

JULY 2, 2018

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL JULY 2, 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, Councilwoman Bodanza, Councilman Epifanio

Also Present- Solicitor, Eric Riso, CFO, Lori Campisano, Township Engineer / Public Works Director, Chuck Riebel Property Maintenance /Animal Control, Joshua Shellenberger.

Absent- Council President Morris, Councilman McIntosh

Departmental Reports

ENGINEER AND DIRECTORS REPORT

A. CHANGE ORDERS AND VOUCHERS

None at this time.

B. ORDINANCES AND RESOLUTIONS

1. RELEASE OF PERFORMANCE GUARANTEE AND WAIVER OF MAINTENANCE GUARANTEE FOR SITE AND ROADWAY IMPROVEMENTS, BRSA PROPERTIES (SPRINKLZ), LLC, 223 HADDON AVENUE.

I recommend that the Governing Body consider releasing the performance guarantee, conditional upon the owner agreeing to replace the sidewalk along the entire frontage of McClellan Avenue and Lester Avenue if and when curb is constructed along the street frontage and waiving the requirement for the posting of a maintenance guarantee.

2. RELEASE OF PERFORMANCE GUARANTEE, AARNE REID; CONCEPT GROUP, 380 COOPER ROAD; BLOCK 1905 LOTS 3.01 AND 3.02.

I continue to recommend that the Governing Body not release the performance guarantee for this project.

3. AMENDMENT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT

As directed by the representatives of the Camden County CDBG Program, I recommend that the Governing Body pass a resolution, at the Council Meeting on July 2,

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2018, to amend the scope of the work for the grant agreement for Year 37 CDBG funds to include the installation of the ADA accessible door openers at the south entrance to the Municipal Building (at the Tax Office).

4. IMPROVEMENTS TO HAZEL AVENUE (PARTIAL N.J.D.O.T. FUNDED PROJECT)

I recommend that the Governing Body, conditionally, award the contract to the low bidder, DiMeglio Construction Co., Inc. of Atco, N.J. for the Base Bid (\$197,712.88) and Alternate Bid No. 1 (\$6,186.14) for a total amount of \$203,899.02. In order to retain the \$201,000 of NJDOT Municipal Aid funding, the award must be made at the Council Meeting on July 2, 2018.

5. BASKETBALL COURT SURFACE IMPROVEMENTS AT SPRUCE AVENUE RECREATION COMPLEX

I recommend that the Governing Body, conditionally, award the contract to the low bidder of Proposal Number 1, Base Bid to DiMeglio Construction co., Inc. of Atco N.J. for the amount of \$32,320.00. I recommend that the award be made at the Council Meeting on July 2, 2018 as the County is anxious to have the County funds expended, in the immediate future.

6. N.J.D.O.T. SAFE ROUTES TO SCHOOL PROGRAM

There has been some discussion, regarding the possible submission of an application for the construction of sidewalk, where missing, along the north side of Franklin Avenue. If the Governing Body would like to pursue these Federal funds, I recommend that a resolution be passed at the Council Meeting on July 2, 2018, endorsing the project, authorizing the submission and the Mayor to sign the application and committing to the maintenance of the improvements. The submission deadline for this application, to the N.J.D.O.T., is August 23, 2018.

7. APPOINTMENT OF SANITATION CREW LEADER, PUBLIC WORKS DEPARTMENT

We recommend that the Governing Body consider appointing Russell Wheeler to this position, effective immediately.

8. APPOINTMENT OF CLASS 4 LABORER, PUBLIC WORKS DEPARTMENT

We have selected and offered the position to one of the candidates. I am hopeful that we will receive the signed Offer of Employment before the Council Meeting on July 2, 2018. I request that, if the offer is received, the Governing Body consider appointing the individual at the Council Meeting on July 2, 2018, with the Anticipated commencement date of July 9, 2018.

C. ENGINEERING

1. IMPROVEMENTS TO HAZEL AVENUE, CHESTNUT AVENUE TO CUSHMAN AVENUE (PARTIAL N.J.D.O.T. FY2015 MUNICIPAL AID FUNDING)

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I have recommended that the Governing Body consider, conditionally, awarding a contract for the Base Bid and Alternate Bid Number 1, to DiMeglio Construction Co., Inc., for the amount of \$\$203,899.02. The estimated materials testing costs is \$4,000.00. The N.J.D.O.T. has allotted \$201,000.00 of Municipal Aid funds for this project. Therefore, the Township must allocate funds to cover the shortfall in funding. I recommend that the contract be awarded at the Council Meeting on July 2, 2018 as the N.J.D.O.T. has issued notices to grant recipients of FY2015 funds that they will be recapturing the funds if a contract is not awarded by July 27, 2018.

2. IMPROVEMENTS TO CLARENCE AVENUE, HADDON AVENUE TO VETERAN'S AVENUE (N.J.D.O.T. FY2018 FUNDING) - \$210,000.00

The estimated construction cost for this project is \$237,000.00 and the estimated material testing cost is \$4,000.00. Therefore, there is shortfall of funding of approximately \$31,000.00. I recommend that the Governing Body allocate the necessary funds to cover the shortfall in funding.

The Governing Body has authorized the performance of engineering work and the opening of bids. We have completed the surveying field work and have commenced with the drafting and design of the project. I am hopeful that bids will be received in the Fall 2018.

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

a. ROUND 12, IMPROVEMENTS TO THE BASKETBALL COURT SURFACE AT SPRUCE AVENUE RECREATION COMPLEX

The County has allotted \$25,000.00 and, I believe, that the Governing Body has allocated an additional \$22,000.00 for this project.

I have recommended that the Governing Body consider, conditionally, awarding a contract for Proposal Number1, Base Bid for the reconstruction of the pavement and line striping, to DiMeglio Construction Co., Inc. of Atco, N.J., for the amount of \$32, 320.00.

b. ROUNDS 15 AND 16, IMPROVEMENTS TO THE BOARDS FOR THE LARGE STREET HOCKEY RINK AND SAFETY SURFACE FOR THE PLAYGROUND AT ROBERT T. CLYDE PARK

The County has allotted \$50,000.00 for these projects. The cost for the purchase of the boards, paint and related items is \$8,440.44. The Public Works staff performed the necessary labor. The cost for the rubber safety mulch and handicap access material is \$15,600.00. The Public Works staff have completed the installation of the rubber mulch surface and handicap access ramp.

4. CAMDEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Mr. Simone continues to complete various improvements and obtain quotes for other work and purchases. Mayor Magazzu and I, recently, met with representatives of the Camden County Block Grant Program and submitted the list of improvements at the

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Senior Citizens Building. We must submit a schedule to them for the completion of the improvements, on an accelerated basis, as the Federal agency is threatening to recapture the funds.

The representatives have stated that the installation of the ADA accessible door openers, at the entrance at the Tax Office, is eligible for reimbursement. It will be necessary for the Governing Body to pass a resolution to amend the current CDBG agreement to include this work. I recommend that the resolution be passed at the Council Meeting on July 2, 2018.

They are going to ask the Federal agency if the Federal funds can be used for the purchase of the senior citizens transport (golf) cart.

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

The County has announced that funding will be awarded for eligible projects of “larger scale”, up to \$250,000 or more. They expect to award funding to five to seven 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:

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

The County representatives stated that the announcement of the selected projects is anticipated to be made, later in 2018.

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. RELEASE OF PERFORMANCE GUARANTEES

a. SPRINKLZ ICE CREAM STORE AND OTHER OFFICES, 223 HADDON AVENUE

I have submitted my letter to the Governing Body, recommending the release of the performance guarantee with the condition that, if the curb is ever constructed along the lot frontages of McClellan Avenue and/or Lester Avenue, the property owner be responsible for the reconstruction of the concrete sidewalk along both streets and driveway apron since it was not construction to

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coincide with the vertical and horizontal alignment of the future curb.

I, also, recommend that the Governing Body consider waiving the requirement for the posting of the maintenance guarantee since the improvements have existed for a period of two years.

b. AARNE REID, CONCEPT GROUPS, 380 COOPER ROAD

I recommend that the Governing Body not release the performance guarantee as all improvements have not be completed by the applicant.

8. ORDINANCE AMENDING THE LAND USE AND LAND DEVELOPMENT AND ZONING CODES, REGARDING THE AMENDMENTS TO THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN, AND ESTABLISHING SPACING BETWEEN BUSINESSES SELLING, RENTING AND DISPLAYING TRAILERS

The Governing Body adopted this amending ordinance at the Council Meeting on June 11, 2018.

9. TRAFFIC MATTERS ALONG N.J.S.H. ROUTE 73

a. PROBLEM STATEMENTS TO N.J.D.O.T.

I must prepare and submit the Problem Statement, along with the supporting documentation, for the request for the “DO NOT BLOCK INTERSECTION” along the northbound lanes at Fairview Avenue and for the improvements along Rt. 73 northbound at Franklin Avenue to address the excessive stacking of vehicles, in the left turn land and into the through-passing lane.

b. REQUEST FOR A TRAFFIC SIGNAL AT D’ANGELO DRIVE

I recommend that the Governing Body consider contracting the representing State Legislators to request their assistance in scheduling a meeting with the new N.J.D.O.T. staff to discuss this matter.

c. IMPROVMENTS TO THE INTERSECTIONS AT COOPER ROAD

As mentioned in previous reports, the N.J.D.O.T. Community Relations representative has informed me that the improvements are being considered as part of the N.J.D.O. T corridor study for Route 73. It would make sense that the N.J.D.O.T makes the necessary improvements, immediately, to address the issues with the extension of the left turn lanes from Route 73 southbound onto Cooper Road.

10. TRAFFIC SIGNAL MAINTENANCE AND REAIR PROGRAM FOR 2018

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I have requested that the contractor submit a schedule for the performance of the inspection and reporting of the conditions and operations of the Township owned traffic signals. Once I receive the schedule, I will inform the Governing Body.

11. 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.

12. CAPITAL IMPROVEMENTS PROGRAM FOR 2018 AND FUTURE YEARS

I would deeply appreciate it if we could meet with the members of the Governing Body and the Chief Financial Officer to discuss our request for capital improvements and purchases, especially for 2018.

13. 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. At our meeting with the representatives from the County Improvement Authority, they mentioned that they may have a few redevelopers, which may be interested in redeveloping this site with a residential component.

14. WATER DISTRIBUTION SYSTEM- BERLIN BOROUGH WATER DEPARTMENT

Last month, I informed the Governing Body that I had requested that the Borough consider upgrading and interconnecting water mains along First, Second and Third Avenues, within the vicinity of Clarence Avenue, since the street is slated for improvements, in the near future. A repair clamp was recently installed on the leaking, undersized and dead-end water main on Third Avenue. The Borough Water Operator has informed me that they will not be upgrading these water mains.

15. 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.

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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.

16. TAX MAP REVISIONS AND ZONING MAP

We are, currently, updating both maps and hope to submit the revised maps to the necessary parties, in the near future.

At the request of the Tax Assessor, we have provided him with two sets of prints of the revised Tax Map.

We are nearing completion of the revisions to the Zoning Map to adjust the zoning lines to be coincident with the property lines, where possible. I hope to be submitting the revised map to the Planning Board for their review and, hopeful, approval and recommendation for adoption by the Governing Body, in the near future.

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

No update to report.

18. 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.

19. 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.

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20. 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.

21. 2018 TRANSPORTATION ALTERNATIVE SET-ASIDE PROGRAM

This is federally funded program administered by the N.J.D.O.T. in partnership with the Delaware Valley Regional Planning Commission (DVRPC). Federal funding is available for the construction cost. N.J.D.O.T. funds are available for design costs for consulting engineering services. There are seven activities that are eligible. I believe the following would apply to the Township:

- a. Design and construction of on-road and off-road trail facilities;
- b. Streetscaping and corridor landscaping;
- c. Environmental mitigation to address stormwater management, control and water pollution prevention or abatement related to highway runoff

The projects must be well-developed, construction ready.

Applications must be submitted electronically, by August 23, 2018.

I do not believe that the Township has a viable project that would be approved for these federal funds, which it is anticipated will be highly competitive for a small amount of funds by municipalities through the Delaware Valley region.

22. 2018 SAFE ROUTES TO SCHOOL (SRTS)

This is a federally funded, administered by the N.J.D.O.T. in partnership with the DVRPC. Projects must be located within two miles of the school and serve k-8 students. This federal funding is for the construction of sidewalks, crosswalks, bike lanes, multi-use paths, traffic calming measures and other means to ensure the ease and safety of children walk and biking to school. Municipalities, throughout the Delaware Valley region will be competing for these funds.

N.J.D.O.T. funds are available for the design costs, if an N.J.D.O.T. pre-qualified and selected consulting engineering firm is used by the applicant. The same firm cannot perform the design and the inspection, under this federally funded program.

At the last Council Meeting, there was some discussion about applying for the construction of sidewalk along the north side of Franklin Avenue, where it is missing. If the Governing Body would like to apply for this federal funding, I recommend that a resolution be passed at the Council Meeting on July 2, 2018. As part of the application package, the Township must produce various documents, including letters of support. The deadline for the electronic submission of the application is August 23, 2018.

D. PUBLIC WORKS DEPARTMENT

1. OPERATIONS AND STAFFING

We have recommended the consideration for the appointment of Russell Wheeler

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to fill the open position of Sanitation Crew Leader, which he has been performing the duties, in the interim.

I am hopeful that we will be requesting the Governing Body to approve the employment of an individual to fill the position of Laborer, at the Council Meeting on July 2, 2018.

Currently, two temporary/ seasonal employees are assisting the full-time staff to perform the summer seasonal work and other work, with the expertise and direction of Mr. Simone.

The staff is, also preparing the parade route, float and trucks for the July 4th parade.

2. DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS

On June 28, 2018, I will be meeting with representatives of the County Solid Waste Division and public works supervisors, from other municipalities, to discuss the possible bidding, on a County-wide level for solid waste disposal (2 years with an option of a one-year extension?) as the current contract with Covanta expires at the end of 2018. We will, also, be discussing the possibility of a long-term contract for waste disposal through flow control, which will require participation by the County and all municipalities. We will, also, be discussing the rapidly rising costs and possible alternatives to control those costs for the recyclable materials. After the meeting, I will report to the Governing Body, regarding these matters.

3. 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.

4. 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.

5. REQUEST FOR VARIOUS CAPITAL IMPROVEMENTS AND PURCHASES

I request that a meeting be scheduled, in the immediate future, with members of the Governing Body and the Chief Financial Officer to discuss the needs for the Public Works Department for 2018 and the future.

6. CONTRACT WITH THE DEPARTMENT OF PUBLIC WORKS EMPLOYEE ASSOCIATION

The current contract expires at the end of 2018. I have requested that the employees select their representatives and consider developing any discussion

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items for the next contract. Mr. Simone and I will, also, prepare a list of discussion issues for consideration for inclusion in the next contract. I, also, recommend that a date be scheduled for the first meeting, between the Township and employee representatives, to discuss the contract.

POLICE DEPARTMENT

Department Stats, June, 2018

Total calls for service for April – 3,073.

Total of 245 Motor Vehicle Summons, 37 Motor Vehicle Crashes, 40 Alarms calls. Total of 63 arrests, which include 15 for narcotics, 2 juvenile arrests, and 19 warrant services.

Members of the police department participated in “Field Day” at both our schools. Officers were on hand to interact with the children during the outdoor activities.

We also had officers present at the 8th grade awards ceremony and 8th grade graduation.

The department’s 2nd annual police youth academy will start on July, 9th. The academy will run for 1 week and will include trips to the County Jail and the Police academy.

Respectfully,
Chief Leonard Check

ORDINANCE 2018 -6 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 239 OF THE CODE OF THE TOWNSHIP OF BERLIN, ENTITLED “PEDDLING AND SOLICITING”

WHEREAS, Chapter 239 of the Code of the Township of Berlin, entitled Peddling and Soliciting,” regulates the activities of peddlers and solicitors who go door-to-door attempting to sell and/or take orders for future delivery of goods and/or services; and

WHEREAS, the purpose of Chapter 239 is to establish reasonable controls over the time, place and manner in which persons who solicit, hawk, peddle and/or canvass within the Township of Berlin may conduct such activities; and

WHEREAS, the purpose of Chapter 239 is also to permit such activities within the Township while preserving the individual privacy of the residents and preventing fraud, crimes, undue public inconvenience or annoyance, and unethical and/or dishonest soliciting, hawking, peddling and/or canvassing within the Township; and

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WHEREAS, the purpose of Chapter 239 is also to raise revenues through the collection of license fees as permitted in N.J.S.A. 40:52-1; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township 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 of Berlin by law; and

WHEREAS, the Township Council believes that it would be beneficial to the residents of the Township of Berlin to create a “Do Not Knock Registry” for residents who do not want peddlers, solicitors, canvassers, and hawkers to conduct activities at their homes or premises.

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

SECTION 1: Chapter 239, entitled “Peddling and Soliciting,” is hereby amended by deleting the current Article IV, entitled “Enforcement,” and establishing in its place a new Article IV, entitled “Do Not Knock Registry,” as follows:

Article IV Do Not Knock Registry

Section 239-11 Establishment of Do Not Knock Registry.

The Township Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that peddling, soliciting, canvassing, hawking and door-to-door sales enterprising as set forth in this Chapter are not permitted on the premises (hereinafter referred to as the “Do Not Knock Registry”). Notification shall be by completion of a form available at the Township Clerk’s office during normal business hours.

Section 239-12 Do Not Knock Registry display.

A. Any owner and/or occupant who has requested enlistment on the Do Not Knock Registry, pursuant to this Chapter herein, shall be able to obtain from the Clerk’s office a sticker for display at his/her/its premises indicating enlistment on the Do Not Knock Registry.

B. Owners and/or occupants who are placed on the Do Not Knock Registry at their request, shall remain on the Do Not Knock Registry until such time as they advise the Township Clerk in writing that they wish to be removed from the list.

Section 239-13 Distribution of Do Not Knock Registry.

The Township Clerk shall distribute the current Do Not Knock Registry to a licensee under this Article at the time of issuance of a license to peddle, solicit, canvas, hawk or otherwise door-to-door sell pursuant to the provisions of this Chapter. The Do Not Knock Registry provided to licensees shall only include the physical address of the enlisted premises. The licensee shall not peddle, solicit, canvas, hawk or conduct door-to-door sales at any premises identified on the then current Do Not Knock Registry.

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SECTION 2: Chapter 239 is hereby further amended by establishing a new Article V, entitled “Enforcement,” as follows:

§ 239-14. Duty of police to enforce.

Notwithstanding the right of revocation reserved to the governing body herein, and in addition to same, it shall be the duty of any police officer of the Township of Berlin to require any person peddling, soliciting, canvassing or hawking and who is not known by such officer to be duly licensed, to produce his or her peddler's license and/or to otherwise enforce any of the provisions of this chapter against any person found to be violating same.

§ 239-15. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$1,000 or by imprisonment for a term not to exceed 90 days, or both, in the discretion of the court. Each successive day a violation continues shall be deemed a separate offense hereunder.

SECTION 3: Except as set forth in Sections 1 and 2 above, the balance of Chapter 239 of the Code of the Township of Berlin shall not be affected by this Ordinance.

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

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

SECTION 6: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Motion by Councilwoman, second by Councilman Epifanio to adopt Ordinance 2018-6 on first reading by title. Ordinance adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018- 127 CONFIRMING RESOLUTION OF OFFICIAL TAX SALE N.J.S.A. 54:5-41

PURSUANT to New Jersey State Statute, following is a listing of the results of the official Berlin Township Tax Sale held on June 6, 2018 at 10:30 AM of that day in Berlin Township Court Room:

<u>BLOCK/LOT(S)/QUAL</u>	<u>PURSHASER</u>	<u>%BID/PREMIUM</u>	<u>AMOUNT</u>
216-4	Early Out Investment	8500	9643.70

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1101-8	Early Out Investment	4100	1888.44
1411-7	Early Out Investment	8500	2308.62
1813-15	Early Out Investment	4200	4029.63
1814-15.01	DSHC Enterprises, LLC	0%	161.73
2602-1	DSHC Enterprises, LLC	18%	68643.65
105-3	US Bank Cust for PC 7 Firstrust Bank	100	504.61
202-2	US Bank Cust for PC 7 Firstrust Bank	0%	560.47
215-19	US Bank Cust for PC 7 Firstrust Bank	0%	403.92
218-4	US Bank Cust for PC 7 Firstrust Bank	100	245.14
601-1	US Bank Cust for PC 7 Firstrust Bank	2200	253.44
612-1.02	US Bank Cust for PC 7 Firstrust Bank	18%	712.62
708-5	US Bank Cust for PC 7 Firstrust Bank	0%	544.86
821-11	US Bank Cust for PC 7 Firstrust Bank	100	361.90
903-6	US Bank Cust for PC 7 Firstrust Bank	100	262.47
1303-1	US Bank Cust for PC 7 Firstrust Bank	0%	689.78
1304-12	US Bank Cust for PC 7 Firstrust Bank	0%	440.44
1304-23	US Bank Cust for PC 7 Firstrust Bank	5900	1864.14
1306-4	US Bank Cust for PC 7 Firstrust Bank	0%	161.75
1307-30	US Bank Cust for PC 7 Firstrust Bank	18%	2858.78
1308-40.02	US Bank Cust for PC 7 Firstrust Bank	0%	471.18
1309-7	US Bank Cust for PC 7 Firstrust Bank	2000	160.90
1309-7.02	US Bank Cust for PC 7 Firstrust Bank	3000	160.81
1310-2.01	US Bank Cust for PC 7 Firstrust Bank	30300	14154.66
1405-11	US Bank Cust for PC 7 Firstrust Bank	2500	135.32
1412-17	US Bank Cust for PC 7 Firstrust Bank	0%	548.15
1414-3	US Bank Cust for PC 7 Firstrust Bank	0%	487.24
1415-24	US Bank Cust for PC 7 Firstrust Bank	18%	306.51
1415-25.01	US Bank Cust for PC 7 Firstrust Bank	0%	1854.41

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1805-4	US Bank Cust for PC 7 Firstrust Bank	0%	264.90
1806-24	US Bank Cust for PC 7 Firstrust Bank	18%	807.65
1817-11	US Bank Cust for PC 7 Firstrust Bank	0%	324.47
1818-2	US Bank Cust for PC 7 Firstrust Bank	0%	147.53
1903-3.01	US Bank Cust for PC 7 Firstrust Bank	100	262.47
2301-1.04	US Bank Cust for PC 7 Firstrust Bank	0%	858.49
2602-3	US Bank Cust for PC 7 Firstrust Bank	0%	74532.41
601-4	Township of Berlin	18%	1112.75
1606-1	Township of Berlin	18%	3417.96
1606-2.01	Township of Berlin	18%	509.46
2103-1-QFarm	Township of Berlin	18%	163.64
2103-2-QFarm	Township of Berlin	18%	100.52
2103-3-QFarm	Township of Berlin	18%	72.90
2202-1-QFarm	Township of Berlin	18%	636.96
2301-24	Township of Berlin	18%	30154.70
2301-25	Township of Berlin	18%	4105.80
2301-26	Township of Berlin	18%	227.01
2404-42 QFarm	Township of Berlin	18%	155.89
2404-43 QFarm	Township of Berlin	18%	140.07
2601-4	Township of Berlin	18%	90899.74
2602-2	Township of Berlin	18%	17683.50

TOTAL COLLECTED FOR DELINQUENT CHARGES - \$ 192,017.19

TOTAL TRANSFERRED TO MUNICIPAL LIEN - \$ 123,702.07

TOTAL PREMIUM COLLECTED - \$ 71,700.00

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-127. Resolution adopted by call of the roll, three members present voting in the affirmative.

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RESOLUTION 2018-128 RESOLUTION TO GRANT THE RELEASE OF PERFORMANCE GUARANTEE MONIES FOR BRSA PROPERTIES LLC /SPRINKLES ICE CREAM.

WHEREAS, Bruce Karpf of BRSA Properties LLC / Sprinkles Ice Cream, 223 Haddon Avenue West Berlin New Jersey, Block 521, Lot 8 and 10 has requested the release of their performance guarantee monies in the amount of \$14,942.36; and

WHEREAS, the Engineer has recommended that the Township grant the request, conditional upon the owner agreeing to replace the sidewalk along the entire frontage of McClellan Avenue and Lester Avenue if and when the curb is constructed along the street frontage; and

WHEREAS, the improvements have existed for a period of two years the Engineer recommends that the maintenance guarantee be waived.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the request to release performance guarantee monies in the amount of \$14,942.36 is hereby granted and the maintenance guarantee be waived.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-128. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018-129 RESOLUTION TO AWARD A CONTRACT FOR THE BASKETBALL COURT RESURFACE IMPROVEMENTS AT THE SPRUCE AVENUE RECREATION COMPLEX (PARTICIALLY FUNDED BY THE CAMDEN COUNTY RECREATION FACILITY ENHANCEMENT PROJECT GRANT).

WHEREAS, the Township of Berlin desires to enter into a contract for the Basketball Court Resurface Improvements at the Spruce Avenue Recreation Complex: and

WHEREAS. It Is the Township Engineer's recommendation to consider awarding a contract to DiMeglio Construction, 594 White Horse Pike Atco New Jersey 08004 for Proposal Number 1, milling 3” thick and construction of new pavement surface for existing basketball court for the bid amount of \$32,230.00; and

NOW, THEREFORE BE IT RESOLVED. by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that a contract for the basketball court resurface improvements at the Spruce Avenue Recreation complex is hereby awarded to DiMeglio Construction, 594 White Horse Pike Atco New Jersey 08004, conditional upon the following:

1. Certification of the allocation of sufficient funds by the Township Chief Financial Officer for \$32,230.00 to be charged as follows: Camden County Recreation

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Enhancement Grant Round 12 (G-02-40-765-0986) for \$25,000.00 and General Capital Bond Ordinance 2016-5 Section E (C-04-15-860-160505) for \$7,230.00.

2. Review and approval of the bidding process and bid proposal documents by the Township Solicitor
3. All other conditions, which have been determined necessary by the Governing Body.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-129. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018-130 RESOLUTION TO AWARD A CONTRACT FOR STREET IMPROVEMENT PROGRAM TO HAZEL FROM CHESTNUT AVENUE TO CUSHMAN AVENUE (NJDOT FY 2015 MUNICIPAL AID PROGRAM FUNDED).

WHEREAS, the Township of Berlin desires to enter into a contract for Street Improvement Program to Hazel Avenue from Chestnut Avenue to Cushman Avenue; and

WHEREAS, it is the Township Engineer's recommendation to consider awarding a contract to DiMeglio Construction, 594 White Horse Pike Atco New Jersey 08004 for the Base Bid amount of \$197,712.88 and Alternate Bid No. 1 for \$6,186.14, for a total bid award amount of \$203,899.02 noting that NJDOT will not be participating in the cost of the items 9. and 10. for a total of \$2,790.00; and

NOW, THEREFORE BE IT RESOLVED. by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that a contract for Street Improvement for Hazel Avenue from Chestnut Avenue to Cushman Avenue. (NJDOT FY 2015 Municipal Aid Program) is hereby awarded to DiMeglio Construction, 594 White Horse Pike Atco New Jersey 08004, conditional upon the following:

1. New Jersey Department of Transportation confirmation of the allotment of Municipal Aid funds, in the amount of \$201,000.00
2. New Jersey Department of Transportation approval of the Township award of the contract.
3. Certification of the allocation of sufficient funds by the Township Chief Financial Officer the contract amount of \$203,899.02 to be charged as follows: NJDOT FY 2015 Municipal Aid Program (G-02-40-774-0994) for \$201,000.00 and General Capital Bond Ordinance 2016-5 Section A (C-04-15-860-160501) for \$2,899.02.
4. Review and approval of the bidding process and bid proposal documents by the Township Solicitor

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5. All other conditions, which have been determined necessary by the Governing Body.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-130. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018-131 RESOLUTION TO CONFIRM THE AUTHORIZING CANCELLATION AND REFUND OF UNCOLLECTIBLE TAXES FOR BLOCK 1309 LOT 19.

WHEREAS, on September 16, 2009, the Department of Veterans Affairs disclosed that the service-connected disability was totally disabling for Neal Campbell. A 100% permanent and total evaluation was assigned effective March 30, 1992 in accordance with the Veterans Affairs Rating Schedule and per N.J.S.A. 54:4-3.30 et seq, and;

WHEREAS, Neal Campbell purchased a property on April 12, 2018 and taxes must be cancelled for the exempt portion of that tax quarter, and forward so;

THEREFORE, BE IT RESOLVED that the tax collector, cancel and refund the amount of \$1,814.35 from the May 2018 tax quarter to Mr. Neal Campbell.

Prepared by: Dana O'Hara, Tax Collector
Submitted for the July 2, 2018 meeting.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-131. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018-132 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT.

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

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WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Township of Berlin hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-132. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018-133 PAYMENT OF BILL FOR JULY.

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.

	CONFIRMING:		
	TO	ACCOUNT	AMOUNT
America On Line (January)		8-01-31-443-2077	\$46.99

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Collette Bogie - Petting Zoo - Deposit (Spring Festival)	8-01-30-420-2105	100.00
All in One Party Rentals - Hi Top Tables (Spring Festival)	8-01-30-420-2105	139.50
Collette Bogie Petting Zone Final Payment (Spring Festival)	8-01-30-420-2105	750.00
Family Fun Entertainment Final Payment (Spring Festival)	8-01-30-420-2105	200.00
Golden Touch Pretzels (Spring Festival)	8-01-30-420-2105	120.00
Mega Star Group – DJ Services (Spring Festival)	8-01-30-420-2105	500.00
TSP deejays LLC – Kids activities Final Payment (Spring Festival)	8-04-30-420-2105	2,000.00
State of Jersey Health Benefits – June 2018 (A)	8-01-23-220-2092	65,955.57
	8-01-23-220-2092	17,936.69
State of Jersey Health Benefits – June 2018 (R)	8-01-23-220-2092	38,510.11
Payroll, Current Fund	06/21/2018	127,916.94
Payroll, Sewer Operating Fund	06/21/2018	6,795.95
Payroll, Open Space	06/21/2018	4,184.26

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-133. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018-134 RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN AGREEMENT FOR SHARED SERVICES BETWEEN BERLIN TOWNSHIP AND WINSLOW TOWNSHIP FOR ANIMAL CONTROL SERVICES

WHEREAS, the Township of Berlin desires to Share Services by and between the Berlin Township and Winslow Township; and

WHEREAS, both Winslow Township and Berlin Township recognize the need to share animal control services in the event of the absence of their respective animal control officers; and

WHEREAS, the Township of Berlin has determined that a shared service agreement with Winslow Township would be beneficial to Winslow Township and Berlin Township.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the shared services agreement between Berlin Township and Winslow Township is hereby approved and hereby authorize the Mayor to sign.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-134. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018-135 RESOLUTION TO APPOINT RUSSELL WHEELER TO SANITATION CREW LEADER.

WHEREAS, Russell Wheeler has been employed by the Township of Berlin since February 27, 1989; and

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WHEREAS, Public Work Director has recommended Russell Wheeler be promoted to the position of Sanitation Crew Leader.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that Russell Wheeler be promoted to the position of Sanitation Crew Leader.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-135. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018-136 RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT DESCRIPTION FORM FOR PROGRAM YEAR 37(2015-2016)

WHEREAS, by Resolution 2015-85 Mayor and Council of the Township of Berlin submitted an application to the Community Development Block Grant (CDBG) for the Senior Citizens Building Improvements ; and

WHEREAS, under the direction of the CDBG representatives the Township of Berlin is recommended to amend the scope of the work for grant agreement year 37 CDBG funds to include the installation of the ADA accessible door openers at the south entrance to the Municipal Building, at the Tax Office.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Year 37 grant agreement for the CDBG funds be amended to include the installation of the ADA accessible door openers.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-136. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018-137 RESOLUTION AMENDING THE CAMDEN COUNTY OPEN SPACE RECREATION ENHANCEMENT APPLICATION FOR YEAR 2016 (ROUND 15 AND 16)

WHEREAS, by Resolution 2016-87 Mayor and Council of the Township of Berlin submitted an application to the Camden County Open Space Enhancement Program; and

WHEREAS, the application submission was for the improvements and resurfacing of the Large Hockey Rink at the Robert T. Clyde Memorial Park; and

WHEREAS, Berlin Township Athletic Association had resurfaced the hockey rink; and

WHEREAS the Engineer recommends that the Camden County Open Space Enhancement

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Application for Year 2016 be amended to reflect, the change of improvements to the hockey court boards and paint and that the resurface of the hockey court be amended to reflect the installation of rubber mulch and handicap access ramp for the playground at the Robert T. Clyde Memorial Park..

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Year 2016 Camden County Open Space Enhancement application is hereby amended.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-137. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018-138 RESOLUTION AUTHORIZING THE HIRING OF A CLASS 4 LABORER.

WHEREAS, applications have been accepted and interviews have been conducted and a recommendation from the Public Works Director has been made to Mayor and Council to hire Robert A. Spackman as a Class 4 Laborer for the Township of Berlin; and

WHEREAS, the Mayor and Council have reviewed the recommendation and found same to be acceptable,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it hereby authorizes and approves the hiring of Robert A. Spackman as a Class 4 Laborer, employment will commence on July 9th 2018.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-138. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2018-139 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) – CLEAN COMMUNITIES 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;

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WHEREAS, the Chief Financial Officer has certified that the Township has received a FY 2018 Clean Communities Grant from the Department of Environmental Protection for \$12,450.46;

BE IT FURTHER RESOLVED that a like sum of \$12,450.46 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Clean Communities Grant	\$ 12,450.46

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 Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2018-139. Resolution adopted by call of the roll, three members present voting in the affirmative.

Approval of Minutes for June 11, 2018

Motion by Councilman Epifanio, second by Councilwoman Bodanza to approve the Meeting Minutes for June 11, 2018. Motion carried by voice vote, three members present voting in the affirmative.

Consent Agenda

Motion by Councilman Epifanio second by Councilwoman Bodanza to approve the Consent Agenda for June 2018. Motion carried by voice vote, three members present voting in the affirmative.

All Other Business

The Fourth of July parade will start at 9:00 am at Berlin Township Fire Hall.

Public Portion

Mr. Ronald Grady, Montebello commented that at the Freeholders Meeting held at the Township Building a discussion was held about the intersection of Cooper Road and Route 73 and what could be done with the turn off. At that meeting the freeholders stated that it would be on the top of their list. Recently we have been informed that it has now been delayed due to a developer's agreement. Mr. Grady asked if the governing body could help in getting it back as a priority.

Mr. Herman Mallard, Montebello stated that in the last 5years they have had 278 accidents at that intersection. And remarked what is this going to take to fix it a tragedy.

Mayor Magazzu commented that we are talking about a State Road and a County Road with an intersection that is not our town so this governing body doesn't have any jurisdiction on what happens, but we can do another resolution supporting action at that intersection again.

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Adjourn

Motion by Councilwoman Bodanza, second by, Councilman Epifanio to adjourn the meeting at 6:45 pm. Motion carried by voice vote, all members voting in the affirmative.
Meeting adjourned 6:45 pm

Catherine Underwood
Berlin Township RMC