

JANUARY 22, 2018

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL JANUARY 22, 2018 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, Council President Morris, Councilwoman Bodanza, Councilman Epifanio.

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

**Absent-**

**Department Report**

**ENGINEER'S AND DIRECTOR'S REPORT**

**A. CHANGE ORDERS AND VOUCHERS**

None at this time

**B. ORDINANCES AND RESOLUTIONS**

**1. Amendments to Chapter 280, Solid Waste**

It is my understanding that the Governing Body will be introducing an ordinance to amend the Code to address any changes to the designated collection days for various waste items.

**2. Request for Release of Performance Bonds for Montebello Age-Restricted Residential Development**

I recommend that the Governing Body consider taking the necessary action for the release of the performance bonds for the noted sections of the development, with the noted conditions:

**a. Section 1 (Mulhouse Drive, Portion of Piedmont Boulevard, Portion of Genova Drive and Portion of Vienna Lane)**

- 1) The two-year maintenance bond be posted, in the amount of \$626,370.53 and a new performance bond be posted, in the amount

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of \$102,841.20, to cover the cost of the replacement of the currently identified concrete sidewalk and driveway aprons.

- 2) A new performance bond be posted for the top course for the remaining portion of Piedmont Boulevard, in the amount of \$100,642.62.
- 3) The developer has the generator, at the pumping station, serviced by a qualified firm to the satisfaction of the Township and the dead trees be replaced by the developer.
- 4) The developer provides the replacement pump for the pumping station.
- 5) The developer conveys the pumping station lot to the Township.

b. Section 2 (Portions of Genova Drive and Vienna Lane)

- 1) The two-year maintenance bond, in the amount of \$58,138.80, be posted and a new performance bond be posted, in the amount of \$15,909.60, to cover the cost of the replacement of the currently identified concrete sidewalk and driveway aprons.

c. Section 2A (Copley Circle)

- 1) The two-year maintenance bond be posted, in the amount of \$\$85,876.65, and a new performance bond be posted, in the amount of \$23,080.80, to 2.

d. Section 4 - Top Course for Columbus Court and Leonardo Lane

- 1) The two-year maintenance bond be posted, in the amount of \$26,179.62, and a new performance bond be posted, in the amount of #21,994.80, to cover the cost of the replacement of the currently identified concrete sidewalk and driveway aprons.

**3. Request for the Reduction of the Amount of the Performance Guarantee for Aarne Reid, 380 Cooper Road, Block 1905, Lots 3.01 and 3.02**

I recommend that the Governing Body consider reducing the amount of the performance guarantee from \$\$370.464.00 to \$23,596.80

**4. Request for Reduction of the Amount of Performance Guarantee for Harmonson Stairs, 301-321 Pinedge Drive; Block 2602, Lot 3**

I recommend that the Governing Body consider reducing the amount of the performance guarantee from \$64,420.40 to \$12,884.08

**5. Request for the Release of Inspection Escrow for Resintech and Flex Building; 160 Cooper Road; Block 1107, Lot 7**

I recommend that the Governing Body consider releasing any escrow funds being held for engineering review and inspection of site improvements.

**6. Request for Release of Inspection Escrow for Sprinklz Ice Cream Shop and Commercial Uses: 223 Haddon Avenue; Block 521, Lots 8 and 9**

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I recommend that the Governing Body consider releasing any remaining inspection escrow funds, conditional upon the owner/ applicant demonstrating that deed of lot consolidation has been recorded with the County Clerk's Office.

**C. ENGINEER'S REPORT**

**1. Request for the Release of Performance Bonds for Montebello Age-Restricted Residential Development**

I recommend that the Governing Body consider releasing the performance bonds for Sections 1, 2, 2A and 4-Top Course- Columbus Court and Leonardo Lane with the conditions, which I have listed in Section B.1 of this report.

Since there are issues with the degradation of the surface of the concrete sidewalk and driveway aprons, throughout these sections, I recommend that new performance guarantees be posted for the replacement of these concrete improvements, which have been, recently, identified by our office. Any additional areas of concrete sidewalk and driveway aprons, in which the surface becomes unacceptable, will be covered under the maintenance bond, which is to be posted by the developer.

There are several conditions of my recommendation for the release of the performance bond for Section 1, which involve the pumping station. I recommend that these items be addressed by the developer at a schedule, which is acceptable to the Township.

**2. Request for the Release of Performance Guarantee for Harmonson Stairs, 301 to 321 Pinedge Drive**

Initially, the attorney for the developer had requested the release of the performance guarantee. As a result of me informing the attorney of the remaining site improvements, they have revised their request for a reduction in the performance guarantee. I recommend that the Governing Body consider reducing the amount of the performance guarantee to \$12,884.08, to cover the cost of the remaining site improvements.

It is my understanding that the property owner intends to complete the remaining site improvements, within the immediate future.

**3. Request for Reduction of Performance Guarantee for Aarne Reid, 380 Cooper Road; Block 1905, Lots 3.01 and 3.02**

The owner developer, initially, had requested the release of the performance guarantee. As a result of our inspection of the site improvements, we have informed the owner that they must complete a few of the site improvements and must obtain amended site plan approval for the constructed improvements, which were not included with the standing site plan approval. The owner has informed us that they intend to request an administrative, amended site plan approval from the Planning Board. The owner is now requesting a reduction in the amount of the performance guarantee. I

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recommend that the Governing Body consider reducing the amount of the performance bond from \$370,464.00 to 423,596.80.

**4. Request for the Release of Engineering Review and Inspection Escrow for Resintech and Flex Building, 160 Cooper Road**

The site improvements have been completed at the Resintech Building for quite some time. There were outstanding site improvements to be completed at the flex building but they are academic as the building has been demolished as a result of the fire damage to the building. Since we will not be performing any engineering review or inspections for this development, I recommend that the Governing Body consider authorizing the release of any remaining engineering review and inspection escrow back to the property owner.

**5. Request for Release of Remaining Inspection Escrow for Sprinklz Ice Cream Shop and Commercial Uses; 523 Haddon Avenue; Block 521, Lots 8 and 9**

The owner/ applicant has completed the site improvements. Therefore, I recommend that the Governing Body consider releasing any remaining inspection escrow funds to the owner.

**6. Request for a Traffic Signal at the Intersection of NJSH Route 73 and D'Angelo Drive and Improvements to the Signalized Intersection of NJSH Route 73 and Cooper Road**

It is my understanding that the Governing Body has submitted the resolutions of request and support to the NJDOT for their consideration. To date, I have not received any correspondence from the NJDOT, Camden County or Voorhees Township (for the intersection at Cooper Road, only). Mayor Magazzu has informed me that the Governing Body intends to take additional action, regarding the request for the installation of the traffic signal at the intersection of Route 73 and D'Angelo Drive.

**7. Camden County Community Development Block Grant Program, Year 39 (2017-2018) Funding and Remaining Funding from Previous Years**

Last month Councilman McIntosh mentioned that he and Councilwoman Bodanza attended a County CDBG Meeting. He noted that the County representative noted that they intend to recapture any unused funds from previous years, if not contracted by June, 2018. Mr. Simone is working on completing the remaining projects at the Seniors Center to utilize all of the CDBG funds.

**8. Improvements to Hazel Avenue (NJDOT FY 2015 Funding)**

We are in the process of completing the construction plans and specifications for this project. I am hopeful that we can submit the plan and specifications, along with the other required documents, to the NJDOT, in the immediate future. Once we receive authorization from the NJDOT, we will advertise to

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receive bids for the construction of the project. I had requested that the Governing Body consider allocating additional funds for the anticipated shortfall, some time ago.

### **9. NJDOT FY 2018 Municipal Aid Application**

Applications were submitted for the following projects:

Priority 1: Improvements to Clarence Avenue- From Haddon Avenue to Veteran's Avenue- Requested funding amount \$237,000

Priority 2: Street Improvement Program, consisting of the following:

- a. Improvements to Spruce Avenue- Chestnut Avenue to Division Street;
- b. Improvements to Day Avenue- NJSH Route 73 to the Drive for the Rear Parking Area at the Municipal Building- Requested amount of funding \$233,000.

I anticipate that Governor Murphy will be announcing the selected projects, throughout the State, within the immediate future.

### **10. 2016 Street Improvement Program**

I expect to receive bids in the Spring, 2018.

### **11. Capital Improvements Program for 2018 and Future Years**

I submitted my recommendations for consideration by the Governing Body. I continue to recommend that the Governing Body consider the implementation of a long-term capital improvements program.

### **12. Bate Avenue Site (Former Municipal Building and Administrative Building)**

I continue to recommend that the Governing Body consider authorizing the demolition of the existing building and consider the sale of the property for possible development.

### **13. Improvements to the Municipal Building**

#### **a. Re-painting of Walls**

The Public Works staff have been spackling and re-painting walls, throughout the building.

#### **b. Improvements to the Unfinished General Assembly Rooms**

Mr. Simone is scheduling the Public Works staff for the installation of drywall sheeting within the storage closet, prior to the storage of the holiday decorations, and the ceiling tile system. He is, also, scheduling the staff to install the ceiling tile system and vinyl tile floor for both rooms.

Mr. Simone has been meeting with contractors for the reconfiguration of the fire suppression system, electrical work and installation of the HVAC systems.

#### **c. Irrigation and Landscaping**

No update to report.

#### **d. Coating of the Surface of the Front Parking Area**

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I have recommended that the Governing Body consider this work in 2018.

**14. Camden County Open Space/ Recreation Enhancement Funds for the Reconstruction of the Large Hockey Rink at Robert T. Clyde Memorial Park (\$50,000 Grant Funding)**

The Public Works staff installed and painted the new boards, in late 2017, for both hockey rinks. We expect to receive bids for the installation of a safety surface, at the playground, in the Spring of 2018.

**15. Camden County Recreation Enhancement Funds for the Reconstruction of the Basketball Court Surface at Spruce Avenue Park (\$25,000 Grant Funding)**

I expect to include this project with the 2016 Street Improvement Program to obtain a more competitive bid, due to the larger scale project.

**16. Water Distribution System, Berlin Borough**

I recommend that the Governing Body consider requesting a meeting with the members of the Governing Body for Berlin Borough to discuss any planned, possible improvements to the distribution system, within Berlin Township. The Borough will be flushing the distribution system in April, 2018.

**17. Storm Drainage Improvements**

a. Lester Avenue Drainage and Stormwater Management

1) Phase 1- Construction of Storm Inlets, Piping and Temporary Stormwater Management Facility on Luke Avenue Recreation Property

I expect to bid this project in early 2018.

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

The Engineering Department must perform all of the surveying fieldwork, preliminary engineering for consideration for possible funding by the Governing Body. It will be necessary for Public Service Electric and Gas to grant an easement for the proposed storm pipe, which will cross their property, at the Luke Avenue Recreation Complex.

b. Kelley Drive Stormwater Basin Reconstruction

It is my understanding that funds must be re-allocated for this project. At this time, I am not sure when the engineering and construction work will be completed for this project.

c. Mt. Vernon Avenue at the Elementary School Property

At this time, there is no schedule for the performance of the engineering work for this project.

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

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No update to report, at this time.

e. **Improvements to the Stormwater Management System and Expansion of the Parking Area at Kennedy Elementary School**

I am hopeful that we will be completing the construction plans and specifications, this month, for the school administration to receive bids for the project, in the immediate future.

**18. Tax Map Revisions**

We are hopeful that the most recent version of the Tax Maps can be posted on the Township website.

We must, still, complete all of the remaining revisions to the maps.

**19. Request to the Pinelands Commission for the Redesignation of Lands**

To date, we have not performed any additional work, regarding this matter. The County Planner did mention this matter in the Reexamination Report.

**20. Consideration for Sidewalk Along Oak Avenue**

Some time ago, the Governing Body discussed the possible construction of sidewalk along one side of the street, due to the narrow roadway. I have not performed the investigation and have not prepared the report for consideration for action by the Governing Body.

**21. Investigation of the Condition of Decorative Concrete Sidewalk Along Haddon Avenue**

I have recommended that an epoxy coating be applied to the spalled areas of the concrete surface and a clear sealant be applied to the brick and concrete surfaces. This work could be performed by the Public Works staff.

**22. Possible Multi-Use Trail- From Educational Park to Egg Harbor Road**

No update to report. If the Governing Body would like to pursue the matter, I will contact P.S.E.G. to schedule a meeting to discuss the possibility of placing the trail within their right-of-way.

**23. Study for the Designation of truck Routes Throughout the Township**

I, still, must complete the study and submit my recommendations to the Governing Body for consideration for the adoption of the necessary ordinance.

### **D. PUBLIC WORKS DEPARTMENT**

**1. Operations and Staffing**

The staff is performing various task, typically, performed during the winter months. They are, also, will be working at the unfinished rooms at the Municipal Building.

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We are, still, attempting to create a list of temporary employees for snowplowing, in case we experience a shortage of manpower to perform this task.

We intend to, in the short term, continue to utilize temporary employees as the need arises. It is probable that, for long term consideration, we will need to hire individuals to replace any staff members, which leave the Department.

The staff is, and will continue to, attend safety classes, regarding various topics, to stay current with the NJMEL/JIF safety training requirements.

### **2. Amendments to Waste Collection**

#### **a. Monthly Saturday Drop-off by Residents**

On January 13, 2018, the Public Works Complex was open to the residents for the first, monthly Saturday drop-off for waste items. We expect this event to be utilized by residents as the weather becomes more suitable and they become aware of the event.

#### **b. Monthly Bulky Waste Collection**

To make it more convenient for the residents to place bulky waste curbside, the collection day has been moved from the last Friday of the month to the last Monday of the month.

#### **c. Reconfiguration of Collection Districts and Procedures**

We are, currently, evaluating the possible reconfiguration of the limits of the collection for residential districts and collection schedules for residential and commercial recyclables, in an effort to continue to streamline the collection of waste items.

### **3. 2018 Calendar, Newsletter and Website**

The calendar is being printed by the printer. We expect to mail the calendars to the residents, within the immediate future. The calendar includes information about waste collection, stormwater measures for residents and other matters.

We are hopeful that the revised Public Works section of the website will be posted, in the immediate future. We intend to update it, frequently, as needed

### **4. 2018 Traffic Signal Maintenance and Repairs Contract**

We have requested quotes from several traffic signal maintenance contractors. The submission deadline is January 31, 2018. I am hopeful that the Governing Body will be able to award a contract at the Council Meeting in February, 2018.

### **5. Replacement of Banners**



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It is necessary to replace the damaged banners. We will obtain prices for the banners and submit them to the Governing Body for consideration for authorization of the work.

**6. Possible Directory Signs for the Businesses Along Haddon Avenue, Between Zulker and Walker Avenues**

We have not received any update on interest from the businesses, regarding this matter.

**7. Request for Various Capital Improvements and Purchases**

We would like to meet with the members of the Governing Body to discuss possible improvements at the Public Works Complex and throughout the Township and the purchase of equipment for the Department for 2018 and future years.

**8. Roadway, Signs and Walkways Management Program**

The Public Works staff continues to identify and repair localized pavement areas and replace signs, where necessary.

**9. Upgrades to Pumping Stations**

We are in the process of obtaining prices for the various upgrades to the pumping stations. We will be receiving quotes and, where necessary, bids for the various improvements.

**10. Submission of Annual Reports to Various Agencies**

Throughout the beginning of the year, we will be submitting the necessary reports for well water usage permit, stormwater permit, recycling and vehicle waste transport. We must submit the annual reports, for the past several years, for the Clean Communities Program.

I would, also, like to discuss the possibility of resolving the matter of the annual site remediation fee, which is being assessed for the underground fuel storage tanks, which were removed at the Public Works Complex.

### **SOLICITORS REPORT**

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Estate of Carol Bowne
5. Rhonda Abott V. Berlin Township Police
6. Open Public Records Act
7. Municipal Building Roof
8. Lester Avenue Drainage Project
9. Verizon Wireless Municipal Consent
10. Consolidated Fee Ordinance
11. Fire Safety Ordinance

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**POLICE DEPARTMENT**

Council Report

January 22, 2018

Department Stats, December 2017

Total of 161 Motor Vehicle Summons, which include 1 for DWI, 30 Motor Vehicle Crashes, 67 Alarms calls. A total of 39 arrests, which include 1 for narcotics and 14 warrant services.

2015 Stats	2016 Stats	2017 Stats
38,397 calls for service	35,914 calls for service	37, 192 calls for service
2263 MV summons	1677 MV Summons	2635 MV Summons
369 MV Crashes	372 MV Crashes	387 MV Crashes
1009 Alarms	1382 Alarms	774 Alarms
670 Total Arrests	797 total Arrests	580 Total Arrests

6,464.09 Monies collected \$5,178.93 Monies collected \$5,919.12 Monies Collected

There was an increase of 1278 calls for service from 2016 to 2017, which include 958 MV Summons issued and 15 MV Crashes, there was also an increase of \$740.19 monies collected. There was a decrease of 608 alarms and 217 total arrests during this same timeframe. The increase in total calls for service and MV summons is directly related to manpower. The timely replacement of Ptl. Wilson after his retirement and the addition of the 2 part time SLEOII officers allowed the department to progress forward and I thank Mayor and council for that. My goal is to increase the manpower to 18 full time officers; this will allow me to utilize a power shift with all rotations without sacrificing the detective unit or our community outreach efforts. There are time constraints on how long the SLEO II Officers can work and they are not always able to be utilized. There were a total of 5 internal affairs investigations for 2017, 2 were citizen complaints and both were not sustained. 3 were administrative investigations. 1 was not sustained, 1 was administratively closed and 1 is pending an outcome into 2018. The Internal Affairs summary report will be posted in the Municipal building lobby. Officers completed all mandatory training and qualifications on all weapon systems as required by the Attorney General Directive, also random drug testing was conducted as per Attorney General Directive and all passed.

Respectfully,  
Chief Leonard Check

**MAINTENANCE OFFICER / ANIMALCONTROL**

Josh Shellenberger, Zoning / Property Maintenance / Animal Control Officer reported that vacant property registrations are now in the process of being renewed. Josh stated that our free rabies clinic will be held this Saturday January 27, 2018 from 9 to 12 and that all dog license are due by the end of the month.

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**SECOND READING AND PUBLIC HEARING ORDINANCE 2018-1 AN  
ORDINANCE FIXING AND DETERMINING SALARY RANGES FOR THE  
OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF  
CAMDEN, NEW JERSEY.**

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

SECTION 1: That the following named officers and employees of the Township of Berlin, Camden County, New Jersey shall be paid within the following salary ranges for the calendar year 2018 as follows:

<u>POSITION</u>	<u>ANNUAL SALARY RANGE</u> (Except as Noted)	
	<u>FROM</u>	<u>TO</u>
Mayor	\$ 0.00	\$ 52,000.00
President of Council	0.00	10,000.00
Councilpersons	0.00	8,000.00
Township Clerk	0.00	67,000.00
Coordinator on Aging/Disabled	0.00	600.00
Chief Financial Officer	0.00	89,000.00
Tax Collector	0.00	56,000.00
Sewer Clerk	0.00	5,000.00
Tax Assessor	0.00	22,000.00
Director of Public Works/ Township Engineer (With C-2 Wastewater License)	0.00	162,000.00
Building Custodian/ Property Maintenance Inspector/ Zoning Officer/ Board of Health Inspector	0.00 per hour	24.00 per hour
Const. Code Official/Building Inspector	0.00	25,000.00
Emergency Management Coordinator	0.00	3,000.00
Prosecutor	0.00	15,000.00
Deputy Public Works Director (With NJCPWM Certification)	0.00	71,000.00
Recreation Coordinator (Not to exceed 10 hrs. per week)	0.00 per hour	14.00 per hour
Recreation Coordinator	0.00	5,000.00
Librarian	0.00 per hour	14.00 per hour
Municipal Judge	0.00	23,000.00
Municipal Court Administrator	0.00	62,000.00
Animal Control Officer	0.00 per month	600.00 per month

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Assistant Township Clerk (With Registrar Certification)	0.00	33,000.00
Finance Clerk Part Time	0.00 per hour	14.00 per hour
Tax/Sewer Clerk	0.00	31,000.00
Engineering Technician	0.00	51,000.00
Public Works/Engineering Clerk	0.00	30,000.00
Administrative Secretary to Land Use (With Registrar Certification)	0.00	52,000.00
Fire Sub Code Official	0.00	7,000.00
Plumbing Inspector	0.00	6,000.00
Electrical Sub Code Official/ Electrical Inspector	0.00	12,000.00
Property Maintenance Inspector – Part Time (Not to exceed 8 hrs. per week)	0.00 per hour	17.00 per hour
Police Department – Clerk Typist	0.00	34,000.00
Crossing Guards	0.00 per hour	13.00 per hour
Temporary Clerk Typist	0.00 per hour	13.00 per hour
Emergency Event Temporary Laborer	0.00 per hour	24.00 per hour
Emergency Event Temporary Mechanic	0.00 per hour	28.00 per hour
Bus Driver	0.00 per hour	19.00 per hour
Clerk Typist/Part Time - to Include Library Clerk	0.00 per hour	14.00 per hour
Deputy Court Administrator	0.00	37,000.00
Court Recording Operator	0.00 per court	87.00 per court
Temporary Court Assistant	0.00 per court	125.00 per court
Student Clerk Typist	0.00	Minimum Wage
Chief of Police	0.00	125,000.00
Lieutenants of Police	0.00	99,000.00
Sergeants of Police	0.00	94,000.00
Patrolmen:		
Date of Hire (without certification)	0.00	32,000.00
Date of Hire (with certification or Completion of the academy)	0.00	45,000.00
Beginning of 2 <sup>nd</sup> year	0.00	48,000.00
Beginning of 3 <sup>rd</sup> year	0.00	52,000.00
Beginning of 4 <sup>th</sup> year	0.00	59,000.00
Beginning of 5 <sup>th</sup> year	0.00	65,000.00
Beginning of 6 <sup>th</sup> year	0.00	72,000.00
Beginning of 7 <sup>th</sup> year	0.00	78,000.00
Beginning of 8 <sup>th</sup> year	0.00	89,000.00
Part-time Class II SLEO Officer	0.00 per hour	15.00 per hour
Part-time Class II SLEO Officer:		

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Traffic & Other Services	0.00 per hour	65.00 per hour
Traffic & Other – Twp. Projects	0.00 per hour	45.00 per hour
Employees of Public Works Department	0.00 per hour	28.00 per hour
Temporary Public Works Employees	0.00 per hour	14.00 per hour
Sewer Department Standby	0.00 per month	200.00 per month

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 2018-1.

Mr. Herman Maurer from Montebello asked where he could get a copy of the ordinance. The Mayor responded at the clerk's office.

No more comments were to be heard.

Motion by Councilman Epifanio second by Council President Morris to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2018-1.

Motion by Council President Morris second by Councilman Epifanio to adopt Ordinance 2018-1. Ordinance approved by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2018-2 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND THE STATE OF NEW JERSEY, AMENDING CHAPTER 280 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "SOLID WASTE & REFUSE.**

**WHEREAS**, Chapter 280 of the Code of the Township of Berlin, entitled "Solid Waste & Refuse" regulates the storage, collection and disposal of solid waste and recyclables within the Township of Berlin; and

**WHEREAS**, the Township continually strives to provide its residents with high quality, efficient and economic municipal services; and

**WHEREAS**, in furtherance of same, the Mayor and Township Council have determined it in the best interest of the residents to revise the solid waste collection schedule and/or the manner in which the collection schedule is determined on an annual basis; 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

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

**SECTION 1:** Chapter 280, entitled "Solid Waste & Refuse," Article III, entitled "Refuse Collection Schedules," is hereby deleted in its entirety with the remaining Articles in Chapter 280 being renumbered as set forth in the chart below and a new Article V, entitled "Enforcement, Violation & Penalties," being created as set forth in Sections 2 and 3 of this Ordinance, as follows:

<b>Current Article Number</b>	<b>Title of Article</b>	<b>New Article Number</b>
Article I	General Provisions	Article I
Article II	Regulations Regarding Supply and Use of Carts	Article II
Article III	Refuse Collection Schedules	Deleted
Article IV	Recycling	Article III
Article V	Yard Waste & Bulky Waste	Article IV
N/A	Enforcement, Violations & Penalties	Article V

**SECTION 2:** Chapter 280, entitled "Solid Waste & Refuse," is further amended by renumbering Section 12 in deleted Article III to a new Section 6 in Article I, as more fully set forth in Section 3 of this Ordinance, and renumbering the balance of the Sections of Chapter 280 as follows:

<b>Current Section Number</b>	<b>New Section Number</b>	<b>Current/New Article</b>	<b>Former Article</b>
§280-1	§280-1	Article I	Article I
§280-2	§280-2	Article I	Article I
§280-3	§280-3	Article I	Article I
§280-4	§280-4	Article I	Article I
§280-5	§280-5	Article I	Article I
§280-6	§280-15	Article V	Article I
§280-7	§280-16	Article V	Article I
§280-8	§280-7	Article II	Article II
§280-9	§280-8	Article II	Article II
§280-10	§280-9	Article II	Article II
§280-11	§280-10	Article II	Article II
§280-12	§280-6	Article I	Article III
§280-13	Deleted	N/A	Article III
§280-14	Deleted	N/A	Article III
§280-15	Deleted	N/A	Article III
§280-16	Deleted	N/A	Article III

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§280-17	§280-11	Article III	Article IV
§280-18	§280-12	Article III	Article IV
§280-19	§280-13	Article IV	Article V
§280-20	§280-14	Article IV	Article V

**SECTION 3:** Chapter 280, entitled "Solid Waste & Refuse," is amended and revised to add a new Section 6, entitled "Refuse Collection Schedules," to Article I, entitled "General Provisions," to read as follows:

§280-6 Refuse Collection Schedules

(a) The schedule for collection of solid waste, recyclable materials, yard waste, bulk leaves, bulky waste items, and all other pertinent forms of waste shall be established annually by resolution of the Governing Body. Copies of any schedule(s) adopted hereunder shall be posted by the Public Works Department in the time, location and manner prescribed in each such resolution.

(b) Notwithstanding the above, the approved and posted collection schedule may be revised and/or altered on a case by case basis as may be necessary to protect the health, safety and welfare of the residents in the event of any emergency, major weather occurrence or other such unpredictable and/or unforeseen event that may occur. Any such changes shall be immediately posted by the Public Works Department in the place(s) designated by the Governing Body for posting of the annual collection schedule pursuant to Section (a) above. Any changes in the collection schedule under this Section may occur without the need for Governing Body approval by resolution in advance thereof.

**SECTION 4:** Chapter 280, entitled "Solid Waste & Refuse," is further amended and revised to add a new Article V, entitled "Enforcement, Violations & Penalties," to include former Sections 280-6 and 280-7 of Article III, which are now numbered Sections 280-15 and 280-16, respectively, as more fully set forth in Section 2 of this Ordinance.

**SECTION 5:** Except as set forth in Sections 1 through 4 above, the balance of Chapter 280 of the Code of the Township of Berlin shall not be affected by this Ordinance.

**SECTION 6:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 7:** 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.

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**SECTION 8:** This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Ordinance 2018-2 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2018-3 OF THE TOWNSHIP OF BERLIN,  
COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AUTHORIZING THE  
PRIVATE SALE OF CERTAIN MUNICIPALLY-OWNED PROPERTY  
PURSUANT TO N.J.S.A. 40A:12-13(b)**

**WHEREAS,** N.J.S.A. 40A:12-13(b) authorizes the private sale of municipally owned real property no longer needed for public use to contiguous land owners where said property is vacant and unable to be developed separately pursuant to municipal zoning ordinances or otherwise qualify for a private sale; and

**WHEREAS,** The Township of Berlin has determined that certain parcels of municipally owned land are not necessary for public use and said lands being identified on the Schedule "A" attached hereto; and

**WHEREAS,** the Governing Body of the Township of Berlin has determined that said properties would be of better value as a privately owned tax ratable.

**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.** The real property listed on Schedule "A" attached hereto shall be advertised for private sale to contiguous land owners pursuant to requirements of N.J.S.A. 40A:12-13(b).

**SECTION 2.** That notice of said private sale to contiguous property owners shall be published in a newspaper circulating in the municipality by one insertion within five (5) days of the adoption of this Ordinance. A Notice of Sale also shall be posted on the Township bulletin board and website with a copy of same mailed to all contiguous property owners immediately following the date of the adoption of this Ordinance. The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs the required affidavit verifying the publication of advertisements in accordance with law.

**SECTION 3.**

**A.** The Township shall accept offers/bids from contiguous property owners for a period of twenty (20) days from the date of newspaper advertisement. All bids must be received in a sealed envelope addressed to the Township of Berlin, Attention Berlin Township Clerk.



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**B.** Said properties are being offered for sale to contiguous property owners as either undersized, landlocked, or otherwise restricted lots unable to be separately developed with the condition that the Township is issuing no representations or warranties as to the permissibility or advisability of the property's use, including but not limited to sewer and water capacity availability to or for the property, and of any limiting environmental conditions, including but not limited to the presence of wetlands. The successful bidder is solely responsible for obtaining any and all necessary local, county or state permits and/or approvals for use of the property or for constructing any improvement on the property. The Township makes no representations as to any previous use of the property and does not guarantee clear title to the property.

**C.** All bids shall be referred to the Township Governing Body for final review and approval which shall be by Resolution within fourteen (14) days after bids are received.

**D.** The successful bidder shall be required to pay all conveyancing expenses, including legal fees and advertising costs, and to provide at its own expense a title search and legal description to the Township for preparation of the Deed of Conveyance by the Township.

**E.** The minimum purchase price for each lot and all other conditions of sale are described in Schedule "A" attached hereto.

**F.** A Bargain and Sale Deed will be the document of conveyance and no warranties or representations as to title are made by the Township. If, however, the Township is unable to convey marketable title, the private sale shall be null and void and of no further effect. In addition, any deposit monies received pursuant to this bidding procedure shall be returned.

**G.** The confirmation of the sale by the Governing Body shall be a complete acceptance of the bid and, thereafter, within thirty (30) days from said confirmation, settlement must be completed by the successful bidder. In the event the successful bidder defaults and fails to complete the settlement within the time period allowed, the Township shall be entitled to rescind the prior approval, terminate all rights of the designated bidder and the down payment shall be forfeited to the Township. Said time period may only be extended for good cause documented to and approved by the Township.

**H.** A deposit not exceeding ten percent (10%) of the minimum bid price of the tract of land on which the bid is submitted shall be paid by the successful bidder in cash, cashiers check or certified check within seventy-two (72) hours of notification from the Township that said party is the successful bidder. Failure to make the payment in the time period required will nullify said bid and the Township will notify the next highest bidder, if any, of being the successful bidder.

**I.** The lot(s) being offered for sale are subject to existing liens, encumbrances, judgments, zoning regulations, easements, and any other regulations, which such facts would be revealed by a title report and an accurate survey which the Township has not undertaken.

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**J.** The purchaser shall be the responsible party to terminate any and all existing tenancies.

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

**SECTION 5:** This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Ordinance 2018-3 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2018-55 FOR THE GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964".**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the **Mayor and Council** of the **Township of Berlin** , hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-55. Resolution adopted by call of the roll, five members present voting in the affirmative

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**RESOLUTION 2018 -56 PAYMENT OF BILLS**

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 detailed below and attached are hereby approved and the bills to be paid.

<b>TO</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
Township of Berlin – General Account (Current Fund) for Disbursements thru 12/31/2017		
Rehabilitation Loan Trust	7-01-55-160-0172	\$6,771.00
Municipal Public Defender Trust	7-01-55-160-0175	1,225.00
Accumulated Leave Trust	7-01-55-160-0177	45,973.25
Township of Berlin – General Account (Current Fund) for Disbursements 09/27/2017 thru 12/31/2017		
Planning Board Escrow Trust	7-01-55-160-0161	38,627.10
Township of Berlin – General Account (Current Fund) for Prior Year Interfund Due and Interest thru 10/31/2017		
Planning Board Trust	#99888 – Prior Year	220.93
	#99888 – Interest	191.02

**CONFIRMING:**

<b>TO</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
Various Current Fund & Sewer Operating Fund Checks	See Bill List Attached dated: 12/21/2017	\$29,291.53
America On Line (November)	7-01-31-443-2077	46.99
Verizon Communications – PD Internet 12/01-12-31/17	7-01-31-443-2077	119.99
Township of Berlin – Accumulated Leave	7-01-30-415-1017	45,000.00
Township of Berlin – Storm Recovery	7-01-26-290-2147	30,000.00
State of Jersey Health Benefits – October 2017(A)	7-01-23-220-2092	63,756.41
	7-01-23-220-2092	17,347.51
State of Jersey Health Benefits – October 2017 (R)	7-01-23-220-2092	40,767.34
ShopRite (Chickens for Food Drive)	7-01-30-420-2105	149.75
WalMart (Tree Lighting 2017)	7-01-30-420-2105	678.94
Verizon FIOS Administration (12/16-01/15/18)	7-01-31-443-2077	149.99
America On Line (December)	7-01-31-443-2077	46.99
TD Bank NA – Bond Series 2017 (1/1/18)	8-01-45-920-2105	40,000.00

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	8-01-45-930-2105	163,381.26
	8-01-55-160-0168	21,100.00
TD Bank NA – Bond Series 2010A (1/1/18)	8-01-45-920-2105	250,000.00
	8-01-45-930-2105	26,687.50
TD Bank NA – Bond Series 2012	7-07-55-520-2105	260,000.00
	7-07-66-270-0262	56,409.38
Catherine Underwood – Replenish Petty Cash 2018	8-01-55-103-0102	100.00
Verizon FIOS PD (01/01/2018 – 01/31/2018)	8-01-31-443-2077	119.99
Chief Leonard Check - Replenish Petty Cash 2018	8-01-55-103-0103	300.00
Payroll, Current Fund	12/21/17	132,867.65
Payroll, Sewer Operating Fund	12/21/17	7,519.05
Payroll, Open Space	12/21/17	4,480.48
Payroll, Current Fund	01/04/18	132,803.41
Payroll, Sewer Operating Fund	01/04/18	7,367.04
Payroll, Open Space	01/04/18	4,177.09
Payroll, Current Fund	01/18/18	155,218.29
Payroll, Sewer Operating Fund	01/18/18	7,525.15
Payroll, Open Space	01/18/18	4,464.34

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-56. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-57 RESOLUTION TO AWARD THE BID FOR THE PRIVATE SALE OF CERTAIN MUNICIPAL OWNED PROPERTY KNOWN AS 332 HAZEL AVENUE BLOCK 1814 LOT 17 PURSUANT TO N.J.S.A.40A:12-13(b)**

**WHEREAS**, the Township of Berlin advertised for, and received bids to a private land sale to adjoining property owners held pursuant to N.J.S.A.40A:12-13(b) for property located at 332 Hazel Avenue, West Berlin New Jersey 08091 Block 1814 Lot 17; and

**WHEREAS**, the only bid received was for the minimum bid of \$5,000.00 from Farhan Latifi, 21 West 6<sup>th</sup> Avenue Runnemede New Jersey 08078 and;

**WHEREAS**, the Mayor and Council of the Township of Berlin shall review the bid documents and approve the sale contingent upon the Solicitor approval.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, hereby approves and authorizes the private sale of land located at 332 Hazel Avenue, West Berlin New Jersey 08091 Block 1814 Lot 17 in the amount of \$5,000.00 to Farhan Latifi, 21 West 6<sup>th</sup> Avenue Runnemede New Jersey 08078.

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**BE IT FURTHER RESOLVED**, that the Township shall proceed to prepare all the necessary documentation for the transfer of said property to the successful bidder as indicated hereinabove pursuant to the terms and conditions in the advertisement for sale.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-57. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-58 AUTHORIZING PURCHASES BASED UPON THE AWARD OF CONTRACT TO CAMDEN COUNTY ENERGY RECOVERY ASSOCIATES, L.P., (COVANTA) FOR SOLID WASTE DISPOSAL SERVICES IN ACCORDANCE WITH THE COOPERATIVE BID (BID A-61/2015 – 3<sup>rd</sup> YEAR OPTION) BY THE COUNTY OF CAMDEN AS THE LEAD AGENCY FOR THE CAMDEN COUNTY COOPERATIVE PRICING SYSTEM, ID #57-CCCPS**

**WHEREAS**, the County of Camden, as the Lead Agency for the Camden County Cooperative Pricing System, System Identifier # 57-CCCPS (Cooperative), received and opened bids at its Division of Purchasing on December 11, 2015 at 11:00 A.M., Prevailing Time, for Bid A-61/2015 for Disposal of Solid Waste for Camden County, various Camden County Agencies and various Camden County Municipalities under the Camden County Cooperative Pricing System, System Identifier # 57-CCCPS, the receipt of which bids were duly advertised in accordance with law; and

**WHEREAS**, the sole bidder was **Camden County Energy Recovery Associates, LP (Covanta)** who complied with the specifications for the term of one year commencing on or about January 1, 2016 through December 31, 2016 for a rate of \$66.66 per ton with two (2) one year options, for a rate of \$67.67 per ton for 2017 and a rate of \$68.68 per ton of 2018 and said options to be exercised at the sole discretion of the County; and

**WHEREAS**, by resolution adopted on December 21, 2017, the Board of Chosen Freeholders has awarded a contract to the sole bidder for the 3<sup>rd</sup> year option at a rate of \$68.68 for 2018 who complied with the specifications, Camden County Energy Recovery Associates, LP, (Covanta) 445 South Street, Morristown, NJ 07960, for the disposal of solid waste for the County of Camden and other Cooperative Purchasing Members; and

**WHEREAS** the term of agreement shall be for one year commencing on or about January 1, 2018 through December 31, 2018 at the base rate of \$68.68 per ton; and

**WHEREAS**, Camden County Energy Recovery Associates, LP (Covanta) has extended pricing to both Camden County and to the members of the Camden County Cooperative Pricing System as set forth in the bid specifications; and

**WHEREAS**, the Township of Berlin is a participant in the Camden County Cooperative Pricing System and this bid; and

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**WHEREAS**, it has been determined the bid for disposal services at a base rate of \$68.68 per ton provides for the best benefit to the Township of Berlin; and

**WHEREAS**, the bids have been evaluated by the Township of Berlin Engineer and Purchasing Agent, and the recommendation is made as herein after provided to the sole responsible bidder to comply with the uniform bid specifications, Camden County Energy Recovery Associates, LP (Covanta); and

**WHEREAS**, upon adoption, a copy of this approving Resolution shall be transmitted to Camden County Energy Recovery Associates, LP, (Covanta) 445 South Street, Morristown, NJ 07960 in order to effectuate formal notice of the Township of Berlin's intention to purchase solid waste disposal services in accordance with the County of Camden award; and

**WHEREAS**, funding for this purpose shall not exceed the maximum budgeted line items for Landfill and Solid Waste Disposal Costs line items for disposal and recycling tax in the temporary and permanent budgets for CY 2018 consisting of approximately \$175,000.00 to account 8-01-32-465-2020 and approximately \$7,000.00 to account 8-01-32-465-2030 shall be encumbered prior to incurring the obligation in accordance with N.J.A.C. 5:30-5.3(b)(2); and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, in the County of Camden that the Chief Financial Officer/Qualified Purchasing Agent is hereby authorized to purchase solid waste disposal services at a price of \$68.68 per ton from Camden County Energy Recovery Associates, LP (Covanta) for a period of one year from January 1, 2018 through December 31, 2018 in accordance with the award of bid on December 21, 2017 3<sup>rd</sup> year option by the County of Camden for Solid Waste Disposal Services, under the Camden County Cooperative Pricing System, ID #57-CCCPS.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-58. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-59 RESOLUTION TO REDUCE LETTER OF CREDIT FOR AARNE H.REID SITE IMPROVEMENTS LOCATED AT 380 COPPER ROAD BLOCK 1905, LOT 3.01 AND 3.02 .**

**WHEREAS**, Aarne H. Reid located 380 cooper Road, Block 1905, Lot 3.01 and 3.02 has requested a reduction of their letter of credit #2007953 in the amount of \$370,464.00; and

**WHEREAS**, the Engineer has performed an inspection of the site improvements and has recommended that the Township reduce the Letter Credit from \$370,464.00 to \$23,596.80.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the request for the reduction of Letter of Credit for the Site Improvement for Aarne H. Reid located at 380 Cooper Road is hereby granted.

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Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-59. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018 -60 RESOLUTION TO GRANT THE RELEASE OF RESINTECH ESCROW FOR 160 COOPER ROAD BLOCK 1107, LOT 7.**

**WHEREAS**, ResinTech has requested the release of the escrow for 160 Cooper Road West Berlin NJ 08091 for engineer review and inspection escrow for site improvements for ResinTech and Flex Building; and

**WHEREAS**, the Engineer has recommended that the Township grant the request for the release of \$15,861.29 in escrow funds since the Flex Building was demolished as a result of the extensive fire damage.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the request for the release of the escrows for ResinTech located at 160 Cooper Road in the amount of \$15,861.29.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-60. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-61 RESOLUTION TO REDUCE PERFORMANCE GUARANTEE FOR HARMONSON STAIRS LLC 301 PINEDGE DRIVE BLOCK 2602 LOT 3.**

**WHEREAS**, Harmonson Stairs has requested a reduction of their cash Performance Guarantee in the amount of \$64,561.86; and

**WHEREAS**, the Engineer has performed an inspection and has recommended that the Township reduce the Performance Guarantee from \$64,561.86 to \$12,884.08.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the request for the reduction of performance Guarantee for Harmonson Stairs is hereby granted.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-61. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-62 REQUEST FOR THE RELEASE OF MONTEBELLO PERFORMANCE BOND FOR SECTION 1 (MULHOUSE DRIVE, PORTION OF PIEDMONT BOULEVARD, PORTION OF GENOVA DRIVE AND**

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**PORTION OF VIENNA LANE AND THE POSTING OF MAINTENANCE GUARANTEE.**

**WHEREAS**, Hovbros Berlin, LLC has requested the release of their Performance Bond #SU1001778 for Montebello an Age Restricted Residential Development and:

**WHEREAS**, the Engineer has recommended that the Governing Body consider taking the necessary action for the release of the performance bonds for the noted sections of the development, with the noted conditions:

Section 1 (Mulhouse Drive, Portion of Piedmont Boulevard, Portion of Genova Drive and Portion of Vienna Lane)

- 6) The two-year maintenance bond be posted, in the amount of \$626,370.53 and a new performance bond be posted, in the amount of \$102,841.20, to cover the cost of the replacement of the currently identified concrete sidewalk and driveway aprons.
- 7) A new performance bond be posted for the top course for the remaining portion of Piedmont Boulevard, in the amount of \$100,642.62
- 8) The developer has the generator, at the pumping station, serviced by a qualified firm to the satisfaction of the Township and the dead trees be replaced by the developer.
- 9) The developer provides the replacement pump for the pumping station.
- 10) The developer conveys the pumping station lot to the Township.
- 6) Submit an acceptable Stormwater Maintenance Plan for the entire development.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Bond # SU1001778 for Hovbros Berlin LLC, is hereby granted contingent upon the posting of the maintenance bond and conditions as stated above.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-62. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-63 REQUEST FOR THE RELEASE OF MONTEBELLO PERFORMANCE BOND FOR SECTION 2 ( PORTIONS OF GENOVA DRIVE AND VIENNA LANE AND THE POSTING OF MAINTENANCE GUARANTEE.**



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**WHEREAS**, Hovbros Berlin, LLC has requested the release of their Performance Bond #5033572 for Montebello an Age Restricted Residential Development and:

**WHEREAS**, the Engineer has recommended that the Governing Body consider taking the necessary action for the release of the performance bonds for the noted sections of the development, with the noted conditions:

Section 2 (Portions of Genova Drive and Vienna Lane)

- 2) The two-year maintenance bond, in the amount of \$58,138.80, be posted and a new performance bond be posted, in the amount of \$15,909.60, to cover the cost of the replacement of the currently identified concrete sidewalk and driveway aprons.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Bond # 5033572 for Hovbros Berlin LLC, is hereby granted contingent upon the posting of the maintenance bond and conditions as stated above.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-63. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-64 REQUEST FOR THE RELEASE OF MONTEBELLO PERFORMANCE BOND FOR SECTION 2 A (COPLEY CIRCLE) AND THE POSTING OF MAINTENANCE GUARANTEE.**

**WHEREAS**, Hovbros Berlin, LLC has requested the release of their Performance Bond #5033561 for Montebello an Age Restricted Residential Development and:

**WHEREAS**, the Engineer has recommended that the Governing Body consider taking the necessary action for the release of the performance bonds for the noted sections of the development, with the noted conditions:

e. Section 2A (Copley Circle)

- 2) The two-year maintenance bond be posted, in the amount of \$\$85,876.65, and a new performance bond be posted, in the amount of \$23,080.80, to 2.

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Bond # 5033561 for Hovbros Berlin LLC, is hereby granted contingent upon the posting of the maintenance bond and conditions as stated above.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-64. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-65 REQUEST FOR THE RELEASE OF MONTEBELLO PERFORMANCE BOND FOR SECTION 4 (TOP COURSE FOR COLUMBUS COURT AND LEONARDO LANE) AND THE POSTING OF MAINTENANCE GUARANTEE.**

**WHEREAS**, Hovbros Berlin, LLC has requested the release of their Performance Bond #1865 for Montebello an Age Restricted Residential Development and:

**WHEREAS**, the Engineer has recommended that the Governing Body consider taking the necessary action for the release of the performance bonds for the noted sections of the development, with the noted conditions:

f. Section 4 - Top Course for Columbus Court and Leonardo Lane

- 2) The two-year maintenance bond be posted, in the amount of \$26,179.62, and a new performance bond be posted, in the amount of \$21,994.80, to cover the cost of the replacement of the currently identified concrete sidewalk and driveway aprons.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Bond # 1865 for Hovbros Berlin LLC, is hereby granted contingent upon the posting of the maintenance bond and conditions as stated above.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-65. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-66 CY 2018 TEMPORARY BUDGET-CURRENT FUND, SEWER OPERATING FUND, AND OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND AND CALCULATION OF MAXIMUM ALLOWABLE APPROPRIATIONS.**

**WHEREAS**, Revised Statutes 40:2-12 provides that where there are any contracts, commitments or payments that are to be made prior to the adoption of the Calendar

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Year 2018 Budget, temporary appropriations should be made for the purposes and accounts required in the manner and time provided: and

**WHEREAS**, the date of this resolution is within the first thirty days of the Calendar Year 2018 Budget and is twenty-six and one quarter percent (26.25%) of the total appropriations made for all purposes in the Calendar Year 2017 Budget, excluding appropriations;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the foregoing is the Temporary Budget for the Calendar Year 2018 and; Twenty-six and one quarter percent (26.25%) of the total appropriations made for all purposes in the budget for the year 2017 Calendar Year excluding appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.

**CURRENT FUND TEMPORARY BUDGET**

CY 2017 Budget Appropriations (Current Fund) \$10,888,401.83

Less: CY 2017 Appropriations for:

Debt Service	\$ 1,461,700.00	
Capital Improvement Fund	1,194,000.00	
Improvements to Kelley Drive	0.00	2,655,700.00
Sub-total		8,232,701.83
		x .2625
Sub-total		2,161,084.23

Add CY 2018 Temporary Appropriations

Debt Service	1,036,000.00	
Capital Improvement Fund	0.00	\$ 1,036,000.00
		3,197,084.23

**GENERAL GOVERNMENT:**

Mayor & Council		
Salaries & Wages		25,000.00
Other Expenses		7,000.00
Township Clerk		
Salaries & Wages		28,000.00
Other Expenses		9,000.00
Finance Administration		
Salaries & Wages		30,000.00
Other Expenses		8,000.00
Audit Services		
Other Expenses		9,000.00
Revenue Administration		
Salaries & Wages		22,000.00
Other Expenses		4,000.00
Tax Assessment Administration		

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Salaries & Wages	7,000.00
Other Expenses	2,500.00
Legal Services and Costs Expenses	30,000.00
Engineering Services and Costs Salaries & Wages	37,000.00
Other Expenses	11,000.00
<b>LAND USE ADMINISTRATION</b>	
Planning/Zoning Board Salaries & Wages	5,000.00
Other Expenses	3,000.00
<b>CODE ENFORCEMENT AND ADMINISTRATION</b>	
Uniform Construction Code Salaries & Wages	29,000.00
Other Expenses	8,000.00
Other Code Enforcement Salaries & Wages	7,000.00
Other Expenses	16,000.00
<b>INSURANCE</b>	
Liability Insurance Other Expenses	135,000.00
Workers Compensation Insurance Other Expenses	55,000.00
Employee Group Insurance Other Expenses	400,000.00
Health Benefit Waiver	15,000.00
Unemployment Insurance Other Expenses	2,000.00
<b>PUBLIC SAFETY FUNCTIONS</b>	
Municipal Court Salaries & Wages	35,000.00
Other Expenses	8,000.00
Public Defender Other Expenses	500.00
Police Department Salaries & Wages	550,000.00
Other Expenses	75,000.00
Emergency Management Salaries & Wages	700.00
Other Expenses	700.00
Aid to Volunteer Ambulance Company Other Expenses	1,000.00

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Municipal Prosecutor	
Salaries & Wages	4,500.00
Other Expenses	500.00
<b>PUBLIC WORKS FUNCTION</b>	
Streets and Road Maintenance	
Salaries & Wages	15,000.00
Other Expenses	10,000.00
Traffic Signal Monitoring	
Other Expenses	3,000.00
Solid Waste Collection	
Salaries & Wages	130,000.00
Other Expenses	4,000.00
Buildings & Grounds	
Salaries & Wages	13,000.00
Other Expenses	15,000.00
Vehicle Maintenance	
Salaries & Wages	20,000.00
Other Expenses	30,000.00
<b>HEALTH AND HUMAN SERVICES FUNCTIONS</b>	
Public health Services	
Salaries & Wages	2,000.00
Other Expenses	500.00
<b>PARKS AND RECREATION</b>	
Recreation Services and Programs	
Other Expenses	2,600.00
Maintenance of Parks	
Salaries & Wages	1,000.00
Other Expenses	10,000.00
Maintenance of Free Public Library	
Salaries & Wages	8,000.00
Other Expenses	3,000.00
<b>OTHER COMMON OPERATING FUNCTIONS (UNCLASSIFIED)</b>	
Prior Year Bills	45.00
Celebration of Public Events	
Other Expenses	4,000.00
<b>UTILITIES EXPENSES AND BULK PURCHASES</b>	
Electricity & Natural Gas	40,000.00
Street Lighting	30,000.00
Telephone	9,000.00
Telecommunication Charges	3,000.00

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Water	2,000.00
Petroleum Products (Fuel Oil & Gas)	25,000.00
Sewerage	6,000.00
Landfill/Solid Waste Disposal Costs	45,000.00
 <b>STATUTORY EXPENDITURES</b>	
Public Employees Retirement System	4,000.00
Social Security	80,000.00
DCRP	4,000.00
Police & Fire Retirement System	1,000.00
 <b>OPERATIONS EXCLUDED FROM CAPS</b>	
Solid Waste Recycle Tax	3,000.00
NJPDES – Storm water Management	
Salaries & Wages	18,000.00
Other Expense	5,000.00
 <b>FEDERAL &amp; STATE GRANTS:</b>	
	0.00
 <b>CAPITAL IMPROVEMENTS (AND CAPITAL IMPROVEMENT FUND)</b>	
Capital Improvement Fund	0.00
 <b>MUNICIPAL DEBT SERVICE</b>	
Bond Principal	835,000.00
Bond Interest	201,000.00
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<b>TOTAL TEMPORARY CURRENT FUND APPROPRIATIONS</b>	<b>\$ 3,162,545.00</b>
 <b>SEWER OPERATING FUND TEMPORARY BUDGET</b>	
Total of CY 2017 Appropriations (Sewer Operating Fund)	\$ 1,137,000.00
 Less CY 2017 Appropriations for:	
Debt Services	\$ 630,000.00
Deferred Charges – Emergency	0.00
Capital Improvement Fund	0.00
	<hr/>
Sub-total	\$ 507,000.00
	X.2625
Sub-total	<hr/> \$ 133,087.50
 Add CY 2018 Temporary Appropriation for:	

**JANUARY 22, 2018**

Debt Service	261,300.00		
Capital Improvement Fund		\$	261,300.00
Total Maximum Allowable Appropriations		\$	394,387.50

**SEWER OPERATING:**

Salaries & Wages	50,000.00
Other Expenses	70,000.00
Debt Service – Payment of Bond Principal	260,000.00
- Payment of Bond Interest	1,300.00

**STATUTORY EXPENDITURES**

Public employees Retirement System	0.00
Social Security	5,000.00
Unemployment Compensation Insurance	1,000.00
<b>TOTAL TEMPORARY SEWER OPERATING</b>	
<b>FUND APPROPRIATIONS</b>	<b>\$ 387,300.00</b>

**OPEN SPACE, RECREATION FARMLAND AND HISTORIC PRESERVATION TRUST  
FUND TEMPORARY BUDGET**

Total of CY 2017 Appropriations (Open Space Trust Fund)	\$ 230,200.00
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Less CY 2017 Appropriations for:

Debt Services	\$ 15,560.00		
Capital Improvement Fund	0.00		15,560.00
	Sub-total	\$	214,640.00
			X.2625
	Sub-total	\$	56,343.00

Add CY 2018 Temporary Appropriation for:

Debt Service	7,800.00		
Capital Improvement Fund		\$	7,800.00
Total Maximum Allowable Appropriations		\$	64,143.00

**OPEN SPACE TRUST:**

Salaries and Wages	\$ 35,000.00
Other Expenses	8,000.00
Interest on Bonds	1,020.00
Principal on Bonds	6,780.00
Down payment on improvements	0.00
<b>TOTAL OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION</b>	
<b>FUND APPROPRIATIONS</b>	<b>\$ 50,800.00</b>

**JANUARY 22, 2018**

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-66. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-67 RESOLUTION OF THE TOWNSHIP OF BERLIN AUTHORIZING, THE IMPOSITION OF LIENS IN ACCORDANCE WITH CHAPTER 249 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED, "PROPERTY MAINTENANCE," AND CHAPTER 289, ENTITLED "STREETS & SIDEWALKS AND SECTION 303 OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE BOOK ENTILED SWIMMING POOLS, SPAS AND HOT TUBS".**

**WHEREAS**, N.J.S.A. 40:48-2.12(f) authorizes a municipality to perform certain acts of property maintenance and to charge the costs thereof as a lien against the real property on which such maintenance is performed; and

**WHEREAS**, Chapters 249 and 289 of the Code of the Township of Berlin and 303.1 of the IPM Code Book establish, *inter alia*, the procedure by which such property maintenance shall be performed and the process through which the costs thereof shall be established as municipal charges and/or liens against the real property upon which such maintenance is performed; and

**WHEREAS**, the Code Enforcement Officer for the Township of Berlin was notified and became aware that property maintenance was necessary for certain real properties located in the Township of Berlin listed as follows:

<b><u>Property: Block/Lot</u></b>	<b><u>REASON</u></b>
244 Briarwood Rd. B-1806 L-24	fall clean up
232 Centaurian Dr. B-1411 L-14	fall clean up
232 Centaurian Dr. B-1411 L-14	snow removal
255 Peppermill Rd. B-1803 L-14	snow removal
255 Peppermill Rd. B-1803 L-14	fall clean up
230 Second Ave. B-605 L-2	tree removal
276 Peppermill Rd. B-1805 L-11	fall clean up
223 Peppermill Rd. B-1411 L-7	snow removal
309 Cleveland Ave. B-804 L11	snow removal
362 Franklin Ave. B818 L-9	snow removal
310 Magnolia Ave. B-1412 L-14	fall clean up

**WHEREAS**, pursuant to Chapter 249 and Article III of 289, the Code Enforcement Officer issued Violation Notices to the property owner(s) or responsible party(ies) relating to the above-referenced conditions which were found to be health and safety hazards; and

**WHEREAS**, the property owner(s) or responsible party(ies) failed to take appropriate action as required in said Violation Notices and the Code Enforcement Officer placed a work order with outside vendors to have such work performed as necessary to protect the health, safety and welfare of the Township; and



**JANUARY 22, 2018**

**WHEREAS**, the Code Enforcement Officer provided invoices as certification of all costs associated with the above-described work performed in order that the monies expended to pay outside vendors to perform the services at these properties could be charged against the respective properties as more fully set forth below;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that it hereby authorizes, approves and ratifies the assessment of municipal charges and/or liens on the following properties as of the date first noted below in accordance with the certified costs provided by the Code Enforcement Officer as described above, and further resolves that these amounts shall forthwith become a lien on such lands as provided for herein:

<u>Property: Block/Lot</u>	<u>Date Charged</u>	<u>Amount</u>	<u>Reason</u>
244 Briarwood Rd. B-1806 L-24	January 22, 2018	\$175.00	fall clean up
232 Centaurian Dr. B-1411 L-14	January 22, 2018	\$175.00	fall clean up
232 Centaurian Dr. B-1411 L-14	January 22, 2018	\$50.00	snow removal
255 Peppermill Rd. B-1803 L-14	January 22, 2018	\$50.00	snow removal
255 Peppermill Rd. B-1803 L-14	January 22, 2018	\$85.00	fall clean up
230 Second Ave. B-605 L-2	January 22, 2018	\$175.00	tree removal
276 Peppermill Rd. B-1805 L-11	January 22, 2018	\$175.00	fall clean up
223 Peppermill R. B-1411 L-7	January 22, 2018	\$50.00	snow removal
309 Cleveland Ave. B-804 L-11	January 22, 2018	\$50.00	snow removal
362 Franklin Ave. B-818 L-9	January 22, 2018	\$50.00	snow removal
310 Magnolia Ave. B-1412 L-14	January 22, 2018	\$175.00	fall clean up

**BE IT FURTHER RESOLVED**, that each of the above-referenced charges and/or liens shall be filed with and shall remain on file with the Tax Office until payment in full thereof, including any penalties and/or interest that may accrue thereon; and

**BE IT FURTHER RESOLVED**, that all unpaid liens authorized herein shall bear interest at the same rate allowed for unpaid taxes and shall be collected and enforced in the same manner as unpaid taxes and further that the Tax Collector is further authorized to subject same to Tax Sale in the calendar year next following the date thereof in accordance with the Tax Sale Law; and

**BE IT FURTHER RESOLVED**, that payment of the full amount of said municipal charges and/or liens, plus any accumulated penalties and/or interest thereon, has been tendered to the Tax Collector regarding certain of the aforementioned liens and therefore the Tax Collector is further authorized and instructed to discharge and remove same of record with respect to said properties as follows:

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be provided to the Township Tax Collector and said Resolution, together with all invoices evidencing certification of costs expended for said work, shall be filed with and/or shall remain on file with the Township Tax Collector.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-67. Resolution adopted by call of the roll, five members present voting in the affirmative

**JANUARY 22, 2018**

**RESOLUTION 2018-68 REQUEST FOR THE RELEASE OF MONTEBELLO PERFORMANCE GUARANTEE FOR SECTION 4A AND THE POSTING OF MAINTENANCE GUARANTEE.**

**WHEREAS**, Hovbros Berlin, LLC has requested the release of their Performance Guarantee # 1918 for Section 4A for Montebello an Age Restricted Residential Development and:

**WHEREAS**, the Engineer has recommended that the Township of Berlin grant, the request for the release of their performance guarantee contingent upon posting an maintenance guarantee in the amount of \$ 104,774.40 .

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the quest for the release Performance Guarantee # 1918for Hovbros Berlin LLC, is hereby granted contingent upon the posting of the maintenance guarantee as stated above.

Motion by Council President Morris, second by Councilman Epifanio to adopt Resolution 2018-68. Resolution adopted by call of the roll, five members present voting in the affirmative

**BUSINESS APPROVALS**

- 1) Mahesh Patel T/A Parade Enterprises LLC Burger King #21384. 595 North Route 73. Fast Food Restaurant.**
- 2) Ronald Rizzo T/A Rizzo's Pizza, 200 North Route 73. Restaurant Serving Pizza, Sandwiches .**
- 3) Steffen F. Graetsch T/A Hensel Recycling North America Inc. 1003 Industrial Drive, Units 1002-1003. Recycling of Catalytic Converters.**
- 4) Daniel J. Axelson T/A City to City LLC. 154 Cooper Road, Suite 104. Screen printing and apparel.**

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

**Pawnbroker and Dealers in Secoded Hand Goods Renewals**

- 1) 1<sup>st</sup> United Pawn and Loan, Peter M. DelBorrello, 140 Route 73 North, West Berlin NJ 08091**
- 2) Bill Light, Experimac, 185 Route 73 North, West Berlin NJ 08091.**

## **JANUARY 22, 2018**

Motion by Councilwoman Bodanza, second by Council President Morris to renew Pawnbrokers and Dealers in Second Hand Good Permits. Permits approved by call of the roll, five members present voting in the affirmative.

### **Consent Agenda December.**

Motion by Council President Morris, second by Councilman Epifanio to receive and file the Correspondence Calendar for December 2017. Motion carried by voice vote, all present voting in the affirmative.

### **Approval of Meeting Minutes for December 18, 2017.**

Motion by Council President Morris, second by Councilman Epifanio to approve the Meeting Minutes for December 18, 2017. Motion carried by voice vote, five members present voting in the affirmative.

### **Approval of Meeting Minutes for Reorganization Meeting January 8, 2018.**

Motion by Councilwoman Bodanza, second by Councilman McIntosh to approve the Reorganization Meeting Minutes for January 8, 2018. Motion carried by voice vote, five members present voting in the affirmative.

### **Correspondence Calendar for December**

Motion by Council President Morris, second by Councilwoman Bodanza to receive and file the Correspondence Calendar for December 2017. Motion carried by voice vote, all present voting in the affirmative.

### **All Other Business**

Chuck Riebel, Township Engineer stated that he had one more thing to add to his report. He stated that the Montebello Homeowners Association had contacted him to request a street light at Taunton Road and Piedmont Blvd. Chuck had contacted Atlantic City Electric and they informed him that the cost for the installation of the street light would be \$12,000.00. The Engineer recommends that the developer pay the cost.

### **Public Portion**

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.

**JANUARY 22, 2018**

Mr. Herman Maurer, Piedmont Blvd asked who is responsible for the sidewalks for Piedmont Blvd especially if your releasing the performance bonds for that project.

Chuck responded that the bonds are being release contingent upon the placing of other performance bonds for the sidewalks, driveway aprons and the top course. No more 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.

**Adjourn**

Motion by Council President Morris, second by, Councilman Epifanio to adjourn the meeting at 6:10 pm. Motion carried by voice vote, all members voting in the affirmative.

Meeting adjourned 6:10 pm

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Catherine Underwood  
Berlin Township RMC