

October 15, 2018

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL October 15, 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, Joyce Tinnes, Township Engineer / Public Works Director, Chuck Riebel, Property Maintenance /Animal Control, Joshua Shellenberger, Chief of Police, Leonard Check

Absent-

Oath of Office:

Mayor Magazzu administered the oath of office to the recently hired.

Oath of Office SLEO Officer: Anthony Casterioto

Oath of Office Chief Financial Officer: Joyce Tinnes

**Recognition for Township Festival Event: Dana O'Hara
Josh Shellenberger
Catherine Underwood**

Mayor Magazzu and Council presented certificates of recognition for all the endless hours these individuals in putting together these special events throughout the year.

Departmental Reports

ENGINEER'S AND DIRECTOR'S REPORT

A. CHANGE ORDERS AND VOUCHERS

1. IMPROVEMENTS TO HAZEL AVENUE, PARTIAL NJDOT FUNDED

We expect to be submitting a change order and the contractor's voucher for consideration for approval by the Governing Body at the October Council Meeting.

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2. BASKETBALL COURT SURFACE IMPROVEMENTS AT SPRUCE AVENUE RECREATION

COMPLEX

We expect to be submitting the contractor's voucher for consideration for approval by the Governing Body at the October Council Meeting.

B. ORDINANCES AND RESOLUTIONS

1. CONSIDERATION FOR THE PROCUREMENT OF PROFESSIONAL SERVICES FOR REAL ESTATE CONSULTANT FOR THE MARKETING OF THE FORMER MUNICIPAL BUILDING SITE

I recommend that the Governing Body consider taking the necessary formal action to procure the services of a real estate consultant for the possible marketing of the sale of the Township owned land along Bate Avenue.

2. LEAF COLLECTION MACHINE

Bids are scheduled to be received on October 11, 2018 at 11:00 a.m. I expect to submit a bid summary and engineer's recommendation for consideration for a hopeful award of the contract at the Council Meeting on October 15, 2018.

3. PURCHASE OF BASKETBALL GOAL POSTS AND BACKBOARDS THROUGH COOPERATIVE PURCHASING CONTRACT

I believe that it may be necessary for the Governing Body to authorize the purchase of the basketball goal systems, by resolution, through the cooperative purchasing contract Bid# ESCNJ 17/18-31; Co-op #65MCECCPS, with Ben Shaffer Recreation, Inc for \$4,529.72. I defer this matter to the Solicitor for his comments and direction.

4. RELEASE OF ENGINEERING REVIEW ESCROW, COOPER AND TAUNTON, LLC, BLOCK 1906, LOT 2.02 (CONTINENTAL CAST STONE EXPANSION)

I recommend that the Governing Body consider releasing the remaining engineering review escrow funds as the original owner and applicant has sold the business and there is no intentions to proceed with the expansion project.

B. ENGINEERING

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

The contractor has completed the construction of the improvements. We will be performing a final inspection and issuing a punch list for the corrective work.

I believe that the contractor will be submitting an invoice for the completed work.

2. BASKETBALL COURT SURFACE IMPROVEMENTS AT SPRUCE AVENUE RECREATION COMPLEX (PARTIAL CAMDEN COUNTY RECREATION ENHANCEMENT FUNDING)

Last month, the Governing Body approved the purchase and installation of new basketball posts and backboards. The contractor will be installing the posts and constructing the pavement, in the very near future.

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3. 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.

We are, currently, performing the drafting and design of the project. I am hopeful that bids will be received in the late Fall 2018.

4. N.J.D.O.T. FY2019 MUNICIPAL AID APPLICATIONS

The applications have been submitted for the following projects:

- a. Priority No. 1- Improvements to Taunton Avenue- NJSH Route 73 to Cooper Road
(reconstruction of localized pavement, creation of bike lanes along both sides of the road, construction of curb and sidewalk, where missing, along the north side of the road, handicap ramps and crosswalks at the intersection of Clover Avenue, milling and resurfacing the roadway and line striping).
Estimated Construction Cost- \$1,194,979
Requesting Funding Amount- \$1,289,000
- b. Priority No. 2- Improvements to Spruce Avenue- Chestnut Avenue to Cushman Avenue
(reconstruction of localized pavement areas, construction of handicap ramps and crosswalks at Chestnut Avenue, construction of a 20 feet wide street between Division Street and Cushman Avenue with a handicap parking space and paved access way to the park, milling and resurfacing of the pavement between Chestnut Avenue and Division Street, line striping and signage).
Estimated Construction Cost- \$162,925
Requested Funding Amount- \$186,500

5. 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.

The Governing Body awarded a contract to DiMeglio Construction, Inc. of Atco, N.J. for the reconstruction of the pavement and line striping for the amount of \$32,320.00. Change Order No. 1 was passed, increasing the Contract amount to \$37,198.00, adding the installation of the new posts and backboards. The Governing Body, also, authorized the purchase of the posts and backboards, through a cooperative purchasing contract, with Ben Shaffer Recreation for \$4,579.72. I believe that it may be necessary to pass a resolution, authorizing the purchase, through the cooperative purchasing contract.

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**

No further update to report, at this time.

6. CAMDEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, IMPROVEMENTS TO THE SENIOR CITIZENS BUILDING

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Mr. Simone continues to supervise and perform the completion of various improvements and obtain quotes for other work and purchases for the improvements to and at the seniors building. Ms. Regn is, currently, contacting internet providers to obtain prices for the installation and monthly rates for this service.

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

To the best of my knowledge, the announcement of the selected projects has not been made. I believe that the County anticipates the announcement to be made before the end of 2018.

8. POSSIBLE USE OF SPORTS FACILITIES BY ORGANIZATIONS/ GROUPS

I am 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. We intend to discuss the matter with any organizations, which may be interested in the possible use of the various sports facilities.

9. CONSIDERATION FOR THE AMENDMENTS TO THE ZONING CODE, REDEVELOPMENT PLAN FOR HADDON AVENUE AND THE ZONING MAP

At the last Council Meeting, the Governing Body passed Resolution No. 2018-185, authorizing the Planning Board to review the current zoning code, redevelopment plan for Haddon Avenue and zoning map and submit their recommendations for amendments to the above-mentioned code, plan and map. The Planning Board has assembled a committee to review the matters and to submit recommendations to the Planning Board for review and consideration. I have recommended that the following matters be reviewed, along with any others determined to be necessary by the members of the Governing Body and Planning Board:

- a. adjustment of zoning line district boundaries to coincide with the lot lots and eliminate split zoning of lots;
- b. change the seniors overlay zone for Montebello development to a zoning district;
- c. change the R-4 single family overlay zone to a zoning district;
- d. amend the redevelopment plan for Haddon Avenue and the requirements for the Central Business District to permit the desired form of residential development within the block, which contained the former municipal building and entices development within the zoning district. I may be beneficial for the limits of the CBD to be modified to better suit the existing uses and future redevelopment of the area.
- e. consider the reconfiguration of the limits of the regional growth and rural development areas within the Pinelands area.
- f. consider possible, future use(s) and zoning of the current library parcel.

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

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

I expect to prepare and submit the Problem Statement, in the immediate future, 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.

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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 INTERSECTION of NJSH ROUTE 73 AND COOPER ROAD

I have no update to report, regarding this matter. It is my understanding that the N.J.D.O.T. representatives have been discussing the matter with representatives of the County and Voorhees Township.

11. TRAFFIC SIGNAL MAINTENANCE AND REPAIR PROGRAM FOR 2018

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.

12. 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.

13. 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 out request for capital improvements and purchases, especially for 2018.

14. TOWNSHIP OWNED BATE AVENUE SITE (FORMER MUNICIPAL BUILDING AND ADMINISTRATIVE BUILDING)

I continue to recommend that the demolition of the existing building be performed, in the immediate future. I have, also, recommended that consideration be given to the rezoning of the block and the redevelopment plan be amended to allow for the desired residential development of the Township owned lands and, possibly, the adjacent privately-owned lands. Over the years, I prepared sketches for possible lot layouts for various types of residential development for consideration by the Township.

15. TOWNSHIP OWNED PROPERTY AT 191 MCCLELLAN AVENUE; BLOCK 521, LOT 9

Mr. Simone has informed me that the existing building should be demolished in the immediate future. I believe that the Governing Body is determining the appropriate action to be taken by the Township.

16. WATER DISTRIBUTION SYSTEM- BERLIN BOROUGH WATER DEPARTMENT

The Berlin Borough has informed the Mayor that they will be flushing water mains, within the Township, during the week of October 15, 2018.

17. STORM DRAINAGE IMPROVEMENTS

a. Lester Avenue Drainage and Stormwater Management

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

I am hopeful that bids will be received in the immediate future.

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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. Flooding of the Intersection of Haddon Avenue and Lucas Avenue

I believe that the County will be authorizing the performance of a study to identify the drainage issues and possible improvements. Based upon the recommendations noted in the study, it is my understanding that applications will be submitted for funding for the improvements.

c. 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.

d. Mt. Vernon Avenue at the Elementary School

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

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.

18. TAX MAP REVISIONS AND ZONING MAP

We continue to revise the Tax Maps and Zoning Map, as necessary. It will be necessary for the Governing Body to adopt the revised Zoning Map as the official map, after it has been revised to be consistent with the direction of the Planning Board and Governing Body.

19. 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

The Planning Board will be reviewing the matter and submit recommendations to the Governing Body, if determined to be appropriate. I have, also, asked for input from the Pinelands planning staff, regarding this mater.

20. 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.

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

No update to report.

23. 2018 SAFE ROUTES TO SCHOOL (SRTS)

It was determined that the school must perform the Student Arrival and Departure Tally before an application can be submitted for the construction of sidewalk along the north side of Franklin Avenue, where it is missing. I have requested that the school teachers perform the tallies, throughout all grades. I believe that it is the intent to apply for funding, through the next round of funding in 2019.

24. DVRPC SAFE ROUTE TO TRANSIT PROGRAM

It was determined that, at this time, an application would not be submitted for the Township, which may improve the possibility for the host community to be successful in obtaining assistance through the program.

25. FORMER C&M MOTORS SITE, 182 HADDON AVENUE

The owner of the property will be meeting with representatives of the Township to present the possible conveyance, environmental cleanup and redevelopment of the parcel.

C. PUBLIC WORKS DEPARTMENT

1. OPERATIONS AND STAFFING

The staff, with the supervision and direction of Mr. Simone continue to perform the typical public works tasks and additional tasks, as a result of the expertise of Mr. Simone. The staff is performing the necessary maintenance to the leaf collection machines, in advance of the leaf collection season. It appears that the leaves may be dropping later than normal due to the extension of the warmer weather. I am hopeful that the Governing Body will award the contract for the purchase of a new leaf machine, even though it is probable that it will not arrive until after the leaf season.

2. DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS

The current disposal contract with Covanta expires at the end of 2018. As directed, I have informed the County representatives, that the Township will be participating in the County-wide solid waste disposal contract for 2019 and 2020 with possible two, one-year extensions. It is anticipated that the County will be contacting the municipalities, during the above-mentioned term to discuss a possible County-wide contract for a long-term period, after the expiration of the contract for the above-mentioned term, through flow control. It is expected that, if all municipalities were on-board with this proposal, it will take several years to accomplish, which is why the County is bidding the above-mentioned contract, as an interim measure to address solid waste disposal.

It is my understanding, with the current global issues with the processing of recyclables, that it will continue to be more costly to recycle the collected residential recyclable materials. It is my understanding that representatives of the County and several municipalities have or will be meeting with ReCommunity (now owned by Republic Services) to discuss the matter, in further detail.

3. NJDEP STORMWATER GENERAL PERMIT

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The NJDEP representative performed an inspection of the Township stormwater documents and procedures on September 17, 2018. I had informed the representative that all Planning Board members completed the required Stormwater Management Training Tool session. The Township website must be updated, immediately, to include the stormwater educational material.

4. UPDATE OF THE WEBSITE AND CALENDAR FOR 2019

It has been determined that the stormwater educational information has been not been posted on the new website. I recommend that the webmaster be directed to revise the Public Works Department page to include all necessary stormwater information. Along with additional public works matters and the 2019 calendar.

Mr. Simone and Ms. Regn are, currently, preparing the calendar for 2019. The goal is to have it printed and distributed by the end of 2018.

5. 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.

6. 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.

7. REQUEST FOR VARIOUS CAPITAL IMPROVEMENTS AND PURCHASES

Bid will, hopefully, be received on October 11, 2018 for the new leaf machine. It is doubtful that the equipment will be delivered in time for the upcoming leaf season. 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.

8. 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 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.

Halloween Proclamation

HALLOWEEN PROCLAMATION

WHEREAS, celebration of Halloween provides an opportunity for merry making and good fellowship for all residents and particularly “Trick or Treat” for our children; and

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WHEREAS the Trick or Treat hours for the Township of Berlin will be from 2:00 pm to 8:00 pm on Halloween, Wednesday October 31, 2018: and

WHEREAS, the safety and well being of all our residents and particularly for our children at this season, is of the utmost concern to the parents, Governing Body and Law Enforcement agency of the Township necessitating Emergency Curfew Regulations after 9:00 pm, on the following days Friday October 26, 2018, till Wednesday October 31, 2018, Halloween.

It will be **unlawful for any child 17 years of age and under** to remain on or upon any public place or establishment after these times as stated above, unless accompanied by parents or guardian. Emergency Curfew will be strictly enforced.

NOW, THEREFORE, I, PHYLLIS MAGAZZU, MAYOR OF THE TOWNSHIP OF BERLIN proclaim Wednesday October 31, 2018 from 2:00 pm to 8:00 pm to be the official celebration of Halloween.

FIRST READING ORDINANCE 2018 -8 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

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

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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 previously amended Chapter 239 by creating a “Do Not Knock Registry” for residents who do not want peddlers, solicitors, canvassers, and hawkers to conduct activities at their homes or premises; and

WHEREAS, the Township Council believes that it would further be beneficial to the residents of the Township to amend the “Do Not Knock Registry” for residents who want to bar the receipt of unsolicited or nonsubscribed printed commercial materials at their homes or premises and to provide licensing procedures for individuals participating in the business of distribution of such unsolicited or nonsubscribed printed materials.

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

SECTION 1: Section 239-3, entitled “License required; exemptions,” of Article II, entitled “Licenses,” of Chapter 239, entitled “Peddling and Soliciting,” is hereby amended, revised, and/or supplemented to read as follows:

A. Except as provided below, it shall be unlawful for any person to engage in the business of soliciting, canvassing, peddling or hawking, as such conduct is otherwise defined herein, within the Township of Berlin without first obtaining a license therefor as provided herein. Except as provided below, it shall also be unlawful to place upon, deliver, throw upon, leave or abandon within or upon a private property or public ways adjacent to the private property any circulars, publications, handbills, brochures, shoppers or flyers, or other unsolicited commercial matter, printed or otherwise, of every kind or nature whatsoever, within the Township of Berlin without first obtaining a license therefor as provided herein.

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B. [No Changes]

C. [No Changes]

D. The provisions of this chapter shall not be applicable to the delivery of:

(1) Mail, parcels or packages by and in accordance with the rules of the United States Postal Service.

(2) Parcels, packages and materials delivered by a commercially recognized courier service or overnight express delivery agency, such as, by way of example, Federal Express or United Parcel Service.

(3) Newspapers and other publications and periodicals if subscribed to by the owner or occupant of the recipient premises, provided same are placed firmly in a receptacle designed for such purpose, or, in the absence of such receptacle, tightly wrapped to prevent blowing or scattering upon the recipient premises or adjacent areas.

(4) Delivery of laundry, dry cleaning, dairy, bakery and similar food products and commercial product sampling by agreement with or invitation of the owner or occupant of the recipient premises.

SECTION 2: Section 239-10, entitled “Regulations applicable to all licensees,” of Article III, entitled “Fees and Regulations,” of Chapter 239 is hereby amended, revised, and/or supplemented to read as follows:

Every person issued a license pursuant to this chapter shall be subject to the following conditions and/or regulations pertaining to the licensed operations:

A. No person shall solicit, canvass, peddle, hawk or deliver unsolicited or nonsubscribed commercial materials within the Township of Berlin except on Mondays through Saturdays between the hours of 9:00 a.m. and 5:00 p.m. during the months of November through

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April, and Mondays through Saturdays between the hours of 9:00 a.m. and 7:00 p.m. during the months of May through October. No person shall solicit, canvass, peddle, hawk or deliver unsolicited or nonsubscribed commercial materials within the Township of Berlin on Sundays or legal holidays.

B. [No Changes]

C. No peddler, solicitor, canvasser, hawker or deliverer shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the Township of Berlin, or upon any private premises in the said Township where such sounds are capable of being heard upon the streets, alleys, parks or other public places of the Township, for the purpose of attracting attention to any goods, wares, merchandise or services which such person proposes to sell.

D. No peddler, solicitor, canvasser, hawker or deliverer shall have any exclusive right to any location in the public streets, nor shall any such person be permitted a stationary location or be permitted to operate in any congested area where the operations might impede or inconvenience the public.

SECTION 3: Article IV, entitled “Do Not Knock Registry,” of Chapter 239 is hereby retitled as “Do Not Knock or Drop Registry” and amended, revised, and/or supplemented to read as follows:

Article IV Do Not Knock or Drop Registry

Section 239-11 Establishment of Do Not Knock or Drop 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, door-to-

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door sales enterprising and the delivery of unsolicited or nonsubscribed commercial materials as set forth in this Chapter are not permitted on the premises (hereinafter referred to as the “Do Not Knock or Drop 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 or Drop Registry display.

A. Any owner and/or occupant who has requested enlistment on the Do Not Knock or Drop 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 or Drop Registry.

B. Owners and/or occupants who are placed on the Do Not Knock or Drop Registry at their request, shall remain on the Do Not Knock or Drop 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 or Drop Registry.

The Township Clerk shall distribute the current Do Not Knock or Drop 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 or Drop Registry provided to licensees shall only include the physical address of the enlisted premises. The licensee shall not peddle, solicit, canvas, hawk, conduct door-to-door sales, or place upon, deliver, throw upon, leave or abandon within or upon a private property or public ways adjacent to the private property any unsolicited commercial matter, at any premises identified on the then current Do Not Knock or Drop Registry.

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SECTION 4: Section 239-14, entitled “Duty of police to enforce,” of Article V, entitled “Enforcement,” of Chapter 239 is hereby amended, revised, and/or supplemented to read 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, hawking or delivering unsolicited or nonsubscribed commercial materials as set forth in this chapter 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.

SECTION 5: Except as set forth in Sections 1 through 4 above, the balance of Chapter 239 of the Code of the Township of Berlin shall not be affected by this Ordinance.

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

SECTION 7: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

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

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Ordinance 2018-8 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-186 APPOINTMENT OF PURCHASING AGENT.

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WHEREAS, the Mayor and Council of the Township of Berlin hereby appoints **Joyce Tinnes** as Purchasing Agent, with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

WHEREAS **Joyce Tinnes** term will be for one year, from October 1, 2018 to October 1, 2019 or until she is certified as a Qualified Purchasing Agent, as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.

NOW BE IT RESOLVED, that Mayor and Council hereby appoints Joyce Tinnes as the Purchasing Agent for the Township for Berlin to exercise the duties as stated above.

Motion by Council President Morris , second by Councilwoman Bodanza to adopt Resolution 2018-186. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-187 RESOLUTION AUTHORIZING THE PURCHASE OF PLAYGROUND BASKETBALL SYSTEMS FROM BEN SHAFFER RECREATION, INC. OF LAKE HOPATCONG, NEW JERSEY, 07849, SUPPLIER FOR BISON, INC., IN THE AMOUNT OF \$4,529.72 PURSUANT TO THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PRICING SYSTEM.

WHEREAS, the Township of Berlin is in need of playground basketball systems for the basketball court at the Spruce Avenue Recreation Complex and;

WHEREAS, the Township of Berlin is a member of the New Jersey State approved Educational Services Commission of New Jersey Cooperative Pricing System #65MCESCCPS cooperative pricing contract; and,

WHEREAS, The Educational Services Commission of New Jersey (ESCNJ) has acted as a lead agency and a contract has been awarded, under co-op #65MCESCCPS, Bid # ESCNJ 17/18-31 for recreation equipment and,

WHEREAS, N.J.S.A. 52:34-6.2 permits the Township of Berlin to purchase playground basketball systems, under the offered ESCNJ Contract without public bidding, subject to the submittal and acceptance of certain documentation by Ben Shaffer Recreation, Inc.; and,

WHEREAS, the Township of Berlin intends, under the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System #65MCESCCPS, Bid # ESCNJ 17/18-31, to purchase from Ben Shaffer Recreation, Inc. of Lake Hopatcong, New Jersey, 07849, supplier for Bison, Inc., two (2) playground basketball systems and pole wraps, as specified, in the amount of \$4,529.72, as listed in the Quotation made available through the ESCNJ; and

WHEREAS, the Berlin Township Director of Public Works and the Purchasing Agent recommend the use of the Educational Services Commission of New Jersey Cooperative Pricing System, through ESCNJ for this procurement; and

WHEREAS, notice of the intent to award a contract under the cooperative pricing system agreement for the purchase of the playground basketball systems and pole wraps has been published on October 13, 2018, in the Courier-Post newspaper, with a minimum ten day comment period, as required by N.J. Local Finance Notice 2012-10; and

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WHEREAS, the Berlin Township Director of Public Works and the Purchasing Agent have determined the use of the offered Educational Services Commission of New Jersey Cooperative Pricing System #65MSESCCPS, Bid # ESCNJ 17/18-31 will result in a cost savings after all factors, including charges for service, material, and delivery have been considered and the Purchasing Agent has verified that such equipment is not available through New Jersey State Contract awarded by the Division of Purchase and Property in the New Jersey Department of the Treasury, pursuant to N.J.S.A. 40A:11-12; and

WHEREAS, the availability of funds for said purchase to be awarded herein have been certified by the Township Chief Financial Officer; and

WHEREAS, the Township of Berlin has certified that this meets the statute and regulations governing the award of said contract;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, that the Township Purchasing Agent is authorized to prepare a purchase order for two playground basketball systems with pole wraps, in the amount of \$4,529.72.

BE IT FURTHER RESOLVED by the Mayor and Council of the Township of Berlin that the purchase order shall contain a requirement that “the vendor shall maintain all documentation, related to products, transactions or services under this contract for a period of five years from the date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request”.

Motion by Council President Morris , second by Councilwoman Bodanza to adopt Resolution 2018-187. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-188 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR THE FEDERAL BULLETPROOF VEST GRANT.

WHEREAS, a receivable and reserve balance of \$669.75 titled Federal Bulletproof Vest Grant remains on the balance sheet at 10/4/18; and

WHEREAS, the grant is complete and it is necessary to formally cancel the receivable balance and its’ offsetting appropriation reserve balance from the balance sheet;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the receivable and reserve balance of \$669.75 titled Federal Bulletproof Vest Grant is hereby canceled.

Motion by Council President Morris , second by Councilwoman Bodanza to adopt Resolution 2018-188. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-189 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) – BULLETPROOF VEST PARTNERSHIP FEDERAL GRANT.

October 15, 2018

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 Bulletproof Vest Partnership Federal Grant FY 2018 from the U.S. Department of Justice for \$2,450.00;

BE IT FURTHER RESOLVED that a like sum of \$2,450.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"

Bulletproof Vest Partnership Federal

Grant FY 2018

\$2,450.00

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 Councilwoman Bodanza to adopt Resolution 2018-189. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-190 RESOLUTION TO REFUND VENDOR FEES FOR THE SPRING/ FALL FESTIVAL DUE TO RESCHEDULING CONFLICTS

WHEREAS, Berlin Township Spring / Fall Festival was scheduled for June 2, 2018 but due to rain was rescheduled to June 23, 2018 and again was rescheduled to September 22, 2018: and

WHEREAS, the following vendors were unable to attend the rescheduled date and are requesting a refund.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey that a refund be issued in the amount of \$25.00 per vendor.

Kim Anne Hurley /Rodan Skin Care \$25.00

Alissa Giangiulio /Event Planning \$25.00

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2018-190. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-191 RESOLUTION REQUESTING THE RELEASE OF ESCROW MONIES FOR CONTINENTALCAST STONE.

October 15, 2018

WHEREAS, Continental Cast Stone located at 450 Taunton Avenue , West Berlin, New Jersey; Block 1906, Lots 2.02 and 2.03 has requested the release of their inspection escrow in the amount of \$ 1,525.75 ;and

WHEREAS, the Engineer has recommended that the Township grant the request to release the escrow monies since the property has recently been sold and will not be proceeding with the proposed project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request to release of their inspection escrow for Continental Cast Stone is hereby granted .

Motion by Council President Morri , second by Councilwoman Bodanza to adopt Resolution 2018-191. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-192 PAYMENT OF BILLS.

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

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

CONFIRMING:

| TO | ACCOUNT | AMOUNT |
|--|--------------------|---------------|
| Ameriflex (September 2018) | T-18-56-850-030208 | \$75.00 |
| Administration Fee | | |
| Ameriflex (September 2018) | T-18-56-850-030208 | 12.02 |
| Flex Claims Week of 09/14 | | |
| TSP Deejays LLC (Fall Festival) | 8-01-30-420-2105 | 1,450.00 |
| Ameriflex (September 2018) | T-18-56-850-030208 | 79.48 |
| Flex Claims Week of 9/21 | | |
| Ameriflex (September 2018) | T-18-56-850-030208 | 79.86 |
| Flex Claims Week of 9/27 | | |
| Advanced Learning (Joyce Tinnnes) | 8-01-20-130-2042 | 99.00 |
| NJ League of Municipalities (Conference) | 8-01-20-120-2042 | 550.00 |
| NJ League of Municipalities (Mayor's Lunch) | 8-01-20-110-2041 | 95.00 |
| NJ League of Municipalities (Legislative Bulletin) | 8-01-20-120-2033 | 7.00 |
| Registrar's Association of NJ (Conference) | 8-01-20-120-2041 | 150.00 |
| Roma Pizza (Festival Lunch) | 8-01-30-420-2105 | 202.00 |
| Treasurer State of New Jersey (April-June Marriage Report) | 8-01-55-292-0000 | 175.00 |

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| | | |
|--|--------------------|------------|
| Treasurer State of New Jersey (August Dog Report) | T-13-56-852-1002 | 5.40 |
| Voorhees Animal Orphanage (September Shelter Fees) | T-13-56-852-1001 | 440.00 |
| State of Jersey Health Benefits – August 2018 (A) | 8-01-23-220-2092 | 64,475.69 |
| | 8-01-23-220-2092 | 17,543.90 |
| State of Jersey Health Benefits – August 2018 (R) | 8-01-23-220-2092 | 55,138.09 |
| Verizon FIOS Administration (09/16-10/15/18) | 8-01-31-443-2077 | 149.99 |
| Verizon FIOS PD TV Service (9/13-10/12/18) | 8-01-20-120-2105 | 171.23 |
| Ameriflex (September 2018) | T-18-56-850-030208 | 25.00 |
| Flex Claims Week of 09/28 | | |
| Ameriflex (October 2018) | T-18-56-850-030208 | 75.00 |
| Administration Fee | | |
| Payroll, Current Fund | 09/24/2018 | 139,147.79 |
| Payroll, Sewer Operating Fund | 09/24/2018 | 7,071.55 |
| Payroll, Open Space | 09/24/2018 | 4,550.59 |
| Payroll, Animal Control | 09/24/2018 | 279.43 |
| Payroll, Current Fund | 10/11/2018 | 128,186.74 |
| Payroll, Sewer Operating Fund | 10/11/2018 | 6,921.35 |
| Payroll, Open Space | 10/11/2018 | 4,219.50 |
| Payroll, Animal Control | 10/11/2018 | 279.43 |

Motion by Council President Morris , second by Councilwoman Bodanza to adopt Resolution 2018-192. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018-193 RESOLUTION AUTHORIZING THE APPOINTMENT OF ANTHONY CASTERIOTO AS PART TIME CLASS II SPECIAL LAW ENFORCEMENT OFFICER (SLEO II) FOR THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY.

WHEREAS the Mayor and Council of the Township of Berlin finds that for the health, safety and welfare of the citizens of the municipality, that the appointment for Special Law Enforcement Officers are needed; and

WHEREAS Anthony Casterioto has applied for the position: and

October 15, 2018

WHEREAS, the Chief of Police Leonard Check has recommended the appointment of **Anthony Casterioto** to the Berlin Township Police Department as a Special Law Enforcement Officer.

NOW BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby appoints **Anthony Casterioto** as a part time Special Law Enforcement Officer pursuant to N.J.S.A. 40A:14-146.10A for Berlin Township Police Department effective October 16, 2018.

Motion by Council President Morris , second by Councilwoman Bodanza to adopt Resolution 2018-193. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2018- 194 RESOLUTION AWARDING CONTRACT FOR THE PURCHASE OF A 25 CY LEAF COLLECTOR.

WHEREAS, the Township of Berlin has advertised for, and received bids for the purchase of a 25 CY Leaf Collector; and

WHEREAS, Berlin Township Public Works Director, Charles Riebel recommend that the Governing Body consider awarding a contract to GranTurk Equipment Company Inc., which also met the requirements of the technical specifications for the base bid and alternate No.1 (Roof Deflector) for bid amount of \$53,453.00.

WHEREAS that the said contract shall be charged to line item Appropriation or Account Number C-04-15-860-160401 in the amount of \$32,829.41 and C-04-15-860-112604 in the amount of \$23,123.59 for a total of \$53,453.00, conditional upon:

- 1) Certification of allocation of sufficient funds.
- 2) Review and approval of the Township Solicitor.
- 3) All other conditions which have been determined to be necessary by the Governing body.

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 purchase of a new 25 CY Leaf Collector be and is hereby awarded to GranTurk Equipment Co. Inc. located at One Schuylkill Parkway, Building B, Bridgeport Pa 19405-1069.

Motion by Council President Morris , second by Councilwoman Bodanza to adopt Resolution 2018-194. Resolution adopted by call of the roll, five members present voting in the affirmative.

Kennel License

- 1) Bestfriends Pet Care**, 585 Route 73 North West Berlin NJ 08091
Dogs and Cats Boarding.
- 2) Petsmart Inc. #567**, 215 North Route 73 West Berlin NJ 08091
Cats Only by Adoption Group.

October 15, 2018

Motion by Council President Morris, second by Councilwoman Bodanza to approve the Kennel / Pet Shop license for above. Licenses approved by call of the roll, five members present voting in the affirmative.

Approval of Meeting Minutes for September 24, 2018

Motion by Councilwoman Bodanza, second by Councilman Epifanio to approve the Meeting Minutes for September 24, 2018. Motion carried by voice vote, five members present voting in the affirmative.

Consent Agenda for September 2018

Motion by Councilman Epifanio, second by Council President Morris to receive and file the Consent Agenda. Motion carried by voice vote, all present voting in the affirmative.

Correspondence Calendar September 2018

Motion by Councilman McIntosh, second by Councilwoman Bodanza to receive and file the Correspondence Calendar for September 2018. Motion carried by voice vote, all present voting in the affirmative

All other Business

- 1) Dek Hockey Sport Organization**
- 2) Food Drive Begins on October 27, 2018**
- 3) Award Contract for 25CY Leaf Collector**

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.

Alfina Furlow, thanked the Governing Body for the upgrades that are happening at the Spruce Avenue Basketball Courts. She also thanked, Council President Morris for his help in getting the street lights fixed. Mrs. Furlow remarked that Mayor and Council have always listened to the residents and are always their when needed and they are grateful for that.

Jennifer Knight from Dek Hockey stated that she realizes that the BTAA does not meet the requirements for priority use and is working on getting the numbers up. She hopes that the dek hockey program can still move forward this year while they restructure for next year.

October 15, 2018

Mayor Magazzu stated that until then we have come up with an arrangement with them to reimburse the Township for a portion of the cost to use the rinks in lieu of paying the ordinance fee.

No more comments were to be heard

RESOLUTION 2018-195 RESOLUTION AUTHORIZING THE BERLIN DEK-HOCKEY ASSOCIATION TO REIMBURSE THE TOWNSHIP OF BERLIN THE COST OF UTILITIES IN LIEU OF TOWNSHIP CODE CHAPTER 231-8 “PARKS AND RECREATION”

Whereas the Berlin Dek-Hockey does not meet the requirements for Priority Use for the usage of the Township of Berlin Facilities as stated in the Berlin Township Code book Chapter 231-7; and

Whereas the organization has agreed to reimburse the Township of Berlin the cost of utilities during the hockey season in lieu of the Berlin Township Code Book Chapter 231-8; and

Whereas the Berlin Dek-Hockey Association has agreed to reimburse the Township of Berlin of said cost by December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby formally authorize the above.

Motion by Councilman Epifanio , second by Council President Morris to adopt Resolution 2018-195. Resolution adopted by call of the roll, five members present voting in the affirmative.

Motion by Council President Morris, second by Councilman Epifanio to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public

Adjourn

Motion by Council President Morris, second by, Councilwoman Bodanza to adjourn the meeting at 6:20 pm. Motion carried by voice vote, all members voting in the affirmative.

Meeting adjourned 6:20 pm

Catherine Underwood
Berlin Township RMC

October 15, 2018