

APRIL 11, 2011

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL APRIL 11, 2011 AT 5:00 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 , Mayor Magazzu

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

Absent- Council President Morris

**ENGINEER'S AND DIRECTOR'S REPORT
FOR THE
COUNCIL MEETING ON APRIL 11, 2011**

A. CHANGE ORDERS AND VOUCHERS

None

B. REQUESTED RESOLUTIONS

1. **Camden County Open Space**

- a. Recreation Enhancement Application for Bandshell at Luke Avenue Recreation Complex
- b. Resurfacing of the Basketball and Tennis Courts at Spruce Avenue Recreation Complex
- c. Naming Charles J. Riebel, Jr. as the Stormwater Coordinator and authorizing his signature for the Annual Stormwater Report

C. ENGINEER'S REPORT

1. Improvements to Edgewood Avenue – Borough Line to Cooper Road (N.J.D.O.T. FY 2011 Funding - \$200,000) (Project No. E-10-0012)

The estimated construction cost is \$294,000, which includes the construction of concrete curb (\$44,250), where it is missing. The estimated materials testing cost is \$2000. The 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 are currently performing the fieldwork. I am hopeful that bids will be opened in the Summer of 2011.

This project will be included with the same bid package as Mt. Vernon Avenue, Hill Avenue and the built up driveway aprons at 136 and 138 Veteran's Avenue.

2. Resurfacing of Mt. Vernon – Franklin Avenue to Minck Avenue (N.J.D.O.T. FY – 2010 Funding - \$180,000) (Project No. E-10-0002)

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

The estimated construction cost is \$221,000. The N.J.D.O.T. has allotted \$180,000. I recommend that the Governing Body adopt the necessary ordinance to appropriate the funds for this project.

3. Improvements to Hill Avenue – Fairview Avenue to End (C.D.B.G. Year 32 - \$30,257 and Year 33 - \$33,225 Funding)

The fieldwork has been completed. We have determined that portions of the existing storm drainage system must be repaired or replaced. Portions of the roadway surface must be re-profiled and reconstructed.

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

I will prepare a revised construction estimate so that the Governing Body can decide on the funding to be allocated for the project and the necessary ordinance be adopted for the appropriation of funds for the project.

4. Construction of 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)

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We will be scheduling a second Pre-construction Meeting, in the near future. We must, still, obtain Consent to Enter forms from Stellato Brothers and Ms. Liberto. The Pinelands Commission will not approve the project until we show proof of the abovementioned consents.

5. Camden County Open Space – Recreation Enhancement Funding

I am preparing applications and costs estimates for the following projects:

- a. Improvements to the basketball and tennis courts at Spruce Avenue Recreation Complex
- b. Bandshell at Luke Avenue Recreation Complex

The Township has been granted \$25,000 for the amphitheater at Luke Avenue Recreation Complex. I believe that these funds could be used for the bandshell.

I recommend that the Governing Body pass a resolution for each project, supporting the project and authorizing the submission of an application

Messrs. Floyd Riley, Nelson Moore and Samuel Sykes have provided a letter of support for the Spruce Avenue Recreation project, along with a listing of residents' signatures in support of the project.

6. Haddon Avenue Streetscope, Phases 1 and 3 (Federal and State Aid - \$677,000)

On March 7, 2011, Greg Evans of Key Engineers and me met with the representative from N.J.D.O.T., Local Aid Office. There are several documents, which Key Engineers will be submitting to the N.J.D.O.T. It appears that, if all documents are received and approvals are granted, the Township should be able to advertise for bids in October, 2011. The scope of the projects has been reduced to the amount of Federal and State funding.

7. Lester Avenue Storm Drainage and Stormwater Management Systems

I had, previously reported that Public Service Electric and Gas (PSEG) has asked for a full set of plans, depicting the proposed storm pipe crossing, across their property. We must perform fieldwork and prepare the plans for submission to PSEG. As an interim measure, the construction of storm drainage inlets, piping and a stormwater basin may reduce the flooding in the area. I will prepare a cost estimate for the interim and long term improvements.

8. N.J.D.E.P. Annual Stormwater Report

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I recommend that the Governing Body pass a resolution, appointing me as the Stormwater Coordinator and giving me authorization to sign the Annual Report. The reports are being filed, under a new process, with the N.J.D.E.P.

9. Drainage Issues within the Southwest Portion of the Township

I have discussed the matter with the County Engineer. She had noted that she will contact the Delaware Valley Regional Planning Commission to see if there is any assistance, which they can provide. The County Engineer also informed me that they are considering some improvements to the intersection of Haddon Avenue and Lucas Avenue to eliminate the ponding conditions. We will be assisting the County in whatever way possible, with the design for the regarding of the above mentioned intersection.

10. Energy Saving Improvements at the Public Works Department Buildings – N.J. Energy Efficiency and Conservation Block Grant Program

I have received a telephone call, from the lighting installer, that they intend to start the week of April 11, 2011. I have asked the Direct Install Contractor to provide all paperwork, which demonstrates funds allotment by the State, except for the \$300 +/- shortfall in State funding.

11. Bate Avenue Playground and Former Municipal Building Site (Project No. E-10-0014)

As a result of recent vandalism, the Public Works Department has removed the addition of the garage, behind the yellow building. We recommend that the Governing Body consider subdividing and selling the new parcel, which contains the existing building. We must, still, perform the survey of the property and the preliminary site investigation.

12. Library and Adjacent Playground Site

I recommend that, if the Governing Body is considering the sale of the property, a determination be made if the library or the library playground property are to be sold. If, just, the library portion is to be sold, it will be necessary to re-divide the properties to incorporate the entire parking area within the proposed library parcel. If the parcels are to be sold together, we will need to determine if the playground has been encumbered under the N.J.D.E.P. Green Acres Program.

13. Municipal Building

a. Contract with MJJ Construction

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The roofing sub-contractor has repaired the roof and there have been no leaks, since the repairs.

b. Possible Separation of the Electronic Door Access and Surveillance Systems

I have received two proposals from Intervid. I have requested additional information from the contractor. Once I receive the information, I will pass it on to the Governing Body for your review and, consideration.

c. Landscaping and Irrigation Systems

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.

d. Monument Sign Along Route 73

I must solicit for quotes for the request for quotes for the installation of the sign. It is my intent to still have the Public Works Department construct the architectural block base.

e. 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.

14. Redesignation of Pinelands Zoning and Extension of Sanitary Sewer to Allied Parkway and Edgewood Avenue

I must submit the necessary information in the immediate future. I believe that it will be necessary to amend the Ordinance to address the comments from the Pinelands Commission. I have, recently, spoken to Mr. Dominick Dandrea. He has informed me that he has spoken to a Pinelands representative and they may allow the inclusion of his parcel, on Cooper Road, with this request. If this is correct, the amending Ordinance will include Mr. Dandrea's lot, if acceptable to the Governing Body.

15. Wal*Mart Expansion

Wal*Mart's attorney has informed me that the court has made a determination in their favor and Wal*Mart would like to proceed with the project. A meeting has been scheduled for April 8, 2011 to discuss any open issues.

16. N.J.D.E.P. Draft Sewer Service Area Map

I had reported to the Governing Body that the N.J.D.E.P. has issued a "draft" map, which would remove parcels of land, throughout Camden County, from the sewer service area due to the parcels being located within a 25 contiguous acre, environmentally sensitive area. As directed by the Governing Body, I sent letters to all potentially, affected property owners of the N.J.D.E.P. draft proposal.

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I attended the Public Information Session, which was held by the N.J.D.E.P. at the C.C.M.U.A. auditorium. The N.J.D.E.P. informed the attendees that, individuals and municipalities objecting to the proposed removal must notify the N.J.D.E.P., in writing, and demonstrate that they have the D.E.P. approvals or are not within an environmentally sensitive area. All correspondence must be sent to the N.J.D.E.P. by May 5, 2011.

17. Traffic Signal Maintenance and Repairs

I am currently preparing quote specifications for these services and expect to solicit for quotes in the immediate future.

D. PUBLIC WORKS DEPARTMENT

1. Tree Removal on Township Lands, Behind 307 and 309 Centaurian Drive

I have authorized Scopio Tree Service to proceed with the project.

2. N.J.D.E.P. Sanitary Sewer Inspection

On March 9, 2011, a N.J.D.E.P. representative performed a compliance inspection for the sanitary sewer collection and conveyance systems.

I must revise a few documents in order to address his comments.

3. N.J.D.E.P. Mandatory 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.

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. Spring Preparation

The Department is currently working on the sports playing fields and parks, in preparation for the Spring activities. The Department is collecting leaves during the month of April. Yard signs are being placed to notify the residents, a week in advance of the collection.

5. Installation of Street and Traffic Signs

We have fabricated the street signs and received the other signs. We have called for utility markouts and will be installing the signs in the immediate future.

E. SHARED SERVICES

1. Engineering Services with Somerdale Borough

No further update to report

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2. Equipment Repair Services with Somerdale Borough

We have offered to perform services to their backhoe. Somerdale Borough will purchase all parts and the Township mechanic will perform the service. Somerdale Borough will pay for the labor costs.

3. Winslow Township Planning Board Conflict Engineer

We have resolved the liability issues with Winslow Township. I recommend that the Mayor sign the Interlocal Agreement.

4. County Co-Op

The County expects to develop a traffic signal maintenance program that will be offered to interested municipalities. The County representatives expect it to be available within 4-5 months. I will be providing the County with a copy of the Township specifications for their consideration for use.

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. Basic Course Attendance
14. Meeting Attendance Ordinance
15. Sergeant William Hill

POLICE DEPARTMENT REPORT

Police Chief Joseph Jackson commented that the police department is working on traffic enforcement, in areas that we have received complaints or concerns for the residents. Chief stated that he wrote and sent in a letter in favor of the recommendation to reduce the speed limit on Haddon Avenue and lastly he commented that the nixel program that we are looking into was original free, But recently we were notified that they are now charging a fee. So we are looking into over options to see what the cost would be.

PROPERTY MAINTENANCE

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Maintenance Officer, Josh Shellenberger reported that all signs have been taken down and that he is going to write out about 50 summons for unlicensed pets. Josh also stated that he has sent out letters to properties on D'Angelo Drive and Abbott Avenue for trash issues.

SECOND READING AND PUBLIC HEARING ORDINANCE 2011- 5 AN ORDINANCE AMENDING CHAPTER 125-14.1 SEC. A OF THE TOWNSHIP OF BERLIN - SEWER CONNECTION FEE

WHEREAS, The Township of Berlin is required on an annual basis to evaluate its sewer connection fee; and

WHEREAS, said analysis has been performed which is attached hereto and incorporated by reference herein; and

WHEREAS, as a result of this analysis, it is necessary for the Township to increase its sewer connection fee from \$2,500.00 to \$2,670.00; and

WHEREAS, as required, a public hearing is to be held in regard to the consideration to revise the sewer connection fee.

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

SECTION 1: As required by law, a public hearing will be held on April 11, 2011 to increase the Township sewer connection fee from \$2,500.00 to \$2,670.00.

SECTION 2: As a result of said public hearing, the Township has approved a revision to the sewer connection fee from \$2,500.00 to \$2,670.00 effective May 16, 2011.

SECTION 3: All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistencies only.

SECTION 4: This ordinance shall take effect 20 days after adoption and publication as required by law.

Motion by Councilman DiGangi, 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 2011-5

No requests were to be heard.

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

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Motion by Councilman DiGangi second by Councilwoman Bodanza to approve Ordinance 2011-5. Ordinance approved by call of the roll, four members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2011-6 AN
ORDINANCE MODIFYING FINES AND PENALTIES FOR
VIOLATION OF ORDINANCES OF THE TOWNSHIP OF BERLIN,
COUNTY OF CAMDEN, STATE OF NEW JERSEY**

WHEREAS, pursuant to P.L. 2005, c. 269, the New Jersey State Legislature amended N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, the statutory provisions governing the maximum penalties which may be imposed for violation of municipal ordinances;

WHEREAS, in accordance therewith, the Township of Berlin ("Township") seeks to revise the penalties for violations of its ordinances, having determined that to do so is in the best interests of the health, safety and welfare of the Township and its residents.;

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:

A. For violation of any ordinance of the Township of Berlin, with the exception of violations of housing or zoning codes, the maximum penalty upon conviction of the violation shall be one (1) or more of the following: A fine not exceeding two thousand dollars (\$2,000.00), imprisonment for any term not exceeding ninety (90) days, or a period of community service not exceeding ninety (90) days.

B. For violation of any housing or zoning provisions of any ordinance of the Township of Berlin, the maximum fine upon conviction of the violation shall not exceed one thousand two hundred and fifty dollars (\$1,250.00).

C. The municipal judge before whom any violator of any ordinance or any section or part thereof is convicted shall have the power to impose any fine or term of imprisonment or term of community service or combination thereof not exceeding the maximum fixed by Section 1A or 1B above, as appropriate.

SECTION 2: Any person who is convicted of violating any ordinance within one (1) year of the date of a previous violation of the same provision of the same ordinance and who was fined for the previous violation may, in the discretion of the municipal court judge, be required to pay an additional fine as a repeat offender. The additional fine shall be not less than the minimum fine, if any, nor more than the maximum fine fixed for the violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

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SECTION 3: Any person convicted of violating any provision of any ordinance and who is in default of the payment of the fine imposed may, in the discretion of the municipal court judge, be imprisoned in the County jail or place of detention provided by the Township of Berlin for any term not exceeding ninety (90) days, or be required to perform community service for a period not exceeding ninety (90) days, or any combination thereof.

SECTION 4: Except as otherwise provided in any ordinance, each and every day in which a violation of any provision of any ordinance exists shall constitute a separate violation.

SECTION 5: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6: If the provisions of any section, subsection, paragraph, subdivision, or 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 7: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion by Councilman DiGangi, 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 2011-6

No requests were to be heard.

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

Motion by Councilman DiGangi second by Councilwoman Bodanza to approve Ordinance 2011-6. Ordinance approved by call of the roll, four members present voting in the affirmative.

ORDINANCE 2011-7 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 16 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "MUNICIPAL FEES"

WHEREAS, Chapter 16 of the Code of the Township of Berlin ("Township") sets forth the fees which may be charged by the Township; and

WHEREAS, P.L. 2009, c.320, effective January 18, 2010, revised various statutes concerning sale of tax and other municipal liens; and

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WHEREAS, amendments to N.J.S.A. 54:5-26, 54:5-54 and 54:5-97.1 concern the cost of mailing a Notice of Tax Sale and the calculation by the Tax Collector of the amount needed to redeem a tax sale certificate, referred to as the redemption amount; and

WHEREAS, N.J.S.A. 54:5-26 was amended to clarify that the cost of mailing a Notice of Tax Sale by either regular or certified mail to each interested party may not exceed \$25.00 for each notice, or mailing for a particular party which said cost of mailing shall be added to the cost of the tax sale in addition to those provided in N.J.S.A. 54:5-38; and

WHEREAS, N.J.S.A. 54:5-54 was amended to add the following language: “The Tax Collector shall provide to the party entitled to redeem a certificate pursuant to this section the calculations of the amount required for redemption within a calendar year at no cost. The governing body of a municipality may, by Ordinance, require a fee not to exceed \$50.00 for each subsequent calculation requested of the Tax Collector. A request for a redemption calculation shall be made in writing to the Tax Collector;” and

WHEREAS, N.J.S.A. 54:5-97.1 was amended to add the following language: “A municipality, by Ordinance, may authorize the Tax Collector to charge to a lien holder a fee, not to exceed \$50.00, for the calculation of the amount due to redeem the tax lien required to be provided pursuant to this section. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to R.S. 54:5-54;” and

WHEREAS, as a result of the aforementioned revisions to the tax lien laws, it is necessary to amend Chapter 16 of the Township Code.

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

SECTION 1: Chapter 16 of the Code of the Township of Berlin, is hereby amended, revised and supplemented by adding a new Article VI, entitled “Fees for Tax Sale Notices and Redemption Calculations” which shall read as follows:

Article VI- Fees for Tax Sale Notices and Redemption Calculations

§16-18. Notice of Sale of Tax Sale Certificate.

The Tax Collector of the Township shall mail notice of tax sale to each interested party by regular or certified mail. The mailing shall be in lieu of any two publications of the notice. The cost for the mailing shall not exceed twenty-five (\$25.00) dollars for each notice or mailing for a particular property. The cost of mailing provided herein shall be added to the cost of the tax sale in addition to those provided in N.J.S.A. 54:5-38.

§16-19. Lien Redemption Calculation: Request by Lien Holder.

A. The Tax Collector shall charge a lien holder of a tax lien fifty (\$50.00) dollars, pursuant to N.J.S.A. 54:5-97.1, for the calculation of the amount due to redeem a tax lien.

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B. Any request for a redemption calculation shall be submitted in writing to the Tax Collector and must specify the date to be used for the calculation, which shall be the date of the notice.

C. The fee paid to the municipality shall not become part of the lien and shall not be passed onto any party entitled to redeem pursuant to R.S. 54:5-54.

D. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation.

§16-20. Lien Redemption Calculation: Request by Any Other Party.

A. The Tax Collector shall provide to any party entitled to redeem a certificate pursuant to N.J.S.A. 54:5-54 two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested of the Tax Collector by the same party, the Tax Collector shall charge a fee of fifty (\$50.00) dollars pursuant to N.J.S.A. 54:5-54.

B. Any request for redemption calculation shall be submitted in writing to the Tax Collector and must specify the date to be used for the calculation which shall be the date of the notice.

C. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to R.S. 54:5-54.

D. Neither the Tax Collector nor the municipality shall be liable for any incorrect calculation.

SECTION 2: The Table of Contents of Chapter 16 shall be amended to add “Article VI- Fees for Tax Sale Notices and Redemption Calculations.”

SECTION 3: Except as set forth in Sections 1 and 2 above, the balance of Chapter 16 shall not be affected by this Ordinance.

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

SECTION 5: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 6: This Ordinance shall take effect upon final passage and publication according to law.

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Motion by Councilman DiGangi, 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 on Ordinance 2011-7

No requests were to be heard.

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

Motion by Councilman DiGangi second by Councilman McIntosh to approve Ordinance 2011-7. Ordinance approved by call of the roll, four members present voting in the affirmative.

FIRST READING 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

Motion by Councilman DiGangi, second by Councilwoman Bodanza to adopt Ordinance 2011-8 on first reading by title. Ordinance adopted by call of the roll, four 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

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Ordinance 2011-9 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011-94 AUTHORIZING TRANSFER OF CREDITS FROM MAY 2011 CURRENT TAX TO AUGUST 2011 PREPAID TAX VARIOUS LOTS

WHEREAS, Homestead Benefit Tax Credits have been given for eligible homeowners that were to be applied to the May 2011 tax quarter, and;

WHEREAS, the owners of said properties have previously paid all or part of the May 2011 tax quarter which has now created an overpayment that must be credited to the next fiscal years taxes, so;

WHEREAS, the following properties need a transfer of credit as follows:

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Block/Lot	Amount	Block/Lot	Amount
217/3	192.73	519/3	
133.11			
521/7	281.70	601/32	
186.15			
622/7	257.09	702/5	
246.99			
702/7	271.28	706/2	
256.37			
709/20	180.87	801/18	
239.32			
808/10	218.69	814/3	
3.94			
814/10	285.73	817/8.01	
276.54			
1302/8	165.59	1304-1.11	
179.97			
1307/7	233.49	1308/44	
173.24			
1309-6.01	306.43	1309/6.02	
292.75			
1309/7.02	313.00	1407/1	
357.73			
1904/8.01	144.28	2401/7	
214.44			

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the credits totaling \$5,411.43 be transferred from the overpaid May 2011 current tax to the August 2011 prepaid tax.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2011-94. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011- 95 AUTHORIZING REFUND OF REBATE N.J.S.A. 54:49-15 BLOCK 208 LOT 8

WHEREAS, the Division of Taxation has directed the Tax Collector to adjust the May 2011 tax quarters for qualified homeowners for the 2009 State of New Jersey Homestead Rebate program, and;

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

WHEREAS, there are no taxes levied for the May 2011 quarter and are now exempt from paying real estate taxes requiring a refund to be made for the 2009 New Jersey Homestead Rebate, so;

THEREFORE, BE IT RESOLVED that a refund be made in the amount of two hundred, ten dollars and seventy two cents (\$210.72) to:

Anthony & Margaret Carbonaro
188 Bethel Avenue
West Berlin, NJ 08091

Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2011-95. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011- 96 AUTHORIZING REFUND OF REBATE
N.J.S.A. 54:49-15 BLOCK 820 LOT 1

WHEREAS, the Division of Taxation has directed the Tax Collector to adjust the May 2011 tax quarters for qualified homeowners for the 2009 State of New Jersey Homestead Rebate program, and;

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

WHEREAS, there are no taxes levied for the May 2011 quarter and are now exempt from paying real estate taxes requiring a refund to be made for the 2009 New Jersey Homestead Rebate, so;

THEREFORE, BE IT RESOLVED that a refund be made in the amount of two hundred, thirty seven dollars and fifty four cents (\$237.54) to:

Leroy C. Alvarez
391 Blaine Avenue
West Berlin, NJ 08091

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Motion by Councilman DiGangi, second by Councilman McIntosh to adopt Resolution 2011-96. Resolution adopted by call of the roll, four members present voting in the affirmative.

Resolution 2011- 97

Payment of Bills April 11, 2011

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

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

TO	ACCOUNT		AMOUNT
Berlin Eye Care	Planning Board Esc # 226	\$	1,374.17
Chao Chen	Planning Board Esc # 340		250.00
Dominick D'Andrea	Planning Board Esc # 230		11.87
Richard Davies	Planning Board Esc # 24		9,287.95
Robert E. DePersia Esq.	Mun. Public Defender Trust		150.00
Paul Devivo	Planning Board Esc # 341		100.00
Frank Flora	Planning Board Esc # 220		19.50
Carl Maloney	Planning Board Esc # 324		727.50
Solid Rock Worship	Planning Board Esc # 221		825.00
Somerset Tires	Planning Board Esc # 108		7,368.14

CONFIRMING

Various Current Fund Checks	(See Scheduled Payment Report Dated 3/24/11)	\$	65,321.82
Various Sewer Operating Checks	(See Scheduled Payment Report Dated 3/24/11)		3,555.44
America On Line	01-201-20-120-2105		32.90
Camden County Animal Shelter	Dog Trust		1,932.00
Treasurer, State of NJ	Dog Trust		89.40
Taj Mahal Hotel	01-201-20-120-2041		270.00
Verizon Communications	01-201-20-120-2105		99.99
DLT Solutions	04-215-55-861-41002		1,332.00
	04-215-55-861-70803		1,332.00
	04-215-55-861-70811		1,332.01
TD Wealth Management	07-201-55-522-2105		41,067.63
	07-168-05-540-3000		6,248.00

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Verizon Communications	01-201-20-120-2105	140.54
NY Tactical Officers Assoc. Inc	Police Donations Trust	749.97
Verizon Communications	01-201-20-120-2105	99.99
State of NJ Health Benefits	01-201-23-220-2092	54,316.53
State of NJ Health Benefits	01-201-23-220-2092	20,756.88
Public Employees Retirement	01-201-36-471-2165	159,110.00
Public Employees Retirement	07-201-55-540-2165	23,000.00
Police & Firemens Retirement	01-201-36-475-2167	427,037.00
Payroll, Current Fund	3/3/2011	60,550.22
Payroll, Sewer Operating Fund	3/3/2011	3,624.32
Payroll, Current Fund	3/10/2011	54,672.37
Payroll, Sewer Operating Fund	3/10/2011	3,077.65
Payroll, Current Fund	3/17/2011	53,716.52
Payroll, Sewer Operating Fund	3/17/2011	3,229.55
Payroll, Current Fund	3/24/2011	52,888.11
Payroll, Sewer Operating Fund	3/24/2011	3,077.65
Payroll, Current Fund	3/31/2011	70,800.08
Payroll, Sewer Operating Fund	3/31/2011	3,077.65

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2011-97. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011-98 OF THE TOWNSHIP OF BERLIN
APPROVING RETIREMENT AGREEMENT

WHEREAS, William Hill ("Hill") is a Sergeant with the Berlin Township Police Department; and

WHEREAS, Hill wishes to retire; and

WHEREAS, Hill and the Township of Berlin ("Township") have engaged in negotiations regarding his retirement; and

WHEREAS, a Retirement Agreement has been prepared by the Township Solicitor setting forth in writing the terms and conditions of Hill's retirement and same has been found to be acceptable by Hill and the Governing Body;

NOW, THEREFORE, BE IT RESOLVED, for the reasons set forth above that the Mayor and Council of the Township of Berlin that the Memorandum of Agreement between William Hill and the Township attached hereto as Exhibit "A" is hereby approved; and

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BE IT FURTHER RESOLVED that the Mayor of Berlin Township is hereby authorized to implement this Resolution and execute the attached Memorandum of Agreement on behalf of the Township.

Motion by Councilman McIntosh, second by Councilman DiGangi to adopt Resolution 2011-98. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011-99 AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL SERVICES AGREEMENT WITH WINSLOW TOWNSHIP FOR PLANNING BOARD CONFLICT ENGINEER SERVICES.

WHEREAS, Winslow Township is in need of an engineer to serve as Planning Board Conflict Engineer and is authorized pursuant to N.J.S.A 40A:11-5 to contract for a Planning Board Conflict Engineer to serve in such capacity without formal bidding.

WHEREAS, Charles Riebel is a Licensed Engineer and is employed by the Township of Berlin located at 135 Route 73 South, West Berlin, New Jersey 08091.

WHEREAS, this agreement has been advertised and awarded pursuant to a fair and open process in accordance with N.J.S.A 19:44A-20.4 et seq.

NOW, THEREFORE, BE IT RESOLVED that the Mayor is hereby authorized to execute this inter local Service agreement with Winslow Township and The Township of Berlin to provide Planning Board Conflict Engineer Services Provided by Berlin Township Engineer Charles Riebel.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2011-99. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011-100 AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWNSHIP OF BERLIN AND THE COMMUNICATION WORKERS OF LOCAL 1040 REPRESENTING THE BERLIN TOWNSHIP PUBLIC WORKS EMPLOYEES

WHEREAS, the Communication Workers of Local 1040 is the recognized bargaining agent for the Public Workers employees of the Township of Berlin;

WHEREAS, a Memorandum of Agreement (MOA) has been successfully negotiated between the Township of Berlin and the Communication Workers of Local 1040 for a successor collective bargaining agreement for the period from January 1, 2010 through December 31, 2011; and

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the attached MOA is hereby approved and authorized.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the final collective bargaining agreement provided that said agreement conforms to the terms of the attached MOA.

Motion by Councilman DiGangi, second by Councilwoman Bodanza to adopt Resolution 2011-100. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011- 101 APPOINTMENT OF PLUMBING INSPECTOR/PLUMBING SUB-CODE OFFICIAL

WHEREAS, N.J.S.A. 40:69A-122 provides that the Mayor with the advice and consent of the council, shall appoint such other officers as may be provided by ordinance; and **WHEREAS**, Chapter 3, Section 3-6C of the Township of Berlin Code provides for the Office of Inspections;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that **Kenneth Snuffin**, be and is hereby appointed Plumbing Inspector/Plumbing Sub-Code Official for a four year term commencing April 11, 2011 until December 31, 2012.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2011-101. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011- 102 RESOLUTION ENTERING INTO AN INTERLOCAL SERVICES AGREEMENT BY AND BETWEEN THE COUNTY OF CAMDEN AND THE TOWNSHIP OF BERLIN FOR ANIMAL CONTROL

BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the Township hereby enters into an Inter Local Services agreement for a monthly fee of \$826.80 with the County of Camden for animal control services; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute and sign the Interlocal Services Agreement.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2011-102. Resolution adopted by call of the roll, four members present voting in the affirmative.

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RESOLUTION 2011-103 NAMING STORMWATER COORDINATOR AND AUTHORIZING SIGNATURE FOR THE ANNUAL STORMWATER REPORT AND CERTIFICATION

Whereas, the New Jersey Department of Environmental Protection has issued Tier A Municipal Stormwater General Permit No. NJ0141852 to the Township of Berlin; and

Whereas, under the General Permit requires the Governing Body to appoint a Stormwater

Coordinator and authorize a certain individual to sign the Annual Stormwater Report and Certification; and

NOW, THEREFORE, IT BE RESOLVED by the Mayor and Council of the Township of Berlin, in the County of Camden, State of New Jersey that Charles J. Riebel, Jr. is appointed as the Stormwater Coordinator for the Township of Berlin and is authorized to sign the Annual Stormwater Report and Certification.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Resolution 2011-103. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011-104 ENDORSING THE PROPOSED BANDSHELL AT THE LUKE AVENUE RECREATION COMPLEX AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO CAMDEN COUNTY

Whereas, there has been a desire to have a stage, where concerts, music, movie, presentations, etc., could be held at the Luke Avenue Recreation Complex; and

Whereas, the Township had applied for and received a \$25,000 Recreation Enhancement grant, from Camden County for the construction of a amphitheater; and

Whereas, it has been determined that the cost of the amphitheater is excessive and a bandshell would be more cost effective, but as functional; and

Whereas, there is a need for funds, in excess of the current grant amount, to construct the bandshell; and

Whereas, the Governing Body desires to apply for additional County Recreation Enhancement funds in order to construct the bandshell;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the Township of Berlin, that the Mayor and Council endorses the proposed bandshell at the Luke Avenue Recreation Complex and authorizes the submission of an application for the request for funding through Camden County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

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BE IT FURTHER RESOLVED that Mayor Magazzu is authorized to sign the application and any other respective documentation

Motion by Councilwoman Bodanza, second by Councilman DiGangi to adopt Resolution 2011-104. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011- 105 ENDORSING THE IMPROVEMENTS TO THE BASKETBALL AND TENNIS COURTS AT THE SPRUCE AVENUE RECREATION COMPLEX AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO CAMDEN COUNTY

Whereas, the surfaces of the basketball and tennis courts, at the Spruce Avenue Recreation Complex are in substandard condition as the surface coating is worn and peeling. There are also many cracks throughout the courts, containing grass and weeds; and

Whereas, the condition of the surface has made it difficult and undesirable for residents to use the courts; and

Whereas, the residents, within the neighborhood, have requested that the courts be repaired and have signed a petition, indicating their support for the project and the application for funding; and

Whereas, the Governing Body desires to apply for funds, through the Camden County Open Space, Recreation, Farmland and Historic Preservation Trust Fund, for the improvements to these courts,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the Township of Berlin, that the Mayor and Council endorses the improvements to the basketball and tennis courts and authorizes the submission of an application for a request for funding through the Camden County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

BE IT FURTHER RESOLVED that Mayor Magazzu is authorized to sign the application and any other respective documentation

Motion by Councilman Digangi, second by Councilman McIntosh to adopt Resolution 2011-105. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2011-106 AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AN UNDERSTANDING BETWEEN THE TOWNSHIP OF BERLIN AND THE BERLIN TOWNSHIP POLICE ASSOCIATION

WHEREAS, a Memorandum of Agreement (MOA) has been successfully negotiated between the Township and Berlin and the Township Of Berlin Police

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Association for a successor collective bargaining agreement for the period from January 1, 2010 through December 31,2010; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the attached MOA is hereby approved and authorized.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the final collective bargaining agreement provided that said agreement conforms to the terms of the attached MOA.

Motion by Councilman Digangi, second by Councilman McIntosh to adopt Resolution 2011-106. Resolution adopted by call of the roll, four members present voting in the affirmative.

BUSINESS APPROVALS

1) Good Food To Go, Roberta Hess, 201 Haddon Avenue, West Berlin NJ. Take Out Restaurant.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve business license. License approved by call of the roll, four members present voting in the affirmative.

2) Golden Corral , Alfred E. Sciubba, 526 Route 73 North, West Berlin NJ. Buffet Style Restaurant.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve business license. License approved by call of the roll, three members present voting in the affirmative, one abstain.

3) The Pool Store, Charles E. Miller, 19 Cross Keys Road, Suite 5 West Berlin NJ. Full Retail and Service for swimming pools.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve business license. License approved by call of the roll, four members present voting in the affirmative.

4) Shell Oil, Kamal J. Singh, 594 Route 73 South, West Berlin NJ. Gas Station.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve business license. License approved by call of the roll, four members present voting in the affirmative.

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5) Impact Training and Fitness LLC, Keith Scott, 115 route 73 North, West Berlin NJ. Personal Training, Private Fitness and other forms of exercise.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve business license. License approved by call of the roll, four members present voting in the affirmative.

6) Salon Limelight, Thomas M. Burke, 223 Haddon Avenue, West Berlin NJ. Hair Salon.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve business license. License approved by call of the roll, four members present voting in the affirmative.

CONSENT AGENDA

Motion by Councilman McIntosh, second by Councilwoman Bodanza 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 MARCH 21, 2011

Motion by Councilman McIntosh, second by Councilman DiGangi to approve the minutes for March 21, 2011. Motion carried by voice vote, four present voting in the affirmative.

APPROVAL OF EXECUTIVE SESSION MEETING MINUTES FROM MARCH 21, 2011

Motion by Councilwoman Bodanza, second by Councilman DiGangi to approve the executive session minutes for March 21, 2011. Motion carried by voice vote, four present voting in the affirmative.

APPROVAL OF CORRESPONDENCE CALENDAR FOR MARCH

Motion carried by Councilman McIntosh, second by Councilman DiGangi to receive and file the correspondence calendar for March 2011. Motion carried by voice vote, all present voting in the affirmative.

ALL OTHER BUSINESS

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Mayor Magazzu stated that she had met with the Fourth of July Committee and everyone has come to an agreement in light of the economy that Berlin Twp, Berlin Boro and ICCA will only be contributing \$4000.00 towards the fireworks.

Councilman DiGangi commented that we are going out to solicit contributions from businesses so that the money for the fireworks will come from business in town and not municipal funds.

PUBLIC PORTION

Motion by Councilwoman Bodanza, 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.

Michael Dodge, President of the Berlin Township Athletic Association talk to Mayor and Council about the Athletic Association and the concerns over the cost of registration fees. Mike remarked that since the cash reserve has grown and with the amount of surplus in the Athletic Associations account he requested that Mayor and Council keep the money and put it towards the parks and recreation for this year.

Mayor Magazzu asked if the Athletic association is going to lower the registration fee to \$60.00 and reimburse everyone who was charge \$85.00 and if they were going to bring back the family plan.

Mike replied that the association will not reimburse any money back but that registration fee will be at \$60.00 for next season sports and we will bring back the family discount.

Councilman DiGangi replied when a family has a few kids it is a hardship especially in these economically times. We need to leave it at \$ 60.00 and bring back the family discounts.

Mike replied compared to other towns we have lower registration fees then any other towns.

Mayor Magazzu responded that the Township gives your Association \$10,000 to \$13,000 dollars a year to keep the registration cost down. That is why we are the lowest, no other athletic association is supported by their town.

Councilman McIntosh questioned the registration in regards to how many are Berlin Township residents and how many are not. Councilman McIntosh asked if they could forward the name and addresses to the clerk's office for verification.

Mike said yes and that he is aware of the ordinance.

Al Silva, Acting Vice President of the Association remarked that the majority of the players from the hockey teams were from Berlin Township.

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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.

Chuck Riebel asked the Mayor and Council if he could recognize two residents from East Berlin, who have come out to tonight meeting. These two residents have helped out with the County Open Space and Recreation Enhancement Application.

Floyd Riley and Samuel Syke commented that they are very thankful that a grant would be used at the location of Spruce Avenue . Mr. Riley said that they were glad to help get signatures from the residents and would gladly help any way that they could. Both residents thanked Mayor and Council.

ADJOURN

Motion by Councilman DiGangi, second by Councilman McIntosh to adjourn the meeting at 5:58 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 5:58 pm

Catherine Underwood, Township Clerk