

MARCH 7, 2011

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL MARCH 7, 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 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 arrived 5:08
Council President Morris, Mayor Magazzu, Councilman McIntosh arrived 5:20

Also Present- Stuart Platt, Solicitor, Chuck Riebel, Engineer/ Director Public Works, Joseph Jackson, Chief of Police

Absent- Lori Campisano, CFO

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

MARCH 7, 2011

construction, \$18,000 for inspection and contract administration.)

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).

MARCH 7, 2011

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)

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)

MARCH 7, 2011

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

MARCH 7, 2011

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

MARCH 7, 2011

b. TRANSFER OF PROPERTY FROM THE BOARD OF EDUCATION

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

MARCH 7, 2011

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

MARCH 7, 2011

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

MARCH 7, 2011

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 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, Scopio'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

MARCH 7, 2011

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

4. CAMDEN COUNTY CO-OP

No update to report.

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. Police Collective Bargaining Agreement
14. Mustafa A. Muhammad v. Berlin Twp. Police Department
15. Tax Appeal –Mini U Storage Berlin LTD Part V. Township of Berlin
16. Maintenance Surety Bond Filomena

POLICE DEPARTMENT

Chief of Police Joseph Jackson said that the nixle program is complete and ready to go. This is a great way to get information out and to communicate with residents. All the residents need to do is register which is very easy to do.

Chief also stated that we are still deal with home burglaries and asked Mayor and Council to please look into the police vehicles.

MAINTENANCE DEPARTMENT

As you know my responsibility is the cleaning and maintenance of the town hall, public works building, library and the senior hall. I understand with problems with the budget due to economy, I have been asked to take over the responsibility of property maintenance and board of health. I have taken down over 100 signs and have been dealing with a number of properties with maintenance issues on Oak Avenue, Cross Keys Road and Abbott Avenue. All unlicensed dogs and cat notices have been mailed out.

MARCH 7, 2011

Proclamation For National Poison Prevention Week

WHEREAS, Congress designated the third full week in March to be National Poison Prevention Week in 1961 and since then this week has helped to raise national awareness of the dangers of potentially poisonous medicines, household chemicals, and other substances; and

WHEREAS, each year, more than 2 million potential poisonings are reported to the Nation's Poison Centers; and

WHEREAS, unintentional poisoning is the 2nd leading cause of unintentional injury death nationally; and

WHEREAS, approximately half of all unintentional poisonings occurring each year happen to children under six (6) years of age; and

WHEREAS, approximately 90 percent of poisonings occur in people's homes; and

WHEREAS, the New Jersey Poison Information and Education System (NJPIES), a division of the Department of Preventive Medicine and Community Health/NJ Medical School of the University of Medicine and Dentistry of New Jersey (UMDNJ) is celebrating its 28th year of service to New Jersey residents; and

WHEREAS, NJPIES provides free poison consultation, drug information, and poison prevention education to NJ residents through the 1-800-222-1222 Poison Help Hotline; and

WHEREAS, NJPIES' services are free and confidential and are available 24 hours a day, 7 days a week, 365 days a year; and

WHEREAS, keeping the Poison Control Center phone number (800-222-1222) nearby or stored in home, office, and cell phones can help save lives in times of emergency; and

WHEREAS, consumers and healthcare professionals need and desire a source of information for their questions regarding the use of prescriptive and non-prescriptive medications; and

WHEREAS, child-resistant packaging has been successful in reducing unintentional poisoning. "Child-resistant" is not "childproof", therefore, it is important to keep potential poisons locked up and out of reach of children; and

WHEREAS, year-round educational programs conducted by poison center staff ensures NJPIES' commitment to reducing unintentional poisonings in New Jersey; and

WHEREAS, every poisoning is preventable

MARCH 7, 2011

WHEREAS, all NJ residents must be educated about the dangers posed by potentially poisonous household products and other toxic substances because these products when not used as intended or directed, may be dangerous or fatal; and

WHEREAS, NJPIES is involved with the state's efforts at homeland defense, counter-terrorism, bio surveillance, and surveillance for clusters of poisonings; and

WHEREAS, the use of poison center services is estimated to save at least \$7 for every \$1 invested in these services; and

WHEREAS, NJPIES encourages the public to use the resources of the Poison Control Center for emergencies, drug information, poison information questions, and public education services by calling the Poison Help Hotline at 1-800-222-1222; and

WHEREAS, educating the public about the Poison Control Center's services can help save lives.

NOW, THEREFORE, I, Phyllis Magazzu, Mayor of Berlin Township, do hereby proclaim the week of March 20-26, 2011 as National Poison Prevention Week in New Jersey and encourage all citizens to pledge their commitment to ensuring the safety of themselves, their families, and their community

**SECOND READING AND PUBLIC HEARING AN ORDINANCE 2011-3
ESTABLISHING A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM**

WHEREAS, by P.L. 2007, Chapter 348 (the "Act"), the Legislature of the State of New Jersey has determined that the installation of a traffic control signal monitoring system by municipalities complementing local law enforcement could serve as an effective tool in encouraging drivers to observe and obey traffic control devices at intersections, thereby increasing traffic flow and pedestrian safety; and

WHEREAS, the Township of Berlin is desirous of installing traffic control signal monitoring systems at the intersections of State Highway Route 73 and Franklin Avenue and State Highway Route 73 and Prospect Avenue within the Township of Berlin; and

WHEREAS, the Township of Berlin has determined that adoption of the Ordinance is in the best interests of the health, safety and welfare of the Township and its residents.

NOW, THEREFORE, be it ordained by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey as follows:

Section 1. **Installation.**

(a) The Township of Berlin hereby determines to install and utilize a traffic control signal monitoring system ("System") at the intersections of State Highway Route 73 and Franklin Avenue and State Highway Route 73 and Prospect Avenue within the Township of Berlin as approved by the Commissioner of Transportation pursuant to the Act.

MARCH 7, 2011

(b) The System to be installed shall be approved by the Governing Body by resolution.

(c) The Township of Berlin shall have the authority to enter into a contract, following a lawful procurement process, for the installation of the System. Any contract that shall contain provisions contrary to the Act shall not be deemed invalid but rather reformed to conform to the Act.

(d) The signs notifying drivers that a System is being utilized shall be approved by the municipal engineer, and shall be placed on each street converging into the affected intersection as required by the Act.

(e) The Municipal Engineer shall inspect and certify the System at least once every six (6) months from the date of its installation.

Section 2. **Issuance of a Summons.**

The Police Department of the Township of Berlin shall review the recorded images produced by the System, to determine whether sufficient evidence exists demonstrating that a traffic control signal violation has occurred and shall issue a Summons within ninety (90) days from the date on which the violation occurred when appropriate which shall be served in accordance with the rules of the Court.

Section 3. **Use of Recorded Images.**

(a) Except as otherwise provided in this section, the recorded images produced by the System shall be available for the exclusive use of the Police Department for the purpose of discharging his or her duties under P.L. 2007, Ch. 384.

(b) Any recorded image or information produced in connection with the System shall not be deemed a public record under N.J.S.A. 47:1A-1 *et seq.*, or common law. The recorded images shall not be: (i) discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, or (ii) offered as evidence in any civil or administrative proceeding not directly related to a traffic control signal violation.

(c) Any recorded image or information collected in connection with a traffic control signal violation shall be purged and not retained after sixty (60) days following the collection of any fine or penalty.

(d) If a summons is not issued within ninety (90) days following the traffic control signal violation, all recorded images and any information collected with respect to the traffic control signal violation shall be removed by the Police Department within three (3) days.

(e) The Township of Berlin shall certify compliance of this Section by filing a report to with the Commissioner of Transportation in accordance with the Act.

Section 4. **Owner's Liability.**

The liability of the Owner and Operator of a motor vehicle for a traffic control signal violation summons pursuant to the System shall be joint subject to provisions of the Act.

Section 5. **Fines.**

Any person liable for a traffic control signal violation, pursuant to the Ordinance and the Act, utilizing the System shall be subject to the following fines:

Violation	\$85
-----------	------

Section 6. **Repealer.**

MARCH 7, 2011

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 7. Severability.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 8. Effective Date.

This Ordinance shall take effect immediately upon passage and publication according to law.

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 for questions or comments on Ordinance 2011-3

No requests were to be heard.

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.

Motion by Councilwoman Bodanza second by Council President Morris to approve Ordinance 2011-3. Ordinance approved by call of the roll, four members present voting in the affirmative.

SECOND READING AND PUBLIC HEARING ORDINANCE 2011- 4 AMENDING ORDINANCE 2011-1 FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY

WHEREAS, the Mayor and Council of the Township of Berlin adopted Ordinance 2011-1 on January 24, 2011 fixing and determining salary ranges for the officers and employees for the calendar year 2011; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Berlin to amend the following salary ranges for the calendar year 2011 as follows:

POSITIONSALARY RANGE.....	
	FROM	TO
Engineering Technician/Zoning Officer	\$ 20.92 per hr.	\$ 22.00 per hr.
Administrative Secretary, Land Use	43,000.00 per yr.	48,000.00 per yr.
Building Custodian/Property Maint/		

MARCH 7, 2011

24	Richards Davies			\$ 9287.05
259	VML Victor Monico 19 Cross Keys Road	101 / 3	\$	31.00
324	Carl Maloney 41 Haddon Avenue	106 / 1	\$	727.50
340	Chen Sunny Inn Motel 500 Route 73	903 / 19 &20	\$	250.00
341	Paul Devivo Minick & Grove Vacant Lot	708 / 4	\$	100.00
230	Dominic Dandrea Cooper Road	2102 /1.01	\$	11.87
222	Rick Harris 1039 Industrial Drive	2303 / 3	\$	1744.50
221	Solid Rock Worship Ctr 411 Commerce Lane	1201 / 13	\$	825.00
220	Frank Flora Chester Ave / Walnut Ave	212 / 9	\$	19.50
226	Berlin Eye Care Dr. Potasky Haddon Ave / Franklin Ave	610 / 2	\$	1374.17
108	STS Tire 596 Route 73	1001 / 6	\$	7368.14

Motion by Council President Morris, second by Councilman McIntosh to adopt Resolution 2011-79. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 80 RESOLUTION REQUESTING THE ISSUANCE OF RAFFLE LICENSES

WHEREAS, the Berlin Township Peace Organization, 225 Grove Avenue, West Berlin New Jersey has requested the issuances of license by the Township of Berlin for;

Easter Bunny Breakfast April 16, 2011

MARCH 7, 2011

On- Premises 50/50 Cash Raffle

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of licenses to the Berlin Township Peace Organization, 225 Grove Avenue, West Berlin New Jersey for the Date of April 16, 2011.

Motion by Council President Morris, second by Councilman DiGangi to adopt Resolution 2011-80. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 81 RESOLUTION REQUESTING THE ISSUANCE OF RAFFLE LICENSES

WHEREAS, the Berlin Township Peace Organization, 225 Grove Avenue, West Berlin New Jersey has requested the issuances of license by the Township of Berlin for;

Fun Fair & Blood Drive May 14, 2011

On- Premises 50/50 Cash Raffle

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of licenses to the Berlin Township Peace Organization, 225 Grove Avenue, West Berlin New Jersey for the Date of May 14, 2011.

Motion by Council President Morris, second by Councilman DiGangi to adopt Resolution 2011-81. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011- 82 APPOINTMENT OF TEMPORARY FIRE SUB-CODE OFFICIAL/FIRE INSPECTOR FOR SIXTY DAYS

WHEREAS, N.J.S.A. 40:69A-122 provides that the Mayor with the advice and consent of the Council, appoint such other officers as may be provided by ordinance; and

WHEREAS, Section 3-3 of the Code of the Township of Berlin provides for a Department of Public Safety, and 3-30 provides for the enforcement of the fire regulations of the Township of Berlin;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, that pursuant to N.J.S.A. 52:27D-126 **RALPH JONES**, is hereby temporary appointed FIRE SUB-CODE OFFICIAL for 60 days effective March 7 2011.

MARCH 7, 2011

Motion by Councilman DiGangi, second by Councilwoman Bodanza to adopt Resolution 2011-82. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-83 RESOLUTION CANCELING REMAINING BALANCE IN CONTRACTS PAYABLE IN THE GENERAL CAPITAL FUND – KEI ASSOCIATES

WHEREAS, there exists contracts payable on the books in the General Capital Fund; and

WHEREAS, the contracts payable have been investigated and it has been determined the following should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the following balances of the contracts payable listed be and are hereby canceled:

Resolution Date	Ordinance Number	Purpose	Vendor	Amount
6/12/09	2009-2	New Municipal KEI Assoc. Building		\$12,251.98

Motion by Councilman DiGangi, second by Council President Morris to adopt Resolution 2011-83. Resolution adopted by call of the roll, five members present voting in the affirmative.

Resolution 2011- 84

Payment of Bills March 7, 2011

WHEREAS, the Code of the Township of Berlin, Chapter 7-1 et seq., provides 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 are hereby approved and the bills be paid.

TO	ACCOUNT		AMOUNT
David F. Carlamere, Esq.	Planning Board Esc # 360	\$	100.00
Robert E. DePersia Esq.	Mun. Public Defender Trust		225.00
	Mun. Public Defender Trust		150.00

CONFIRMING

Various Current Fund Checks (See Scheduled Payment

MARCH 7, 2011

	Report Dated 2/16/11)	\$	27,041.71
Various Sewer Operating Checks	(See Scheduled Payment		
	Report Dated 2/16/11)		3,715.34
America On Line	01-201-20-120-2105		32.90
TD Bank Wealth Management	04-217-55-880-00000		39,700.00
America On Line	01-201-20-120-2105		32.90
Dr. Ruggerio	Dog Trust		300.00
Verizon Communications	01-201-20-120-2105		144.74
America On Line	01-201-20-120-2105		32.90
State of NJ Health Benefits	01-201-23-220-2092		20,756.88
State of NJ Health Benefits	01-201-23-220-2092		50,664.17
Camden County Treasurer	01-208-55-020-3000		898,997.19
	01-209-55-020-3000		45,829.67
	01-208-55-020-3000		60,477.75
Verizon Communications	01-201-20-120-2105		99.99
Treasurer, State of NJ/727 GSPT	12-201-45-920-2105		5,882.81
	12-201-45-930-2105		1,890.09
Treasurer State of NJ	Dog Trust		629.40
American Arbitration Assoc.	04-215-55-861-09021		1,700.00
Berlin Township Board of Ed.	01-207-55-020-3000		713,100.00
Verizon Communications	01-201-20-120-2105		99.99
Verizon Communications	01-201-20-120-2105		140.54
RFP Solutions, Inc.	04-204-55-867-09021		37,706.00
State of NJ Health Benefits	01-201-23-220-2092		20,756.88
State of NJ Health Benefits	01-201-23-220-2092		48,214.41
TD Wealth Management	01-201-45-920-2105		325,000.00
	01-201-45-930-2105		11,791.38
TD Wealth Management	01-201-45-920-2105		130,000.00
	01-201-45-930-2105		49,993.75
Payroll, Current Fund	1/6/2011		66,820.95
Payroll, Sewer Operating Fund	1/6/2011		4,736.18
Payroll, Current Fund	1/13/2011		51,749.21
Payroll, Sewer Operating Fund	1/13/2011		3,112.42
Payroll, Current Fund	1/20/2011		70,435.58
Payroll, Sewer Operating Fund	1/20/2011		3,467.00
Payroll, Current Fund	1/27/2011		70,305.62
Payroll, Sewer Operating Fund	1/27/2011		3,147.19
Payroll, Current Fund	2/3/2011		55,297.23
Payroll, Sewer Operating Fund	2/3/2011		4,030.13
Payroll, Current Fund	2/10/2011		53,779.26
Payroll, Sewer Operating Fund	2/10/2011		3,077.65
Payroll, Current Fund	2/17/2011		54,038.80
Payroll, Sewer Operating Fund	2/17/2011		3,077.65

MARCH 7, 2011

Payroll, Current Fund	2/24/2011	71,688.43
Payroll, Sewer Operating Fund	2/24/2011	3,077.65

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-84. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-85 RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE CDBG YEAR 33 GRANT AGREEMENT

{PRIVATE }

WHEREAS, the Township of Berlin is entitled to Community Development Block Grant funding; and

WHEREAS, the Mayor and Council have chosen to submit an application for Program Year 33 (2011-2012); and

WHEREAS, the grant allocation for 2011-2012 for the Township of Berlin is \$33,255.00 or as amended by the Camden County C.D.B.G.; and

WHEREAS, the Governing Body has agreed to apply for funding for the following activity(ies):

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, that the Mayor is hereby authorized to sign the Project Description Form for Program Year 33 (2011-2012).

Motion by Council President Morris, second by Councilman DiGangi to adopt Resolution 2011-85. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2011-86 RESOLUTION AUTHORIZING MAYOR TO SIGN AGREEMENT WITH ANIMAL WELFARE SOCIETY OF CAMDEN COUNTY

BE IT RESOLVED, that the Mayor and Council of the Township of Berlin hereby authorizes the Mayor to execute an agreement between the Animal Welfare Society and the Township of Berlin.

BE IT FURTHER RESOLVED, that the contract expires on December 31, 2011, and the contract amount is \$544.00 monthly.

MARCH 7, 2011

Motion by Councilman McIntosh, second by Councilman DiGangi to adopt Resolution 2011-86. Resolution adopted by call of the roll, five members present voting in the affirmative.

Mercantile License

- 1) **Quik Pick Food Market LLC, Mohammed Hussin**, 199 Route 73 South, West Berlin. Store and Deli selling snacks, Beverages and Candy.
- 2) **Gold Express, Samuel Attias**, 447 Route 73 North, West Berlin. Buying and selling jewelry and small electronics.
- 3) **Noble Ingredients, Jacques Dahan**, 575 Route 73 North, West Berlin. Distribution and wholesale of gourmet Chocolates.
- 4) **Rite General Merchandise LLC, Xuhui (Jean) Yin**, 424 Commerce Lane, West Berlin. Internet Sales.
- 5) **Universal Windows LLC, Michael Battaglia**, 407 Bloomfield Drive Units 1 &2 West Berlin. In home sales of windows and Office Warehouse.

Business Registration

- 1) **True Salon, Gail Lugo**, 10 Croos Keys Road, Filomena Plaza, Suite 1 West Berlin. Hair and Beauty Salon.

Motion by Councilman DiGangi, second by Councilwoman Bodanza to approve mercantile license and business Registration. License approved by call of the roll, five members present voting in the affirmative.

CONSENT AGENDA FOR FEBRUARY

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

APPROVAL OF CORRESPONDENCE CALENDAR FOR JANUARY

Motion carried by Councilman DiGangi, second by Councilwoman Bodanza to receive and file the correspondence calendar for January 2011. Motion carried by voice vote, all present voting in the affirmative.

APPROVAL OF MEETING MINUTES FROM FEBRUARY 7, 2011

MARCH 7, 2011

Motion by Councilman DiGangi, 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 CLOSED SESSION MEETING MINUTES FROM FEBRUARY 7, 2011

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

RESOLUTION 2011- 87 RESOLUTION AUTHORIZING THE TOWNSHIP OF BERLIN TO CONTRACT WITH TECHNA-PRO ELECTRIC, LLC ON A MONTH TO MONTH BASIS

WHEREAS, the Township of Berlin received a letter on February 25, 2011 from Lucas Electric Company, Inc of 415 Mercer Street, Hightstown NJ, stating that they are no longer able to provide traffic signal maintenance and emergency service to the Township of Berlin; and

WHEREAS, the service contract will be terminated immediately causing a public health, safety and welfare concern; and

WHEREAS, due to this emergent need ,it is necessary to contract on a month to month basis with Techna-Pro Electric, LLC of 100 Pike Road Building B,Mount Laurel NJ to provide traffic signal service and emergency repairs in accordance to the rates set forth in a letter March 4th 2011 from Techna-Pro Electric, LLC; and

WHEREAS, the Mayor and Council of the Township of Berlin authorizes Charles Riebel, Public Works Director the authority to receive quotes for the Traffic Signal Maintenance and Emergency Repair Contract for the Township of Berlin.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, to contract on a month to month basis with Techna-Pro Electric, LLC until a contract be awarded for the traffic signal maintenance and emergency service.

Motion by Councilwoman Bodanza, second by Council President Morris to adopt Resolution 2011-86. Resolution adopted by call of the roll, five members present voting in the affirmative.

ALL OTHER BUSINESS

Ricks Auto Body Appeal

MARCH 7, 2011

Stuart Platt, Solicitor stated that Ricks Auto Body had made an application for the Towing Services with the Township of Berlin. On January 25, 2011 Ricks Auto Body was notified that they did not receive the towing contract because the Berlin Township ordinance requires 2 tow trucks to be available. On January 27, 2011 the Township of Berlin received a letter from Ricks Auto Body asking the Township to reevaluate the decision. Township of Berlin Ordinance 110-8 stated that Ricks Auto Body has the right to appeal.

Rick Molineaux, owner of Ricks Auto Body stated that the clerk had made an error on the application and that nothing has changed with his equipment in the last twenty years of service and asked the Township to please put them back on towing.

Stuart Platt, Solicitor asked how many business location does he have.

Rick Molineaux, replied 2, one in Berlin and one in Medford

Stuart Platt, Solicitor asked where are the trucks housed

Rick Molineaux, replied one truck in Medford and one truck in Berlin. But when we are on Towing for the week they are both housed in Berlin Township.

Rick Molineaux, said that all our paper work is intact and in order and we would appreciate another chance.

Chief of Police, Joe Jackson stated that Sgt. Silvestro is in charge of the Towing and he is on a call and unavailable to make it here tonight. Chief stated that there was an incident where Ricks was called out for an accident on Route 73 with multiple cars and only had one truck to tow. Because they had one truck they would go back and fourth holding up traffic on Route 73 longer. Again Sgt. Silvestro can elaborate a little more on these incidents if you want.

Stuart Platt, Solicitor recommended that Sgt Silvestro investigate further and meet on our next meeting on March 21, 2011.

Rick Molineaux, agreed.

Fourth of July

Mayor Magazzu asked what the Councils feelings were about the fourth of July. Do we want to go ahead with this event in light of the economy and layoffs.

MARCH 7, 2011

Councilman DiGangi replied that Berlin Borough has put a side money for this years fireworks and that we received a lot of grief last year for not having fireworks. Councilman DiGangi also stated that we should look for outside funds instead of the tax payers and that is his recommendation.

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.

Terry Hertzberg, Lucas Avenue asked Chuck Riebel when do you expect a response from the County from the meeting and did they receive the reports.

Chuck Riebel replied that we should hear from them soon within a month and that they did receive the D.O.T reports

Terry asked if they address the topic of our concerns.

Chuck Riebel remarked yes.

Mayor Magazzu comment that they were out there today to look at Walker Ave, County Channels and Berlin Park. She wanted to come after the storm because she knew we were expecting a lot of rain.

Terry Hertzberg said I hope we get a good follow up from them.

Debra Stellar, Thurman Avenue stated that she received her copies of the meeting on the CD's because she is unable to make the meetings at 5 o'clock and remarked that you can hardly hear anybody, the voices are very muffled.

Debra then asked Stuart Platt, Solicitor if he has the answer to how much money we are saving by having the meetings at 5 o'clock.

Stuart Platt replied that we will access the cost after we have completed all the 5 o'clock meetings. So its premature to answer that question at this time.

Debra asked Mayor Magazzu if it is the Solicitor job to answer question directed to the Mayor and Council.

Mayor Magazzu said I don't see a problem yes.

Councilman DiGangi remarked if it requires a legal answer then I see no problem him answering it.

MARCH 7, 2011

Debra asked why the employees have off Easter Monday and Good Friday.

Mayor Magazzu replied they get a certain amount of Holidays off and they pick and choose which ones and those holidays happen to be them.

Debra asked what the escrow accounts were on the agenda.

Chuck Riebel replied that they are project that were done over the years and that is money remaining in the escrow accounts that is going to be returned to the applicants.

Debra asked if the Engineer Technician was a new position.

Mayor replied when we hired Chuck we had included this position because we new he would need someone to help him out.

Jim Larsen, Minick Avenue gave a letter "petition" from neighbors from the area, about the speeding and traffic going down the narrow Minick Avenue. Mr. Larsen also commented about all the trash and noise from surrounding business area and asked that someone please take the time and look at this situation to see if you agree. He stated we want a simply solution here, some three way stop signs so people won't speed down the road or use it to cut through. We the resident have taken the brunt of this shopping center. Mr. Larsen said that he will be back in a month and if Mayor and Council has any better ideas or suggestion they are welcome to anything, let just nip this out now.

Alfred Sciubba, asked Mayor and Council if they could correct the wording on the resolution for there bond reduction for Golden Corral and to ask if they could reduce the amount of the bond, to the maintenance bond amount.

Stuart Platt said that correcting the resolution is not a problem but that they could not reduce the amount of the performance bond any further until the building is completed and all final inspections are done by the Engineer. The Engineer would then recommend the release of the performance bond. Then not until then a maintenance bond would be put in its place.

Phil Cubit asked how many more 5 o'clock meetings are left.

Mayor Magazzu replied just one more. **Meeting will change back to 6:30 starting May 9th, 2011**

Phil Cubit stated that he is a huge fan of fireworks and the grief that happened last year he believes is because they were cancelled so late. Mr. Cubit stated that taking the fireworks out of the general fund is irresponsible in these hard times.

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

ADJOURN

MARCH 7, 2011

Motion by Councilman DiGangi, second by Council President Morris to adjourn the meeting at 6:36 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 6:36 pm

Catherine Underwood, Township Clerk