analyzing the various apparatus that is available and will select the one that we feel isbest for the Township. I would like to advertise to receive bids, in the immediate future, for the implementation of the new collection process in late 2016.

6. Street Improvements to Hill Avenue

I have included the roadway improvements in my request to the Governing Body for funding in 2016.

7. Bate Avenue Site (Former Municipal Building and Administrative Building)

I have recommended that the Governing Body consider allocating the necessary funds for the environmental testing and analysis for the site and for the demolition of the former administrative building.

At the recommendation of a realtor, we have prepared a concept plan, depicting a possible twin homes layout, for use when reviewing and considering this possible proposal. I recommend that the matter of possible alternatives for the development of the site be discussed with the members of the Governing Body and Planning Board.

I recommend that the Governing Body consider the demolition of the existing building, in the immediate future, as it continues to deteriorate. I have not included the funding for this demolition in my capital request but strongly recommend funding for demolition in early 2016.

8. Improvements to the Municipal Building

FEBRUARY 8, 2016

a. Improvements to the Unfinished General Assembly Rooms

I expected to complete the bid documents for the ceiling, the remainder of the ceiling lighting, HVAC system and reconfiguration of the fire suppression system in early 2015 for a bid opening in early Spring, 2015. At this time, I am not sure when we will be completing these documents. I am hopeful that, during the Winter, we will be able to obtain bids for the installation in the Spring, 2016.

It has been determined that the Public Works staff will install the vinyl floor tiles, after the above mentioned, contracted work has been completed.

b. Irrigation and Landscaping

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

We are hopeful that we can include a rainwater recapturing system for irrigation use. I have requested the allocation of funds in my request for capital funding in 2016.

c. Recoating of the Front Parking Area

Due to the need to address higher priority projects, throughout the Township, I do not believe that funding will be allocated for this project, in the immediate future.

9. Application for the Camden County Open Space/ Recreation Enhancement Funds for the Reconstruction of the Surface for the Large Hockey Rink

This project was not selected, under the last round of funding.

The Public Works Department continues to perform temporary repairs to the playing surface and other components of the rink.

I have included the request for funding for the reconstruction of the pavement surface in my capital request for funding in 2016.

10. Band Shell at Luke Avenue Recreation Complex (County Open Space Grant- \$50,000 and \$5,000 donation)

The County Open Space Director has, recently, questioned why the funds have not been spent for this project. I have e-mailed a response to the Director

We have prepared the quote package and expect to be requesting quotes for the furnishing and delivery of the kit for the wooden structure, in the immediate future. I am hopeful that the Governing Body will be able to take action for an award of contract for the purchase of the band shell kit at the Council Meeting on February 8, 2016.

It will be necessary to construct the foundation, prior to the erection of the band shell. I believe that a group of volunteers have stated that they would be willing to construct the foundation and erect the structure. It will be necessary to hire an electrician to install the power supply and electrical components.

11. Reconstruction of Basketball Court at Spruce Avenue Recreation Site (County Open Space Grant - \$25,000)

The County Open Space Director has questioned the status of the Township spending the County funds. I have e-mailed a response to the Director.

FEBRUARY 8, 2016

I had mentioned to the Governing Body that the construction cost will exceed the County grant amount.

I have requested that the Governing Body consider allocating the necessary additional funds for this construction, in my capital request for 2016.

12. Capital Improvements Program

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

The Governing Body has adopted the bond ordinance for the improvements to the sewer pumping stations. I expect to commence with the improvements to the pumping stations in early 2016.

I have prepared and submitted my request for the consideration for various pieces of equipment and vehicles for the Public Works Department. In my request, I have, also, included the request for various capital improvements for construction in 2016. As discussed with Mayor Magazzu, I will be submitting our list of recommended projects, based on the anticipated bond amount for these items.

13. Ponding Along Gutterline of Hudson Avenue at 182 Patton Avenue

As requested by Council President Morris, I have observed the conditions, where ponding is occurring along the edge of pavement, along Hudson Avenue. In order to determine the scope of the work to eliminate the ponding condition, we will take elevations of the existing pavement. I will, then, prepare a cost estimate for the necessary improvements for consideration by the Governing Body.

14. Improvements to the Water Distribution System by Berlin Borough

I have been informed that the current Governing Body for the Borough is considering the appropriation of, I believe \$375,000 +/-, for the looping of the water main on Katherine Avenue.

I strongly recommend that a meeting be scheduled, between members of the Governing Bodies for both municipalities to discuss current issues and possible improvements to the identified problem areas, within the Township.

15. Municipal Certification for Future Federal Funded Projects

We must obtain the information, from the N.J.D.O.T., for this program, in the immediate future. We will complete the necessary documents, with the assistance from Ms. Campisano, and submit the documents for Federal and State approval, in the near future.

16. No Parking and Passing Zones Along Cooper Road

We still must complete the study to determine for the creation of the no passing zone along the road. Once completed, it is my understanding that the Governing Body will take formal action to request that the County Freeholders establish prohibition of passing and parking along the road.

17. Storm Drainage Improvements

a. Lester Avenue Storm Drainage and Stormwater Management

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

It has been determined that the project must be bid. Therefore, we must complete the plans and specification for public bidding. Key Engineers, Inc. has submitted the soils testing for the stormwater management basin. I have recommended the Governing Body consider allocating funds for this project, in my request for capital funding in 2016.

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

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

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

b. Kelley Drive Stormwater Basin Reconstruction

It is my understanding that the funds must be re-allocated for this project. I do not see our department completing the bid documents until, some time, in 2016.

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

On occasion, the street has flooded, due to the apparent limited capacity of the drainage system and receiving ditch, which is on the Board of Education property. A while ago, I discussed the matter with Mr. Pfluger, School Buildings and Grounds Superintendent.

The ditch must be reconstructed to provide additional capacity and a positive outflow.

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

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

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

I had reported to the Governing Body, some time ago that I am estimating that the overall construction cost for the necessary improvements is approximately \$11.8 million. I have requested a meeting with Congressman Norcross to discuss the possibility of receiving Federal funding, for this project. It may be worth requesting the assistance

FEBRUARY 8, 2016

of the N.J.D.E.P., regarding this matter, as there was some interest raised by a representative that I had, recently, met with in October, 2015.

18. Request to the Pinelands Commission for Redesignation of Lands to Regional Growth

To date, I have not performed any additional work, regarding this matter. I have discussed the matter with representatives of Key Engineers, Inc. and have requested that they submit a proposal for the planning services. I recommend that the party(ies) requesting redesignation be responsible for the cost of the consulting planning services.

19. Tax Map Revisions

We have not completed the revisions, which were required by the second review by the N.J. Treasury Department. Since it has been determined that the revisions are not necessary, as part of the revaluation, we have delayed the revisions so that more pressing projects can be completed by the department.

20. Request to the N.J.D.O.T. for the Installation of a Traffic Signal at the Intersection of Route 73 and D'Angelo Drive.

In July, 2015, the Governing Body passed Resolution No. 2015-143 requesting the NJDOT consider the installation of a traffic control signal at the intersection. Several years ago, Wal-Mart offered to pay for the installation. I will be requesting that representatives of the N.J.D.O.T. meet with Township Officials to discuss this matter, in further detail.

21. Revisions to Ordinances

A meeting was held with Ms. Walters, Esq., from the Solicitor's Office to discuss the amendments to various sections of the Township Code. We discussed that the zoning matters will be addressed as part of the master plan re-examination process. I believe that the Governing Body will be introducing the amending ordinance to address the basement egress window wells, which is a current issue with the Montebello development.

22. Investigation for Sidewalk Along Oak Avenue

The Governing Body discussed the possible construction of sidewalk along one side of the street, due to the narrow width of the roadway. I will be investigating this matter and will report to the Governing Body.

23. Investigation of the Condition of Decorative Concrete Sidewalk Along Haddon Avenue

It has been brought to my attention and I have observed spalling of the concrete sidewalk, in several areas. I have observed the condition and suspect that it may be a result of the application of de-icing materials, placed by the owners of the properties. I will continue to observe the conditions to see if they worsen, over time. It may be necessary to epoxy the spalled areas and apply a clear sealant to the concrete and brick surfaces.

24. Conditions of the Haddon Avenue Bridge and Roadway

FEBRUARY 8, 2016

I will be contacting the Chief Engineer, from N.J. Transit, requesting a formal letter, stating that the bridge structure is structurally sound.

25. Re-examination of the Master Plan

The County Planning Director is scheduled to attend the Planning Board Meeting on February 23, 2016 to initiate the discussion for the performance of the re-examination process.

C. PUBLIC WORKS DEPARTMENT

1. Negotiations for Contract With the Public Works Employees Association for 2016-2018

I believe that the Governing Body accepted and authorize the Mayor to sign the new Agreement, at the Council Meeting on January 25, 2016.

2. Staffing Issues

I thank the Governing Body for the approval of the hiring of Robert Eisinger, Jr. for the full time Laborer position, effective January 25, 2016. I will discuss the possible hiring of additional full time and temporary personnel with the Governing Body, in the future.

3. Auction for Vehicles and Equipment

I recommend that the Governing Body consider authorizing an electronic auction for various pieces of equipment, which is no longer operating or being used at the Public Works Department.

4. Request for Capital Purchases for Vehicles and Equipment

Now that we have met with the sales representatives for the various pieces of equipment and vehicles, we will finalize the list of requested items with the respective costs. I expect to be submitting the list to the Governing Body, in the immediate future, for consideration for inclusion in the bond ordinance.

5. Textile Recycling

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

6. Leaf Compost Material

I had, previously, mentioned that we have experienced difficulty in having the composted leaves removed from the composting area as there was very little interest in the partially composted leaves, which resulted from the inability to grind the leaves, due to the tub grinder becoming inoperable. I have, recently, discussed the issue with our current contractor and he believes that it may be an issue for 2016 and the future. It is probable that it will be necessary for the Township to haul the leaves to another municipal or private composting facility and pay for the disposal at their facility. Due to

FEBRUARY 8, 2016

the need for other vehicles and equipment and the limited funds, which will be available for the department, I have not included the purchase of the tub grinder.

7. Possible Directory Signs for Those Businesses Along Haddon Avenue, Between Zulker and Walker Avenues

We have provided the businesses along Haddon Avenue with the prices for directory signs at three intersections. At this time, I do not believe that they have informed us of their interest in the ordering of the signs.

8. Request for Reimbursement of Costs Associated With the Cleanup from the Storm of June 23, 2015 and Winter Storm Jonas (January 22 and 23, 2016)

I believe that the Township has received one reimbursement for the storm on June 23, 2015, from FEMA. The Township should be receiving a second reimbursement check, in the immediate future, if it has not been received, already.

We are, currently, preparing the paperwork for submission for consideration for the reimbursement of costs, which are associated with Winter Storm Jonas.

Please contact me with any questions or comments, regarding the contents of this report.

Solicitor Report

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

Police Department

Total of 141 motor vehicle summons, 30 M.V Accidents, 110 Alarm calls. A total of 58 arrests which include 6 narcotics, 1 Juvenile, and 23 warrant services.

On 01/28/2016 Officers responded to a report of a backhoe that was stolen from the Montabello construction development. The front end loader was removed from the site sometime between 1/22/16 and 1/28/2016. The vehicle was entered into NCIC as stolen.

FEBRUARY 8, 2016

On 01/19/2016 Ptl. Park conducted a motor vehicle stop. The driver of the vehicle was familiar to Ptl. Park for drug and weapons related information. Ptl. Park, through investigation discovered 13 bags of suspected crack cocaine, and amount of suspected marijuana and an amount of U.S currency. The driver was arrested and is awaiting trial.

On 01/29/16 Ptl. Barbagli conducted a motor vehicle stop. The driver was discovered to have a suspended license and registration. Upon inventory search of the vehicle Ptl. Barbagli discovered 2 glass pipes used to smoke crack cocaine. Both occupants were arrested, at police headquarters the passenger was discovered to have a bag of crack cocaine hidden in her clothing.

On 01/01/16 Ptl. Lex stopped to check out a suspicious vehicle parked at the Spruce Ave. park after hours occupied by 2 adult males. Investigation resulted in the arrests of one of the males for possession of under 50 grams of marijuana.

On 01/08/2016 Ptl. FitzGibbon conducted a motor vehicle stop on Crosskeys Road. Upon approach of the vehicle he smelled the odor of raw marijuana. Subsequently marijuana was recovered and the driver was arrested for possession of under 50 grams of marijuana.

On 01/14/16 Sgt. Steen conducted a motor vehicle stop on Rt. 73 near CrossKeys Road. Upon the vehicle stopping and Sgt. Steen standing at the driver's side window speaking to the driver. The driver put the vehicle into drive and fled from the stop. Sgt. Steen pursued the vehicle until it came to a stop At the White Horse Pike and Gardens Ave. in Berlin. The driver was arrested and several Xanax pills were recovered from the vehicle.

There were also a total of 13 shoplifters arrested during the month of January. 11 from Walmart and 1 from Home Depot.

Training:

I along with Sgt. Sheehan, Ptl. Wilson, Ptl. FitzGibbon, and Ptl. Barbagli attended an FBI seminar, Combating Targeted Violence "The Coming Storm". This seminar focused on the history of active shooting incidents, the active shooter mentality and ways to "harden" possible targets.

Lt. McVeigh and Det. Pumphrey attended the Child Abduction Response Team (CART) recertification training. Both officers are members of the County CART Team.

Respectfully Submitted,
Chief Leonard Check

Maintenance / Animal Control

Josh Shellenberger reported that 180 rabies vaccines were administered at the Clinic held on January 30, 2016, 12 pets were Micro Chipped and we also took photographs of pets for our fur

FEBRUARY 8, 2016

alert program. He commented that our shelter in take numbers were 72 for 2015. Josh stated that C &M property is just about finished with the clean up.

FIRST READING 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 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:

POSITIONSALARY 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 Councilwoman Bodanza, second by Councilman McIntosh to adopt Ordinance 2016-3 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-71 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 January 1, 2016:

POSITION	AMOUNT
Employees of the Public Works Department	\$ 16.24 - \$ 26.81 per hour
Temporary Public Works Employees	\$ 12.98 per hour

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

FEBRUARY 8, 2016

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2016-71. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-72 RESOLUTION TO GRANT THE RELEASE OF CASH ESCROW FOR FULTON BANK, FORMERLY "THE BANK".

WHEREAS, Fulton Bank has requested the release of the cash maintenance bond for 201 Route 73 North West Berlin NJ 08091 Block 1203 Lot 9 & 10; and

WHEREAS, the Engineer has submitted the final invoices and payment have been disbursed: and

WHEREAS the Engineer recommended that the Township grant the request to release the escrow in the amount of \$14,210.62.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the request for the release escrow monies in the amount of \$14,210.62 is hereby granted.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2016-72. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-73 AUTHORIZING THE PLANNING BOARD OF THE TOWNSHIP OF BERLIN TO CONDUCT A PERIODIC EXAMINATION OF THE MASTER PLAN

WHEREAS, the Township of Berlin desires to conduct a reexamination of the Municipal Master Plan, in accordance with N.J.S.A. 40:55D-89; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-89, requires that the governing body shall, at least every ten years, provide for a general reexamination of the master plan and development regulations by the Planning Board; and

WHEREAS, the Planning Board for the Township of Berlin is authorized, by law, to prepare and adopt, by resolution, a report on the findings of such reexamination; and

WHEREAS, the Mayor and Council for the Township of Berlin, Camden County and State of New Jersey hereby directs the Planning Board of the Township of Berlin to reexamine the Municipal Master Plan and prepare an amendment to the reexamination report, which shall consist of the preparation of the study addressing, at a minimum, the following;

- a. The major problems and objectives relating to land development in the Township at the time of the adoption of the last reexamination report.

FEBRUARY 8, 2016

- b. The extent to which said problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes to State, county and municipal policies and objectives.
- d. The specific changes recommended to the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulation should be prepared.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden and State of New Jersey that the Berlin Township Planning Board is, hereby, authorized to conduct a master plan reexamination, in accordance with the requirements of N.J.S.A 40:59D-89 and other relevant provisions of the New Jersey Municipal Land Use Law for the purposes of preparing and adopting a report addressing the issues set forth hereinabove.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2016-73. Resolution adopted by call of the roll, five members present voting in the affirmative.

**A RESOLUTION 2016-74 AUTHORIZING THE TOWNSHIP OF BERLIN
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on February 8, 2016 the governing body of the Township of Berlin, County of Camden, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Berlin

AUTHORITY

FEBRUARY 8, 2016

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, that the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2016-74. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-75 AUTHORIZING THE TOWNSHIP ENGINEER TO PREPARE, ADVERTISE AND RECEIVE BIDS FOR VARIOUS VEHICLES AND EQUIPMENT.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that the Township Engineer is hereby authorized to prepare, advertise and receive bids for the following items;

1. Two (2) New Automated Refuse Collection Vehicles
2. Refurbish Existing Rear Load Refuse Collection Vehicles
3. Furnish and Install Cart Tipper Attachments to Existing Rear Load Refuse Collection Vehicles
4. One (1) New 6 C.Y. Universal Grabber Lifter Unit
5. Furnish and Delivery of Universal Refuse Carts
6. Pick-up Truck with Plow (F-350)

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2016-75. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-76 RESOLUTION TO REJECT BIDS RECEIVED FOR THE DOG PARK AT LUKE AVENUE RECREATION COMPLEX.

WHEREAS, the Township of Berlin had advertised for the re-bidding of the dog park for the Luke Avenue Recreation Complex; and

WHEREAS, the Township Engineer received 4 bids and all the bids had exceeded the allocated funds for the project; and

WHEREAS, it is recommended that the Governing Body reject the bids due to the fact that it exceeds the allocated funds.

FEBRUARY 8, 2016

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, is hereby authorize to reject all the bids received for the Dog Park at Luke Avenue Recreation Complex.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2016-76. Resolution adopted by call of the roll, five members present voting in the affirmative.

Pawnbrokers and Dealers Second Goods Approvals

- 1) Game Stop Inc. #911 116 Walker Avenue Suite 7E
West Berlin NJ 08091- RENEWAL

Motion by Councilman Epifanio, second by Council President Morris to approve the Pawnbroker and Dealers Secondhand Goods license above. License approved by call of the roll, five members present voting in the affirmative.

All Other Business

- 1) Carolyn Picciotti, Berlin Township Resident: Request for Revision of Township Code Relating to Recreational Vehicles.

Carolyn Picciotti asked Mayor and Council if they would revisit and amend the Township Code Book Chapter 226, Pertaining to RVs and parking on property. Carolyn provided surrounding towns ordinances and explained the financial and logistical hardship to be in compliance with this ordinance. She asked the Governing Body to review her letter and see if they could amend the ordinance so that it is a win - win situation for everyone.

Mayor Magazzu responded that Mayor and Council would review the ordinance along with the Planning and Zoning board with the issues that she had stated in her letter.

Public Portion

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.

No Comments were to be heard

Motion by Councilwoman Bodanza, 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.

FEBRUARY 8, 2016

RESOLUTION 2016-77 PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Township of Berlin ("Township") is subject to the requirements of the Open Public Meetings Act, [N.J.S.A. 10:4-6](#), et seq.; and

WHEREAS, the Open Public Meetings Act, [N.J.S.A. 10:4-12](#), provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Mayor and Council of the Township of Berlin to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:
Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, assembled in public session on February 8, 2016, that an Executive Session closed to the public shall be held on February 8, 2015, at 5:30 P.M. in the Township of Berlin, 135 Route 73 South, West Berlin, New Jersey for the discussion of the following litigation matter: *Vito J. Fruggerio, Inc., Thomas Sherwood, Berlin News World, Inc., Saverio Garofalo, Jennie Castaldo and Anthony Trombette, Jr. v. Township Council of the Township of Berlin, The Mayor of the Township of Berlin, Phyllis A. Magazzu, Mayor of the Township of Berlin, in her official capacity, Christopher T. Morris, Member of the Township Council, in his official capacity, Marion Bodanza, Member of the Township Council, in her official capacity, Frank Epifanio, Member of the Township Council, in his official capacity, and Jerome McIntosh, Member of the Township Council, in his official capacity*, Superior Court of New Jersey, Camden County. The deliberations conducted in closed session may be disclosed to the public upon the determination of the Mayor and Council of the Township of Berlin that the public interest will no longer be served by such confidentiality.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2016-77. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2016-78 AUTHORIZING TOWNSHIP SOLICITOR TO REPRESENT THE INTERESTS OF BERLIN TOWNSHIP, THE MAYOR AND MEMBERS OF COUNCIL IN PENDING LITIGATION.

FEBRUARY 8, 2016

WHEREAS, on or about January 28, 2016, a certain lawsuit was filed in the Superior Court of New Jersey - Camden County, on behalf of Vito J. Fruggerio, Inc., Thomas Sherwood, Berlin News World, Inc., Saverio Garofalo, Jennie Castaldo and Anthony Trombette, Jr. against Township Council, Mayor Magazzu, Council President Morris, Councilwoman Bodanza, Councilman Epifanio and Councilman McIntosh (hereinafter "Legal Proceeding"); and

WHEREAS, Plaintiffs are challenging the constitutionality of the regulations governing sexually oriented businesses as set forth in Ordinance No. 2015-10 adopted by the Governing Body on December 14, 2015 in the Legal Proceeding and are seeking to invalidate same, as well as interest, attorney's fees and costs, and such other relief as the Court may deem appropriate; and

WHEREAS, the Governing Body has been advised that while the Legal Proceeding has been referred out to the Camden County Municipal Joint Insurance Fund for coverage, several claims asserted therein will either not be covered or will be subject to a reservation of rights;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin for the reasons set forth above that the Township Solicitor is hereby authorized to enter his appearance as counsel for, and take any and all necessary action on behalf of, the Township Council, Mayor and Council Members in connection with said Legal Proceeding and to execute any documents necessary in connection therewith. Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2016-78. Resolution adopted by call of the roll, five members present voting in the affirmative.

Adjourn

Motion by Councilwoman Bodanza, second by Council President Morris to adjourn the meeting at 7:05 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 7:05 pm

Catherine Underwood, Township Clerk