

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL May 14, 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, Council President Morris, Councilman McIntosh, Councilwoman Bodanza, Councilman Epifanio

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

Absent-

Mayor and Council presented Mr. Ward Walker with a plaque in recognition of his retirement from Berlin Township school district.

Departmental Reports

ENGINEER'S AND DIRECTOR'S REPORT

A. CHANGE ORDERS AND VOUCHERS

None at this time.

B. ORDINANCES AND RESOLUTIONS

1. AMENDMENTS TO THE LAND USE AND DEVELOPMENT CODE, REGARDING PERFORMANCE AND MAINTENANCE GUARANTEES AND INSPECTION ESCEROWS FOR DEVELOPMENTS

I believe that this ordinance is holding, pending the response from the Planning Board.

2. AMENDMENTS TO THE LAND USE AND DEVELOPMENT AND ZONING CODES, REGARDING THE AMENDMENTS TO THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN

I believe that the Governing Body will be considering the introduction of this ordinance, in the near future.

C. ENGINEERING

1. IMPROVEMENTS TO HAZEL AVENUE, CHESTNUT AVENUE TO CUSHMAN AVENUE (NJDOT FY2015 FUNDING)

The N.J.D.O.T. Local Aid Office has accepted the plans and specifications and authorized the Township to receive bids. We expect to advertise to receive bids, at the same time, with the improvements to the basketball court at Spruce Avenue Recreation Complex.

The estimated construction and materials testing cost is \$287,384 for the Base Bid and, if awarded, an additional \$8,466 for Alternate Bid No. 1 (concrete driveway aprons for the remainder of driveways). The estimated materials testing cost is \$4,000. The NJDOT has allotted \$201,000 for this project. Therefore, I am anticipating a shortfall in the funding. If the Governing Body would like, the Township could apply for discretionary funds for the shortfall in funding. If the desire is to submit for discretionary funds, it will be necessary to pass a resolution, authorizing the submission of the application for these funds.

2. IMPROVEMENTS TO CLARENCE AVENUE, HADDON AVENUE TO VETERAN'S AVENUE (N.J.D.O.T. FY2018 FUNDING)

The N.J.D.O.T. has allotted \$210,000 for this project. The Township requested \$237,000. I request that the Governing Body appropriate the necessary funds for the shortfall in funding. The Governing Body passed Resolution No. 2018-105, authorizing the performance of the engineering design, preparation of the bid documents and advertisement to receive bids.

I expect the department to begin with the surveying fieldwork, in the near future, and will follow with the preparation of the design and the preparation of the bid documents.

3. CAMDEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, YEAR 2018

The County has announced that funding will be available for eligible projects of "larger scale", up to \$250,000 or more. They expect to award funding to five to seven projects. I question if funding will be available for other smaller projects, in addition to the "selected "larger scale" projects.

The Project Description Form and resolution were delivered to the Camden County Improvement Authority, requesting \$49,939.03 in 2018 CDBG funding, in addition to the current CDBG funds of \$70,460.97, for improvements to the building and grounds at the Seniors Building.

The County has listed the following funding for 2018 for the respective project types:

a. Housing Rehabilitation	\$300,000
b. Social Services	\$125,000
c. Public Facilities (seniors center, public schools, libraries, rec. facilities, parks and playgrounds	\$300,000
d. Public Infrastructure (streets, curbs, water and sewer lines)	\$600,000
e. Loan Payments (existing debt service for funding for prior years)	\$100,000

4. CAMDEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, PREVIOUS YEARS FUNDING

Mr. Simone has received quotes for the automatic, handicap accessible doors at the front entrance and replacement of the steel doors along the rear of the building. We expect to order these items in the immediate future. The County has stated that the remaining funds must be expended by June, 2018 or they will recapture any unexpended funding.

5. CAMDEN COUNTY RECREATION ENHANCEMENT GRANT PROGRAM

The brown rubber mulch and curbing has been delivered to the Public Works Complex. The Public Works has trimmed the overhanging tree branches, as best as possible, and will be performing the preparation of the subgrade and installation of the curbing and mulch, this Spring.

I expect to bid the reconstruction of the basketball court at Spruce Avenue Recreation Complex at the same time that bids are received for the improvements to Hazel Avenue to, hopefully, receive a more cost-effective price.

6. POSSIBLE USE OF SPORTS FACILITIES BY ORGANIZATIONS/ GROUPS

I will be preparing specifications for consideration by the Governing Body, to allow for the possible leasing of the various sports facilities, through the Township, to interested organizations and groups.

7. AMENDING ORDINANCE FOR PERFORMANCE AND MAINTENANCE GUARANTEES FOR DEVELOPMENTS

At the last Council Meeting, the Governing Body introduced Ordinance No. 2018-5. The ordinance has been referred to the Planning Board for their review and comments. If acceptable to the Planning Board, I believe that the Governing Body intends to proceed with the public hearing and, hopeful, adoption of the ordinance.

8. TRAFFIC MATTERS ALONG ROUTE 73

As mentioned at the last Council Meeting, I had spoken with the N.J.D.O.T. Community Relations representative. She had informed me that they are evaluating the conditions at the intersection of Cooper Road as part of a corridor study, which also includes the intersection of Kresson Road. She had mentioned that it will be necessary to schedule a meeting with the new N.J.D.O.T. staff members to discuss the possibility of installing a traffic signal at the intersection of D'Angelo Drive.

As recommended by the Community Relations representative, I will be preparing and submitting Problem Statements to the N.J.D.O.T. for their consideration for:

- a. "DO NOT BLOCK INTERSECTION" along the northbound lanes at Fairview Avenue, and
- b. Improvements to the left turn lane along the northbound approach to Franklin Avenue.

9. TRAFFIC SIGNAL MAINTENANCE AND REAIR PROGRAM FOR 2018

The Governing Body passed Resolution No. 2018-103, awarding the contract for Item 1, Inspection and Preventative Maintenance for \$4,462.50 plus Item 2, Repair and Replacement Services, for the listed hourly rates and 25% materials markup. The Contracts were submitted to the Contractor and I have requested that they provide us with a schedule for the inspection work.

10. 2018 STREET IMPROVEMENTS PROGRAM

I am hopeful that we will be able to perform the necessary engineering and prepare the bid documents for the opening of bids, in the near future.

11. CAPITAL IMPROVEMENTS PROGRAM FOR 2018 AND FUTURE YEARS

I have 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. TOWNSHIP OWNED 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 posting the property for public sale for possible development.

13. WATER DISTRIBUTION SYSTEM- BERLIN BOROUGH WATER DEPARTMENT

The Borough Water Department has performed the Spring flushing of water mains in April, 2018. We have received several complaints from residents and have directed them to the Berlin Borough Water Department. If complaints are, still, being received from the residents, I recommend that a meeting be scheduled with representatives of the Borough to discuss possible improvements to the system.

14. STORM DRAINAGE IMPROVEMENTS

a. Lester Avenue Drainage and Stormwater Management

1) Phase 1- Construction of Storm Inlets, Piping and Temporary Stormwater Management Facility

I am hopeful that bids will be received in the Spring, 2018.

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

All engineering work must, still, be performed so that the request can be made to Public Service Electric and Gas to grant an easement for and allow for the construction of the storm pipe across their property.

b. Kelley Drive Stormwater Basin Reconstruction

It is my understanding that, in order for the work to be performed, the funds must be re-allocated for this project. At this time, I do not envision that this work will be performed in 2018.

c. Mt. Vernon Avenue at the Elementary School

At this time, this project has not been scheduled for any engineering work.

d. Proposed Subsurface Stormwater Management System at Kennedy Elementary School

We are assisting the school administration with the preparation of construction plans for the extension of the existing parking area, along Washington Avenue, and construction of a subsurface stormwater management facility, to reduce the flooding, within this area of the school property. I am hopeful that the plans and specifications will be completed, shortly.

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

At this time, it appears that the improvements, which were made as part of the development of the Commons at Berlin Township, have reduced the frequency and extent of flooding in the nearby area. I, still, recommend that funding for improvements to the drainage system, within this area, be pursued by the appropriate agencies.

15. TAX MAP REVISIONS AND ZONING MAP

I am hopeful that the most recent version of tax maps can be posted on the Township website.

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

I am, also, hopeful that we will be completing the work for the possible adjustment to the zoning district lines to follow the property line. Once completed, we will submit the information to the Governing Body and Planning Board for consideration and establishment of the necessary procedures for adoption of the revised zoning map.

16. STUDY FOR THE DESIGNATION OF TRUCK ROUTES THROUGHOUT THE TOWNSHIP

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

17. REQUEST TO THE PINELANDS COMMISSION FOR THE REDESIGNATION OF ZONES WITHIN THE PINELANDS AREA/ AMENDMENTS TO THE TOWNSHIP CODE DUE TO THE REVISIONS TO THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN

In regard to the redesignation of the zones, I do not expect to be performing any work, regarding this matter, in the near future.

In regard to the amendments to the Township Code, the Solicitor's Office has provided me with a copy of the amending ordinance for my review and any comments/ recommendations. I will be responding to the Solicitor's Office, in the immediate future.

18. CONSIDERATION FOR SIDEWALK ALONG OAK AVENUE

This matter was discussed several years ago. I have not performed any investigation and have not prepared any report for consideration for action by the Governing Body.

19. REQUEST FOR ADDITIONAL STREET LIGHT AT THE INTERSECTION OF TAUNTON AVENUE AND PIEDMONT BOULEVARD

I had reported to the Governing Body that Atlantic City Electric has estimated that the cost for the street light would be approximately \$12,000. I have asked the developer's representative to consider paying for this light. I do not believe that the developer is willing or able to contribute the necessary funds for this street light.

20. PLANNING BOARD MATTERS

a. Improvements to Route 73 Car Wash and Proposed Chick-fil-A Restaurant

The owner of the car wash has submitted the revised site plan and has amended site plan approval, administratively, for the deletion the proposed self-serve wash bays and place the proposed vacuum/ parking slots along the south side of the existing building.

The car wash owners have informed me that they would like to perform the demolition of the existing self-serve wash bays, in the immediate future, as Chick-fil-A would like to commence with the construction of their improvements and have the restaurant open by the end of 2018.

D. PUBLIC WORKS DEPARTMENT

1. OPERATIONS AND STAFFING

In April, the staff completed the collection of the leaves and the brush from the winter storm events. The weekly collection of vegetation is being performed on Mondays. The staff has completed the improvements to the ballfields.

The staff is performing the mowing and maintenance to the lawn/ turf areas on the Township properties. The staff will be preparing the grounds for Veterans Park for the event, honoring the military veterans, on Memorial Day.

As mentioned in previous reports, I had no success in finding qualified individuals, which are willing to work as temporary employees for snowplowing, except for two individuals, which have worked as temporary employees, in the past. Due to the inability to find a bank of individuals, I recommend that the Township consider obtaining quotes from snowplowing firms to serve as back up to the Public Works staff, for future winter events when there is insufficient manpower that the Township can assemble for the event.

In the short term, we are using temporary employees for other tasks, as the need arises. In the long term, I believe that it may be necessary to hire additional staff to replace public works staff members, which are no longer employed by the Township. We have received and are in the process of reviewing the applications for the Laborer position. We will follow with the interviewing process and, then, submit our recommendation to the Governing Body.

We have received one application from the Public Works staff member, which is serving in the capacity of the position, on an interim basis, for the Sanitation Crew Leader. I expect to be submitting our recommendation to the Governing Body, in the immediate future.

2. COLLECTION AND DISPOSAL OF WASTE

The Public Works has been open on the second Saturday, between 8:00 a.m. and noon, for residents to drop off waste items. I expect the number of drop offs to increase as residents become aware of this opportunity and the temperatures become warmer. The current disposal contract with Covanta expires at the end of 2018. It is expected that, on behalf of municipalities, which are interested in participating, the County will request bids for a multi-year contract for disposal with the intent to consider developing County-wide waste flow control to allow for bids to be received for a long term (10-20 years) disposal contract. It is expected to take several years before the flow control could be approved by all municipalities, within the County. Therefore, on behalf of those municipalities, which are currently participating in the Contract with Covanta, the County expects to receive bids for the disposal of solid waste for a two-year contract with the option of two, one-year extensions, to allow for the investigation of County-wide flow control.

Due to the worldwide market conditions, ReCommunity has been charging the Township, the past several months, a slight fee to cover their costs for the processing of the recyclable materials.

3. 2018 CALENDAR, NEWSLETTER AND WEBSITE

In January, the 2018 calendar was mailed to the residents. The new website has been activated by the Township consultant. Ms. Regn has been discussing the necessary revisions to the Public Works page with the website designer. Hopefully, the changes will be made in the immediate future.

I will be discussing the possible enrollment of the Township into Recycle Coach program, that will provide for current collection information to be available on the Township website and by app. The N.J.D.E.P has committed to pay for this service through 2019.

4. REPLACEMENT OF BANNERS

We will obtain prices for the replacement of damaged banners and submit the prices to the Governing Body for consideration for the authorization of the work.

5. IMPROVEMENTS TO THE UNFINISHED ROOMS AT THE MUNICIPAL BUILDING

Mr. Simone had received quotes for the HVAC system, electrical work and necessary work for the modification to the fire suppression system. Understanding that the project must be considered, in the aggregate, we will be preparing bid documents and receiving bids for the work.

It is the intent to have the Public Works staff to install the vinyl tile floor, in both rooms, once the above-mentioned work has been completed and when the staff has the time to devote to the installation of the flooring.

6. REQUEST FOR VARIOUS CAPITAL IMPROVEMENTS AND PURCHASES

We would like to meet with members of the Governing Body, in the immediate future, to discuss the possible improvements and purchases for the Public Works Department for 2018 and future years.

7. ANNUAL REPORTING TO STATE AGENCIES

We have prepared and submitted the following reports to the N.J.D.E.P. by the required deadline dates:

a. Recycling Tonnage Report

We are permitted to revise and resubmit the report, before June, 2018, if we are able to obtain documentation for additional recycled materials, within the Township.

b. General Permit for Stormwater

For 2018, we have, recently, sent letters to the owners of properties, which contain a stormwater management facility, informing them of their responsibilities for maintenance and repairs and requesting that they report to the Township, on an annual basis.

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

SOLICITORS REPORT

Solicitor Stuart Platt stated that on today agenda the Governing Body will be introducing Ordinance 2018-5.

POLICE DEPARTMENT

Department Stats for April, 2018

Total calls for service for April - 3530.

Total of 348 Motor Vehicle Summons, which include 1 for DWI, 38 Motor Vehicle Crashes, 35 Alarms calls. A total of 50 arrests, which include 7 for narcotics, and 7 for disorderly conduct, and 17 warrant services.

There have been 10 reported thefts during the month of April. 2 bike theft, 4 shopliftings, and 4 other thefts.

The department participated in the distracted driving enforcement campaign U text, U Drive, U Pay. I am very happy to report that during the campaign officers issued 290 summonses, made 3 drug arrests, and 6 warrant arrests.

The department participated in the One Day DEA Take back day Saturday, 04/28/2018, between the hours of 10am – 2 pm. An Officer was in the Circle Plaza shopping center. On Monday, 04/30/2018 I delivered 92 pounds of medications to the DEA office for destruction. This includes the one day take back day and any medications collected at out medication drop box.

PROPERTY MAINTANCE/ ANIMAL CONTROL

Joshua Shellenberger reported that he has been around towns trying to keep up with any property maintenance issues now that the weather is getting warmer.

FIRST READING ORDINANCE 2018-5 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING ARTICLE X, ENTITLED "SITE PLAN REVIEW," AND ARTICLE XI, ENTITLED "PERFORMANCE GUARANTIES," OF CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "LAND USE AND DEVELOPMENT"

WHEREAS, Chapter 200 of the Code of the Township of Berlin, entitled "Land Use and Development," guides the use and development of land within the Township of Berlin in accordance with and pursuant to New Jersey Municipal Land Use Law ("MLUL"); and

WHEREAS, Article X of Chapter 200 of the Code of the Township of Berlin, entitled "Site Plan Review," encourages adequate provisions for traffic and circulation, the provision of recreation and open space when required, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of good design, the general purpose of guiding the development of the Township, and to best promote the health, safety, order, convenience and general welfare as well as efficiency and economy in the process of development and the maintenance of established property values; and

WHEREAS, Article XI of Chapter 200 of the Code of the Township of Berlin, entitled "Performance Guaranties," outlines the furnishing of performance and maintenance guaranties, along with notification requirements, inspection requirements, and the acceptance or rejection of required improvements; and

WHEREAS, the New Jersey legislature has recently amended N.J.S.A. 40:55D-53 so as to modify performance guarantees, maintenance guarantees and municipal inspection protocols under the MLUL, and to introduce the availability of guaranties for safety and stabilization and certificates of occupancy; and

WHEREAS, the Mayor and Township Council have reviewed the existing provisions pertaining to performance guarantees, maintenance guarantees, and inspection regulations in Articles X and XI of Chapter 200, determining it in the best interests of the residents of the Township of Berlin to amend Articles X and XI in accordance with N.J.S.A. 40:55D-53; and

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

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

SECTION 1: Section 200-74, entitled, “Performance bonds,” of Article X, entitled, “Site Plan Review,” is hereby amended to read as follows: “The Planning Board shall be empowered to require that the applicant furnish a performance bond for off-site and on-site improvements shown on its site plan for the purpose of guaranteeing the completion of said improvements as required in this Chapter. An estimate of improvement cost shall be prepared by the Township Engineer in order to determine the amount of the performance guaranty, which shall be reviewed and have the approval of the Township Solicitor as to both form and amount prior to the issuance of any permits. Posting of the performance guaranty shall be in accordance with the provisions of Article XI, Performance Guaranties, of this Chapter.”

SECTION 2: Section 200-80, entitled, “Improvement installation and maintenance,” is hereby deleted in its entirety and a new Section 200-800, entitled, “Performance, maintenance, safety and stabilization, and temporary certificate of occupancy guarantees,” is created as follows:

“A. Before recording of final subdivision plats or as a condition of final site plan approval, the approving authority may require and shall accept in accordance with the standards adopted by this chapter for the purpose of assuring the installation and maintenance of on-tract improvements:

(1) The furnishing of a performance guarantee in favor of the Township in an amount not to exceed 120% of the cost of installation of the following improvements that are to be dedicated to a public entity, and that have not yet been installed, as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

(2) In the case where an approved phase or section of a development is privately-owned, the perimeter buffer landscaping guarantee shall be required by the Township as a condition of permit approval. At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping. The following forms shall be acceptable:

(a) A cash value equal to 120% of the total perimeter buffer landscaping cost;

(b) An irrevocable performance bond in the amount of 120% of the perimeter buffer landscaping cost.

The projected cost of the perimeter buffer landscaping shall be provided by the applicant and based on an approved landscape plan and plantings within the required landscape buffer.

(3) The cost of the performance guarantee shall be determined by the Township Engineer, who shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor. Said itemization shall be the basis for determining the amount of performance guaranty and maintenance guaranty required by the approving authority. The Township Engineer shall forward his estimate of the cost of improvements to the developer within 30 days of the date of receipt of a request sent by certified mail for said estimate.

(4) Prior to the release of a performance guarantee, the furnishing of a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(5) Upon the inspection and issuance of final approval of the following private site improvements by the Township Engineer, the furnishing of maintenance guarantee not to exceed 15% of the cost of installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system.

(6) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

B. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty, to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required for such utilities or improvements.

C. (1) Upon the request of a holder of a permit, the construction official may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the permit shall have been complete, provided such portion or portions may be occupied safely prior to full completion of the building or structure with respect to public safety and welfare. Further, no temporary or final certificate of occupancy shall be granted until all required utilities, including but not limited to water, sewer, electric and gas are installed and in service.

(2) Temporary certificate of occupancy guarantee. In the event that a developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a temporary certificate of occupancy guarantee, in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a temporary certificate of occupancy guarantee, all sums remaining under a performance

guarantee, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the temporary certificate of occupancy guarantee shall be determined by the Township engineer. At no time may the Township hold more than one guarantee or bond of this type. The temporary certificate of occupancy guarantee shall be released by the Township engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates. The projected cost of the temporary certificate of occupancy guarantee shall be provided by the applicant. It shall include items such as, but not limited to, sidewalks and street trees at the subject property, roadways (including surface course) from the property to the fully improved roadway; water and sewer infrastructure from the property to the main, stormwater conveyance to serve the property, stormwater management structures/basins for the current project phase. When uncompleted community facilities, such as recreation, are to be included in the temporary certificate of occupancy guarantee, it shall be required to the point of 50% occupancy. Each of these items shall apply for residential and non-residential projects requiring a temporary certificate of occupancy.

D. In addition to a performance guarantee required pursuant to this Chapter, a developer shall furnish to the Township of Berlin a separate guarantee, referred to herein as a “safety and stabilization guarantee”. The amount of a safety and stabilization guarantee for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000. The amount of a safety and stabilization guarantee for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows: \$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent (2½%) of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent (1%) of bonded improvement costs in excess of \$1,000,000. The safety and stabilization guarantee shall be available to the Township solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that: (i) site disturbance has commenced and, hereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and (ii) work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township’s intent to claim payment under the guarantee. The Township shall not provide notice of its intent to claim payment until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Township shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt. In the event that the developer has made a cash deposit with the Township as part of the performance guarantee, then any partial reduction granted in the performance guarantee shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the safety and stabilization guarantee is included as a line item of the performance guarantee, the municipality may retain cash equal to the amount of the remaining safety and stabilization guarantee.”

SECTION 3: Section 200-81, entitled, “Guaranty reduction upon completion of improvements,” is hereby amended to read as follows: “The amount of any performance guaranty may be reduced by the Township Council, by resolution, when portions of the bonded improvements have been certified by the Township Engineer to have been completed. The time allowed for installation of the improvements for which the performance guaranty has been provided may be established by the Township by resolution.”

SECTION 4: Section 200-82, entitled, “Completion of improvements by Township; liability,” is hereby amended to read as follows: “If the required bonded improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected, and the Township may, either prior to or after the receipt of the proceeds thereof, complete such improvements.”

SECTION 5: Section 200-83, entitled, “Notification of completion of improvements; inspection and report,” is hereby amended to read as follows: “When all of the bonded improvements have been completed, the obligor shall notify the Township Council, in writing, by certified mail addressed in care of the Township Clerk, of the completion of said improvements and shall send a copy thereof to the Township Engineer. Thereupon the Township Engineer shall inspect all of the bonded improvements and shall file a detailed report, in writing, with the Township Council, indicating either approval, partial approval or rejection of the bonded improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the bonded improvements rejected shall be set forth.”

SECTION 6: Section 200-85, entitled, “Inspection fees,” is hereby amended to read as follows:
“A. The obligor shall reimburse the Township for reasonable inspection fees paid the Township Engineer for the foregoing inspection of improvements.

B. The developer shall post the inspection fees in escrow in an amount:
(1) not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee; and
(2) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee.

C. If the Township determines that the amount in escrow for the payment of inspection fees, is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request, signed by the Township Engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.”

SECTION 7: Except as set forth in Sections 1 through 6 above, the balance of Chapter 200 of the Code of the Township of Berlin shall not be affected by this Ordinance.

SECTION 8: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9: 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 10: This Ordinance shall be referred to the Township Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan. The Planning Board has a period of thirty-five (35) days after referral to report on the proposed Ordinance.

SECTION 11: Upon adoption, a copy of this Ordinance shall be filed with The Pinelands Commission for review and certification pursuant to the Pinelands Comprehensive Management Plan's rules and regulations. Notwithstanding anything herein to the contrary, this Ordinance shall not take effect until certified by The Pinelands Commission as required by law

SECTION 12: Upon adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board and other agencies as required by law.

SECTION 13: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Introduced: May 14, 2018

Motion by Councilman Epifanio, second by Council President Morris to adopt Ordinance 2018-5 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-111 RESOLUTION REFERRING THE FULL BODY OF ORDINANCE 2018-5 TO THE PLANNING AND ZONING BOARD FOR REVIEW AND RECOMMENDATION.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that **ORDINANCE 2018-5 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING ARTICLE X, ENTITLED "SITE PLAN REVIEW," AND ARTICLE XI, ENTITLED "PERFORMANCE GUARANTIES," OF CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "LAND USE AND DEVELOPMENT"** will hereby be referred to the Planning and Zoning Board for review and recommendation.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-111. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-112 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH TSPDEEJAYS, LLC INFLATABLES.

WHEREAS the Township of Berlin, County of Camden had received two quotes for the Spring Festival and TSPdeejays, LLC has been awarded to provide the inflatables.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign an agreement with TSPdeejays, LLC Inflatable Rentals for the Spring Fling scheduled for June 2, 2018, rain date June 3, 2018.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-112. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-113 RESOLUTION AUTHORIZING APEX PARK GROUP LLC/ SAHARA SAM'S WATER PARK USE OF TOWNSHIP PROPERTY FOR THE SPRING FEST EVENT.

WHEREAS, Berlin Township will be holding a Spring Festival Event on June 2, 2018, rain date June 3, 2018 on Berlin Township Luke Avenue Recreation facility; and

WHEREAS, Apex Park Group LLC / Sahara Sam's Water Park will be providing a beer and wine garden at the Spring Fest during the hours of 4:00 pm to 8:00 pm; and

WHEREAS Apex Park Group LLC / Sahara Sam's Water Park has applied for a catering permit with the Division Of Alcoholic Beverage Control and all paperwork has been submitted and reviewed by the Chief of Police.

NOW THEREFORE, BE IT RESOLVED Mayor and Council here by authorizes Apex Park Group LLC / Sahara Sam's Water Park use of the Township property contingent upon review and approval of their insurance liability certificate and their signed hold harmless agreement for the Spring Festival Event on June 2, 2018.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-113. Resolution adopted by call of the roll, four members present voting in the affirmative, Council President Morris abstained.

RESOLUTION 2018-114 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948) – DISTRACTED DRIVING CRACKDOWN 2018 GRANT.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Finance may approve the insertion of any special item of revenue in the budget of any County or

Municipality when such item shall have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

WHEREAS, the Chief Financial Officer has certified that the Township has received a Distracted Driving Crackdown 2018 Grant from NJ Division of Highway Traffic Safety for \$6,600.00;

BE IT FURTHER RESOLVED that a like sum of \$6,600.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"

Distracted Driving

Crackdown 2018 Grant \$6,600.00

BE IT FURTHER RESOLVED that the Chief Financial Officer shall submit electronically the application to the Director of the Division of Local Government Services for approval.

Motion by Council President Morris second by Councilman Epifanio to adopt Resolution 2018-114. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-115 RESOLUTION CANCELING CERTAIN RESERVES ON THE TRUST FUND OTHER BALANCE SHEET TOTALING \$660.07 TO THE CURRENT FUND AS OF APRIL 30, 2018.

WHEREAS, there exists various reserves on the balance sheet of the Trust Other Fund; and

WHEREAS, the funds creating certain reserves have been investigated and it has been determined that the following should be canceled as of 4/30/18 to the Current Fund as Miscellaneous Revenue Not Anticipated as follows:

	<u>Amount</u>
Reserve for Municipal Alliance Alcohol and Drug Abuse Program	\$.37
Reserve for NPP-Bench Program and OWB Association	\$659.70

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the reserves noted above totaling \$660.07 are hereby canceled to the Current Fund as of April 30, 2018.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-115. Resolution adopted by call of the roll, five members present voting in the affirmative.

9 RESOLUTION 2018-116 RESOLUTION AUTHORIZING THE PURCHASE OF ITEMS FROM VENDORS WITH STATE CONTRACT IN EXCESS OF BID THRESHOLD DURING CY 2018.

WHEREAS, the Township of Berlin may, pursuant to N.J.S.A.40A:11-12, purchase materials, supplies and equipment under contracts entered into on behalf of the State of New Jersey by the Division of Purchases and Property in the Department of the Treasury; and

WHEREAS, purchases under the aforesaid State Contracts may be made by the Township without the necessity of advertising for bids or may be made in cases where advertisements for bids have produced either no bids or have produced rejected bids; and

WHEREAS, the following purchases will be made during CY 2018 in excess of the bid threshold:

CONTRACT	VENDOR	ITEM	DATE OF EXPIRATION
1. 80912	Majestic Oil Co. Inc.	Gasoline, Unleaded	8/31/18
2. 82767	Majestic Oil Co. Inc.	Diesel Fuel	7/31/18

WHEREAS, the Mayor of the Township of Berlin be and is hereby authorized and instructed to sign and execute any necessary legal instruments in connection with the purchases; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby formally authorize the above purchase be available under State Contract, to the Township pursuant to N.J.S.A. 40A:11-12.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-116. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-117 PAYMENT OF BILLS MAY 14, 2018

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.

TO	ACCOUNT	AMOUNT
Treasurer of State of New Jersey Dog Licenses (52)	Dog Trust	\$21.60

CONFIRMING:

TO	ACCOUNT	AMOUNT
Various Current Fund & Sewer Operating Fund Checks	See Bill List Attached dated: 04/26/2017	\$45,548.27
State of Jersey Health Benefits – April 2018 (A)	8-01-23-220-2092	65,955.57
	8-01-23-220-2092	17,936.69
State of Jersey Health Benefits – April 2018 (R)	8-01-23-220-2092	38,510.11
Ameriflex (May 2018)	Flex Claims Acct.	75.00
Camden County Treasure – 2 nd QTR Taxes	8-01-55-208-0000	1,263,078.96
	8-01-55-211-0000	29,096.31
Chief Leonard Check - Replenish Petty Cash 2018	8-01-25-240-2105	280.00
Payroll, Current Fund	04/26/2018	130,129.99
Payroll, Sewer Operating Fund	04/26/2018	7,142.04
Payroll, Open Space	04/26/2018	4,184.44
Payroll, Current Fund	05/10/2018	127,591.82
Payroll, Sewer Operating Fund	05/10/2018	6,950.73
Payroll, Open Space	05/10/2018	4,184.44

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-117. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-118 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:

<u>Property: Block/Lot</u>	<u>REASON</u>
148 North Ave. B-213 L-5	Lawn care
250 Fairview Ave. B-1308 L-40.02	Yard 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

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>
148 North Ave. B-213 L-5	5/14/18	\$50.00	Lawn care
250 Fairview Ave. B-1308 L-40.02	5/14/18	\$325.00	Yard 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 Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-118. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-119 OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN AUTHORIZING THE REFUND OF A SEWER CONNECTION FEE REGARDING SEWER CONNECTION PERMIT NUMBER 255 FOR PROPERTY LOCATED AT 785 ROUTE 73 SOUTH, BERLIN, NEW JERSEY (BLOCK 1605, LOT 1.02)

WHEREAS, Chapter 333-8 of the Code of the Township of Berlin entitled, “Water and Sewer” requires that all properties using the sewage collection system of the Township pay a sewer connection fee for any real property intending to connect into the Township sewer system; and

WHEREAS, the owner of the real property located at 785 Route 73 South, Berlin, New Jersey also known as Block 1605, Lot 1.02 on the Official Tax Map of the Township of Berlin (“Property”) applied for and did pay for a sewer connection permit for said Property bearing Permit Number 255; and

WHEREAS, the connection fee for Permit Number 255 was in the amount of \$7,216, which was paid by the owner of the Property; and

WHEREAS, the owner of the Property has not connected into the Township sewer system and has advised the Township that it is selling the Property and is seeking a refund of the sewer connection permit fee; and

WHEREAS, the Township has received a letter dated March 9, 2018 from the Camden County Municipal Utilities Authority (“CCMUA”) approving the owner’s request for a refund of the CCMUA connection fee; and

WHEREAS, if a new owner of the Property were to apply for a sewer connection fee for the Property presently, the current sewer connection fee would be \$12,800; and

WHEREAS, the Mayor and Council of the Township of Berlin have determined that the owner has demonstrated sufficient good cause to receive a partial refund of the sewer connection fee taking into account that the Property has never been connected to the Township sewer system, the CCMUA has refunded its sewer connection fees, the Township would receive a higher connection fee in the future if a subsequent owner of the Property wanted to connect into the Township sewer system and for other good cause; and

WHEREAS, the Township has determined that based upon the foregoing, a partial refund of the sewer connection fee of \$4,424 is appropriate which has been calculated by reducing the amount originally paid for the permit fee (\$7,216) by one-half of what the owner would owe to be current on the permit fee (\$5,584) or \$2,792.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that a refund be made in the amount of \$4,424 to the owner of the Property provided the owner of the Property returns the sewer permit to the Township and releases the Township from any further liability with regard to the request for refund.

BE IT FURTHER RESOLVED, that upon consummation of the foregoing, the appropriate Township official shall record the sewer connection fee refund in the official records of the Township.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-119. Resolution adopted by call of the roll, five members present voting in the affirmative.

Business License Approvals

1) Loul Ahmad T/A Global Geeks Inc. 410-414 Bloomfield Drive West Berlin NJ. Wholesale, trade of consumer electronics.

2) Mewa Singh T/A Health Doc LLC, 1004 Industrial Drive West Berlin NJ. Science Research.

3) Phillip Kerchner T/A Ewing Irrigation and Landscaping Supply, 412 Bloomfield Drive. Wholesale of landscape supplies.

Motion by Councilman Epifano, second by Councilman McIntosh to approve Mercantile License above. Mercantile License approved by call of the roll, five members present voting in the affirmative.

Solicitor Approvals

1) Pioyr Kowalski, Power House Remodeling. Providing door to door sale for home remodeling.

2) John Hartley, Power House Remodeling. Providing door to door sale for home remodeling.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to approve Solicitors Permits above. Solicitors permits approved by call of the roll, five members present voting in the affirmative.

Approval of Meeting Minutes for April 23, 2018

Motion by Councilman McIntosh, second by Council President Morris to approve the Meeting Minutes for April 23, 2018. Motion carried by voice vote, five members present voting in the affirmative.

Approval of Consent Agenda for April 2018

Motion by Council President Morris, second by Councilman Epifanio to approve the Consent Agenda for April 2018. Motion carried by voice vote, five members present voting in the affirmative.

Approval of the Correspondence Calendar for April 2018

Motion by Council President, second by Councilwoman to approve the Correspondence Calendar for April 2018. Motion carried by voice vote, five members present voting in the affirmative.

All other Business

- 1) Memorial Day Services
- 2) Spring Festival will be held on June 2, 2018 at the Luke Avenue Recreation Complex from 4:00pm - 8pm followed by a movie at the park.

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.

No comments were to be heard

Motion by Council President Morris, second by Councilwoman Bodanza 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, Councilwoman Bodanza to adjourn the meeting at 6:45 pm. Motion carried by voice vote, all members voting in the affirmative.

Meeting adjourned 6:45 pm

