

**MARCH 21, 2011**

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL MARCH 21, 2011 AT 5:00 P.M.**

Mayor Magazzu opened the meeting and stated that pursuant to the requirements of the Open Public Meetings Law, notice of this meeting was advertised in the Courier Post, Record Breeze and posted on the bulletin board.

All in attendance joined in the Salute to the Flag.

**ROLL CALL**

**Present-** Councilwoman Bodanza, Councilman DiGangi, Council President Morris, Councilman McIntosh , Mayor Magazzu

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

**Absent-**

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

**A. CHANGE ORDERS AND VOUCHERS**

None

**B. ENGINEER'S REPORT**

**1. N.J.D.O.T FY2011 MUNICIPAL AID APPLICATIONS**  
**(PROJECT NO. E-10-0012)**

***a. IMPROVEMENTS TO EDGEWOOD AVENUE- BOROUGH LINE TO COOPER ROAD***

The N.J.D.O.T. has announced the allotment of \$200,000 for the project. We had requested \$312,000 (\$294,000 for construction, \$18,000 for inspection and contract administration.)

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The estimated cost includes \$44,250 for the construction of concrete curb. I recommend that, if possible, the Public Works Department construct the concrete curb along the Edgewood Avenue Recreation/Public Works Complex frontage.

I recommend that the project be included with the bid package for the improvements to Mt. Vernon Avenue. Therefore, I recommend that the necessary ordinance be adopted to appropriate the funds for the project.

*b. LANDSCAPING AND IRRIGATION AT THE MUNICIPAL BUILDING N.J.D.O.T. CENTERS OF PLACE APPLICATION*

The N.J.D.O.T. has informed Mayor Magazzu that funding was not appropriated for the project. The N.J.D.O.T. noted that 53 applications were submitted to the N.J.D.O.T. for Centers of Place Funding, totaling \$23.1 Million. There is only \$1.076 Million available through the program.

2. CONSTRUCTION OF POROUS CONCRETE SIDEWALK ALONG N.J.S.H. ROUTE 73 NORTHBOUND- JACKSON ROAD TO EDGEWOOD AVENUE (N.J.D.O.T. FY 2008 AND 2009 FUNDING - \$320,000) (PROJECT NO. E-10-0004)

We will be scheduling a second Pre-construction Meeting in March.

We must obtain a Consent to Enter form from two property owners, Stellato Brothers and Liberto, and final approval from the N.J. Pinelands Commission.

From my preliminary investigation, it appears that any sanitary sewer system will be constructed within the grass strip. It may be necessary to bore under the street for lateral connection(s).

3. RESURFACING OF MT. VERNON AVENUE – FRANKLIN AVENUE TO MINCK AVENUE (N.J.D.O.T. FY2010 MUNICIPAL AID FUNDING- \$180,000) (PROJECT NO. E-10-0002)

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I expect to commence with the surveying work, within the next few weeks. Once this fieldwork has been completed, we will commence with the design and preparation of the construction documents.

The bid documents will include the street improvements to Edgewood Avenue and the construction of the built-up bituminous driveway at 136 and 138 Veterans Avenue.

I recommend that the Governing Body consider initiating the process to appropriate the necessary funding for the project.

4. MICRO-RESURFACING OF HILL AVENUE (C.B.D.G. YEAR 32 CDBG FUNDING - \$30,257.00)

We have completed the fieldwork. As we were performing the fieldwork, several residents informed us of several problems with the storm drainage. As a result of their comments, we performed an inspection of the storm drainage pipes and have determined that sections of the storm pipes must be repaired and replaced.

Residents along Fairview Avenue, near and across from Hill Avenue, have pointed out some runoff and ponding problems along the street. I recommend that the corrective work along Fairview Avenue be included with the Hill Avenue project.

Due to the increased scope of anticipated improvements, I recommend that the 33 CDBG funds, also, be utilized for Hill Avenue and Fairview Avenue. I will prepare a cost estimate for the revised scope of construction. I believe that it is still, possible, to perform the work, prior to the funds being available, and reimbursed after the funds become available. Therefore, I recommend that the Governing Body consider initiating the process for the appropriation of funding for the project.

5. C.D.B.G. YEAR 33 2011-2012 FUNDING (\$33,255)

I have recommended that these funds be combined with Year 32 funds for Hill Avenue. The resolution must be passed at the Council

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Meeting on March 9, 2011 and sent to the County CDBG Program, with the Project Description Form, by March 21, 2011.

I will be preparing a revised construction cost estimate, based upon my observations of the current conditions of the pavement and storm drainage system.

### **6. LESTER AVENUE STORM DRAINAGE AND STORMWATER MANAGEMENT SYSTEMS**

I have received a message from the representative from Public Service and Gas Company. He has requested that detailed plans for the proposed storm drainage crossing and easement be submitted to their office for their consideration. I had, previously submitted a marked aerial photograph, depicting the general location of the proposed storm drainage pipe, which would cross their property.

### **7. HADDON AVENUE STREESCAPE, PHASE 1 AND 3 (FEDERAL AND STATE AID - \$677,000)**

As mentioned in my report for last month, I have informed Key Engineers to perform the necessary work to bring the project to the bid stage.

I have requested a meeting with the N.J.D.O.T Local Aid Office and Key Engineers to discuss the necessary course of action to bring the project to the bidding phase. Once I meet with the N.J.D.O.T, I will provide an update to the Governing Body.

### **8. ENERGY SAVING IMPROVEMENTS AT THE PUBLIC WORKS BUILDINGS – ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM**

I have been working with the authorized Direct Install contractor, Hutchinson Mechanical Services, for the submission of all necessary documents to the State. Hutchinson will be submitting the documents before the deadline date of February 25, 2011.

The application is for \$50,773.45 for the replacement of the existing interior lights and garage heating units with energy efficient units

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and programmable thermostats. All costs, except approximately \$309, is covered by the Federal and State grants.

The authorized contractor is paid, directly by the State, except for the \$309 +/-, which the Township is responsible for. The Township will also be responsible for any work, outside the scope of the funding, which may be necessary by the governing Code.

9. CAPITAL IMPROVEMENTS PROGRAM

The current winter weather has greatly affected the structural integrity of the roadway pavement and the underlying base course, resulting in failed pavement and potholes. There are also other improvements, which are needed throughout the Township. Therefore, I recommend that the Governing Body re-implement the long term capital improvements program to address various street and building improvements, vehicle and equipment purchases, etc. I will prepare a list of recommended projects for consideration by the Governing Body.

10. DRAINAGE ISSUES WITHIN THE SOUTHWEST PORTION OF THE TOWNSHIP

We will be meeting with the County Public Works Director and new County Engineer to discuss that matter and avenues for possible assistance to address the matter. I will report to the Governing Body, after this meeting.

11. BATE AVENUE PLAYGROUND AND FORMER MUNICIPAL BUILDING SITE (PROJECT NO. E-10-0014)

*a. PLAYGROUND*

The Public Works Department has removed the playground equipment. The park benches have not been removed. We will prepare a design for the proposed passive park and prepare a cost estimate for the respective improvements.

*b. TRANSFER OF PROPERTY FROM THE BOARD OF EDUCATION*

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Initially, I had anticipated that we would utilize experienced land surveying staff from the Cherry Hill Public Work Departments to perform the surveying work. At this time, I intend to use Berlin Township employees to try to perform the work.

I must, still, complete the preliminary site investigation.

**12. LIBRARY ADJACENT PLAYGROUND SITE**

I recommend that, if the Governing Body is considering the sale of the property, a determination be made if the library or the library playground property are to be sold. If, just, the library portion is to be sold, it will be necessary to re-divide the properties to incorporate the entire parking area within the proposed library parcel.

If the parcels are to be sold together, we will need to determine if the playground has been encumbered under the N.J.D.E.P. Green Acres Program.

**13. MUNICIPAL BUILDING**

*a. CONTRACT WITH MJJ CONSTRUCTION*

The roofing sub-contractor was scheduled to perform the corrective work, to address the areas of roof leaks, during the week of February 21, 2011. The work has been delayed until the weather is suitable to perform the work.

*b. POSSIBLE SEPARATION OF THE ELECTRONIC DOOR ACCESS AND SURVEILLANCE SYSTEMS*

We are meeting with a contractor on March 8, 2011, to discuss the matter and obtain a proposal for the necessary work.

*c. TELEPHONE COMMUNICATIONS AND CAMERA SYSTEMS*

A meeting was held with RFP Solutions to discuss the corrective work and possible additional work. RFP Solutions

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expected to complete the work on February 25, 2011. They will be submitting a proposal for the additional work.

*d. LANDSCAPING AND IRRIGATION SYSTEMS*

I must submit the requests to landscapers, landscape materials suppliers and irrigation contractors for their contribution of materials and services.

It is my understanding that an Eagle Scout may be performing the landscape design and some installation, as part of his Eagle Scout project.

*e. MONUMENT SIGN ALONG ROUTE 73*

I must solicit for quotes for the request for quotes for the installation of the sign.

It is my intent to still have the Public Works Department construct the architectural block base.

*f. SCHOOL BELL*

The school bell is being stored at the Public Works Complex; I believe that the intent is to construct an attractive base for placement in the Municipal Lobby.

14. REDISIGNATION OF PINELANDS ZONING AND EXTENSION OF SANITARY SEWER TO EDGEWOOD AVENUE AND ALLIED PARKWAY

I have been discussing various zoning issues with the Pinelands Commission staff. They have accepted the zoning designation, which the Township felt, always existed.

I have, recently, requested their consideration for another zoning change along E. Collings Avenue, as a result of the other zoning changes. They have requested that I discuss the possible zone change with the property owners.

As directed by the Pinelands Commission staff, due to the time that it is taking to resolve the zoning matters with them, I have requested an extension of time, from the Commission for their formal action for the zoning changes.

**15. CAMDEN COUNTY OPEN SPACE AND RECREATION  
ENHANCEMENT PROGRAM**

The County is accepting applications for the next round of funding. The Township, currently, has a \$25,000 grant, through the program, for an amphitheater at the Luke Avenue Recreation Complex. I recommend that the Governing Body determine if you would like to apply for additional funds for another project. I recommend that action be taken, with the passing an authorizing resolution, in March 2011.

**16. LEGISLATIVE PLANNING MATTERS**

*a. TIME OF APPLICATION RULE*

N.J.S.A. 40:55D-10.5 becomes effective on May 5, 2011. The legislation requires that applications for developments will be reviewed and decided “under those development regulations which are in effect on the date of submission” of the application. The Township will be barred from applying ordinance amendments to a proposed project that is adopted after the submission of the application, except for those relating to public health and safety.

*b. EXTENSION OF TIME PERIOD TO RE-EXAMINE THE  
MASTER PLAN*

A3272/S2433 were passed, by both Houses, on February 17, 2011 and are waiting for the Governor to sign it into law. The legislation will allow municipalities to re-examine their Master Plan, no longer than ten years, rather than the current required six year period.

The legislation also allowed municipalities, which have been determined by the State Planning Commission to be built-out and no significant changes in development or other measurable characteristics of the municipality have changed since the last Planning Board re-examination report to be exempt from re-examining their Master Plan. The State Planning Commission must adopt rules and regulations concerning the determination of a built-out municipality. A municipality may request a determination from the State

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Planning Commission. The Commission must make the determination and respond to the Municipal Planning Board. The municipality may adopt a resolution of waiver of re-examination and the respective report if the Commission determines that it is built-out and there are no significant changes in development or characteristics of the municipality. The Municipal Clerk must report the adopted resolution of the waiver of the master plan re-examination to the County Planning Board and adjacent municipalities.

**C. PUBLIC WORKS DEPARTMENT**

1. TREE REMOVAL ON TOWNSHIP LANDS BEHIND 307 AND 309 CENTAURIAN DRIVE

This matter was discussed at a previous Council Meeting. I will authorize the work to the lowest quoter, Scpio's Tree Service of Berlin, N.J. to perform the work.

**D. SHARED SERVICES**

1. ENGINEERING SERVICES WITH SOMERDALE BOROUGH

I have performed a review of a Planning Board Application

The Governing Body is, also, discussing the authorization of engineering work for several construction projects.

2. WINSLOW TOWNSHIP CONFLICT PLANNING BOARD ENGINEER

I have submitted a copy of the letter, listing my comments, which I had submitted to the Governing Body, to the Winslow Township Conflict Solicitor.

3. POSSIBLE SHARED SERVICES WITH CHERRY HILL TOWNSHIP

I have not received any further interest from Cherry Hill Township to share any services.

4. CAMDEN COUNTY CO-OP

No update to report.

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**SOLICITOR'S REPORT**

1. Water Agreement with Berlin Borough
2. New Municipal Building
3. Berlin Township ADS. David Carp
4. Berlin Twp.ADS. Yimei Edmiston Feng Lian Jiang
5. C & M Repair Environmental
6. Bate Avenue Property Former Municipal Site
7. Oddmund Angel, Block 200, Lot 1
8. Berlin Twp.ADS. Linda Fabrico
9. Berlin Twp.ADS. Joel Sussman
10. Clarification of Lateral Utility Lines
11. Police Operating Procedures
12. Township Civilian Organization Chart
13. Mustafa A. Muhammad v. Berlin Twp. Police Department
14. Maintenance Surety Bond Filomena
15. Fines and Penalties Ordinance

**POLICE DEPARTMENT**

Chief of Police Joe Jackson talked about the traffic issue that was brought up from last meeting concerning the speeding on Minick Avenue. The Chief stated that a sign was put on the road and from speaking with residents who live on Minick Avenue, they have seen a difference with the speeding. The department has issued since last meeting 17 tickets for speeding 12 tickets from out of town and 7 tickets from in town. The department will continue to patrol for speeding. Chief stated that the department has received a grant for the Click-it or Ticket for seat belts.

**MAINTENANCE DEPARTMENT**

Joshua Shellenberger, Maintenance Officers commented that he has received a number of complaints with fences down and two large trees that had fallen over. Both trees were taken care of promptly by the homeowners. Most of the fences have been repaired. Joshua stated that he had sent out a letter to the owner of a foreclosed home because it has not been maintained for several months. The property has overgrown weeds and trash throughout the property. All the signs have been taken down.

**ORDINANCE 2011-5 AN ORDINANCE AMENDING CHAPTER 125-14.1 SEC. A OF THE TOWNSHIP OF BERLIN " SEWER CONNECTION FEE**

Motion by Councilman DiGangi, second by Council President Morris to adopt Ordinance 2011-5 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

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

Motion by Councilman DiGangi, second by Council President Morris to adopt Ordinance 2011-6 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

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

Motion by Councilman DiGangi, second by Council President Morris to adopt Ordinance 2011-7 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-88 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948)**

**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 NJDOT Fiscal Year 2011 Municipal Aid Program Grant for Improvements to Edgewood Avenue from the New Jersey Department of Transportation for \$200,000.00;

**BE IT FURTHER RESOLVED** that a like sum of \$200,000.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"  
NJDOT FY 2011 Municipal Aid Program  
Grant for Improvements to Edgewood Avenue                      \$200,000.00

**BE IT FURTHER RESOLVED** that the Township Clerk forward two certified copies of this resolution to the Director of the Division of Local Government Services for approval.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-88. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-89 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR**

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**MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948)**

**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 Year 33 Community Development Block Grant from the County of Camden for \$33,255.00;

**BE IT FURTHER RESOLVED** that a like sum of \$33,255.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Community Development Block Grant	\$33,255.00

**BE IT FURTHER RESOLVED** that the Township Clerk forward two certified copies of this resolution to the Director of the Division of Local Government Services for approval.

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2011-89. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011-90 AMENDING RESOLUTION 2011-75 REQUEST FOR REDUCTION OF PERFORMANCE BOND FOR GOLDEN CORRAL, BLOCK 903, LOT 10.01**

**WHEREAS**, Route 73 Reality,LLC,175 has requested a bond reduction on behalf of Golden Coral, Block 903, and

**WHEREAS**, the Engineer has recommended that the Township grant the following bond reduction:

**Bond No. A0236-005**

**Bond Amount \$ 1,125,765.60 reduced to \$ 418,624.80**

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the above Performance Bond for Route 73 Reality LLC, be reduced as stated above.

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Motion by Councilman McIntosh , second by Council President Morris to adopt Resolution 2011-90. Resolution adopted by call of the roll, four members present voting in the affirmative, one abstained.

### **CONSENT AGENDA**

Motion by Council President Morris, second by Councilwoman Bodanza to receive and file the monthly reports on the consent agenda. Motion carried by voice vote, all present voting in the affirmative.

### **APPROVAL OF MEETING MINUTES FROM MARCH 7, 2011**

Motion by Councilman McIntosh, second by Council President Morris to approve the minutes for February 7, 2011. Motion carried by voice vote, five present voting in the affirmative.

### **APPROVAL OF CORRESPONDENCE CALENDAR FOR FEBRUARY**

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

### **ALL OTHER BUSINESS**

#### **Ricks Auto Body Appeal**

Stuart Platt stated at last meeting Ricks Auto body had submitted additional information on his appeal and that Sgt. Silvestro would further investigate and come back with his findings at tonight meeting.

Chief Jackson stated that he has spoken with Sgt. Silvestro and that he is unable to attend the meeting due to night shift work, but Sgt. Silvestro has reported that his decision stands because, Ricks Auto Body did meet the criteria with number of vehicles and the time issue on arriving to a scene. Chief recommends to deny the appeal and to have the towing companies stand as is.

Stuart Platt stated that Ricks Auto body was given notice, on the record from last meeting to attend tonight meeting. Rick is not here tonight, so it is up to the governing body to decide if they want to take action tonight or give Ricks Auto Body another opportunity.

Mayor Magazzu commented to the Chief of Police that the department has already had incidents.

Chief Jackson responded yes that the officers have reported to him throughout the course of the year and that he has seen himself the issue of one towing vehicle and the time delay that occurs.

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Mayor Magazzu asked Councils for opinion.

Council members agreed to follow the recommendation of Police Chief, Joseph Jackson.

**RESOLUTION 2011-91 DENYING APPEAL OF RICKS AUTO BODY REGARDING TOWING SERVICES.**

**WHEREAS**, Ricks Auto Body had submitted an application to the Berlin Township Police Department for Towing Services for the Year 2011 which had a clerical error on the application; and

**WHEREAS** Ricks Auto Body had submitted additional information due to the clerical error and asked the Berlin Township Police Department to reevaluate the application and reconsider reinstating Ricks Auto Body; and

**WHEREAS** the Berlin Township Police Department investigated the new information and recommended that the Towing Companies remain the same and deny Ricks Auto Body appeal; and

**WHEREAS**, Ricks Auto Body was given notice of tonight meeting, but was not present.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the appeal of Ricks Auto Body for towing services for the year 2011 be denied

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-91. Resolution adopted by call of the roll, five members present voting in the affirmative.

**Fourth of July Celebration**

Councilman DiGangi suggested that Berlin Township and Berlin Borough Mayors get together and discuss the events that are going to happen on the Fourth of July this year. This way they can work out what events and let the celebration committee know along with budgetary expense.

**PUBLIC PORTION**

Motion by Council President Morris, second by Councilman DiGangi to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public.

Jim Larsen, Minick Avenue thanked the Mayor and Council and the Police Department for the effort made on his street in dealing with the speeding vehicles. The progress made is awesome, what a difference, thank you. Mr. Larsen asked if they could do a maintenance program with the sign to keep the traffic controlled.

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

**RESOLUTION 2011-92 RESOLUTION TO GO INTO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS OF THE TOWNSHIP OF BERLIN**

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the Mayor and Council are now going into closed session to discuss legal matters of the Township regarding MJJ Construction LLC.

Motion by Council President Morris, second by Councilman DiGangi to adopt Resolution 2011-92. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2011- 93 OF THE TOWNSHIP OF BERLIN RATIFYING SETTLEMENT WITH MJJ CONSTRUCTION, LLC**

**WHEREAS**, MJJ Construction, LLC ("MJJ") was awarded the general contract to construct the new municipal building on behalf of the Township of Berlin ("Township"); and

**WHEREAS**, following the completion of the municipal building, a dispute arose between the parties as to the responsibility for certain utility charges incurred during the course of construction which totaled \$21,607.46 which said amount was retained by the Township; and

**WHEREAS**, Verizon Communications has issued a Notice of Damages for \$5,739.95 with regard to a conduit that was apparently damaged on or about January 10, 2010; and

**WHEREAS**, pursuant to the agreement between MJJ and the Township, these disputed claims were submitted for mediation through the American Arbitration Association; and

**WHEREAS**, a mediation occurred on March 11, 2011 before a mediator and representatives of MJJ and the Township, where as a result of the mediation, the parties agreed that MJJ would receive 50% of the disputed claim of \$21,607.46 or \$10,803.73 from the Township and submit the Verizon Communications damages claim to MJJ's insurance company in exchange for a release in favor of the Township; and

**WHEREAS**, the Township Solicitor and Engineer have recommended the settlement to the Governing Body; and

**WHEREAS**, the Governing Body is of the opinion that the settlement is in the best interests of the Township;

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Berlin for the reasons set forth above that the settlement of all claims asserted by MJJ under the terms set forth above is hereby approved and ratified; and

**BE IT FURTHER RESOLVED** that the Mayor of Berlin Township and/or Township Solicitor is hereby authorized to implement this Resolution and execute any documents necessary in connection therewith; and

**BE IT FURTHER RESOLVED** that upon receipt of the signed Settlement Agreement with MJJ the Township is authorized to make a payment of \$10,803.73 to MJJ.

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2011-93. Resolution adopted by call of the roll, five members present voting in the affirmative.

**ADJOURN**

Motion by Council President Morris, second by Council President McIntosh to adjourn the meeting at 5:32 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 5:32 pm

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Catherine Underwood, Township Clerk