

OCTOBER 24, 2016

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL OCTOBER 24, 2016 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, Councilman McIntosh, Councilwoman Bodanza (arrived at 5:40 pm), Councilman Epifanio, Council President Morris (arrived at 5:40 pm).

**Also Present-** Solicitor, Stuart Platt Esq, CFO, Lori Campisano, Township Engineer / Public Works Director Chuck Riebel, Chief of Police, Leonard Check

**Absent-** Animal Control/ Property Maintenance, Josh Shellenberger

**Departmental Reports**

**Police Department**

**Department Stats, September, 2016**

Total of 3,426 calls for service to include 186 motor vehicle summons, 34 M.V Accidents, 95 Alarm calls, and 49 medical assist calls. A total of 45 arrests which include 4 narcotics, 1 DWI, and 20 warrant services.

**Police Department:**

During the month of September there were a total of 13 vehicle burglary and theft of items from the vehicles. On 10/07/16 Detective Pumphrey with the assistance from Berlin Boro. Police arrested Michael Sauders for the breakins. Det Pumphrey interviewed Sauders and obtained a full confession.

On 09/08/16 a 1956 Chevy was stolen from the front of 770 Rt. 73 during the overnight hours. The investigation continues into the theft.

Curfew for Halloween 2016. I request that the curfew be set for 9:00pm from Friday, 10/28/2016 til Monday, 10/31/2016. Trick or Treat hours will be from 2:00pm til 8:00pm.

OCTOBER 24, 2016

Training:

Ptl. Edwards attended Fair and Impartial Policing train the trainer training. Ptl. Edwards is scheduled to train the entire police department early 2017. The training will include information on implicit bias, strategies on building trust with our community and bias free policing policies.

Myself, Lt. Siderio, and Lt. McVeigh attended Fair and Impartial policing command staff sessions, A science- based prospective on bias free policing.

Sgt. Bonfiglio and Sgt. Steen attended New Jersey state Chiefs Of Police Association front line supervision class.

Ptl. Edwards and Ptl. Park attended Camden County police Academy rapid Deployment training.

Respectfully,  
Chief Leonard Check

Proclamations

**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

**WHEREAS** the Trick or Treat hours for the Township of Berlin will be from 2:00 pm to 8:00 pm on Halloween, Monday October 31, 2016: 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 28, 2016, till Monday October 31, 2016, 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 Monday October 31, 2016 from 2:00 pm to 8:00 pm to be the official celebration of Halloween.

**NATIONAL BREAST CANCER AWARENESS MONTH**

OCTOBER 24, 2016

**WHEREAS**, Every year, too many Americans are touched by the pain and hardship caused by breast cancer -- a disease that, among women, is not only one of the most common cancers, but also one of the leading causes of cancer-related death; and

**WHEREAS**, during National Breast Cancer Awareness Month, we honor all those who lost their lives to breast cancer, and we recognize the courageous survivors who are still fighting it. For these individuals, and for their loved ones who give their unwavering support during the most trying times, we recommit ourselves to the essential and necessary work of forging a future free from cancer in all its forms; and

**WHEREAS** Hundreds of thousands of Americans will be diagnosed with breast cancer this year, and tens of thousands will lose their battle with this disease. Although both women and men can have breast cancer, women are at higher risk. Women with a family history of breast cancer, or those who are older or obese, are also more likely to be diagnosed with breast cancer. I encourage all women to find out if they are at increased risk and to learn more about recommended screenings by speaking with their health care providers since early detection and treatment can save lives; and

**WHEREAS**, as a way of showing our support, with our new service of the automated trash collection we will show it is time to kick breast cancer to the curb. We chose breast cancer as it's one of the leading types of cancer affecting women. Our pink lids will be displayed proudly across our town, as we stand in solidarity with breast cancer survivors and reaffirm our commitment to raising awareness of this disease and to advancing research efforts. Let us thank the countless advocates, medical professionals, researchers, and caregivers who dedicate their lives to fighting for a world without breast cancer, and together, let us carry out our mission to cure cancer once and for all. A donation will be made to the American Cancer Society from the residents of Berlin Township.

**NOW, THEREFORE, I, PHYLLIS JEFFRIES MAGAZZU**, Mayor of the Township of Berlin, State of New Jersey, do hereby proclaim October 2016 as National Breast Cancer Awareness Month. I encourage all our residents to join in activities that will increase awareness of what Americans can do to prevent breast cancer.

**IN WITNESS WHEREOF**, I have hereunto set my hand this twenty fourth day of October, in the year 2016.

**ORDINANCE 2016-20 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REVISING, AMENDING AND/OR SUPPLEMENTING THE CODE OF THE TOWNSHIP OF BERLIN BY ESTABLISHING AND ADOPTING A NEW CHAPTER 192 ENTITLED, "IMITATION WEAPONS"**

OCTOBER 24, 2016

**WHEREAS**, there has been a recent proliferation across the United States of police encounters involving individuals brandishing imitation weapons; and

**WHEREAS**, there is a general public concern about the safety of persons who either knowingly or unwittingly carry imitation weapons for legitimate or illicit purposes; and

**WHEREAS**, the safety of both the police and of any individual carrying an imitation firearm, whether same is an adult, juvenile or child, is compromised by the ease of access to imitation weapons that too closely resemble the real weapon which the imitation weapons is designed to replicate; and

**WHEREAS**, for the above reasons the Mayor and Township Council of the Township of Berlin find it to be in the best interests of the health, safety and general welfare of the the residents of the Township of Berlin and the police serving same to prohibit the sale of certain replica and/or imitation weapons as further defined herein; and

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

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

**SECTION 1:** The Code of the Township of Berlin is hereby revised, amended and/or supplemented by enacting and adopting a new Chapter 192, entitled "Imitation Weapons," which shall read as follows:

## **CHAPTER 192      IMITATION WEAPONS**

### **§192-1 Definitions**

#### **IMITATION FIREARM**

A facsimile or reproduction of a firearm that is marketed as a children's toy and is substantially similar in appearance, size and shape to a genuine firearm, including any imitation of an original firearm which was manufactured, designed and produced since 1898. An imitation firearm includes but is not limited to toy guns, water guns, replica nonguns and air-soft guns firing nonmetallic projectiles. The term "imitation weapon" does not include any look-alike, non-firing collector replica of an antique firearm developed prior to 1898, or traditional B-B, paint-ball or pellet-firing air guns that expel a projectile through the force of air pressure.

### **§192-2 Prohibited Sales**

OCTOBER 24, 2016

It shall be unlawful for any person to sell or offer to sell or possess, use or attempt to use or give away any imitation firearm which substantially duplicates or can reasonably be perceived to be an actual firearm unless:

- A. The exterior surface of such imitation firearm is a color other than black, blue, silver or aluminum; and
- B. The imitation weapon is marked with a non-removable orange stripe that is at least one inch in width and runs the entire length of the barrel on each side of the barrel; and
- C. The barrel of such imitation firearm, other than the barrel of any such imitation firearm that is a water gun, is closed with the same material of which the imitation firearm is made for a distance of not less than one-half (1/2) inch from the front end of said barrel; and
- D. The imitation firearm has legibly stamped thereon the name of the manufacturer or such trade name, mark or brand by which the manufacturer can be readily identified; and
- E. The imitation firearm does not have attached thereto a laser pointer.

### **§192-3 Exceptions**

The prohibition against the sale of imitation weapons set forth in Section 1 of this Chapter shall not apply to the following:

- A. The sale or disposal of what are known as "firecracker pistols" or such pistols as are used for the explosion of paper caps.
- B. The possession or display of imitation firearms by a manufacturer or dealer solely for the purposes of sales that are accompanied by delivery to a point outside the jurisdictional limits of the Township of Berlin.
- C. Any imitation firearm that will be used solely for or in the production of television programs or theatrical or motion picture presentations; provided, however, that such use of any imitation firearm complies with all applicable laws, regulations or rules concerning request and receipt of waivers authorizing such use.
- D. Non-firing collector replica antique firearms, which look authentic and may be a scale model but are not intended as toys, and which are molded on real firearms manufactured and/or produced prior to 1898.

### **§192-4 Violations and penalties**

Any person who shall willfully violate any provisions of this Chapter shall, upon conviction, be punished by a fine of not more than \$500 of a first offense and not more than \$1,000 for each subsequent offense as same may be determined by the municipal court.

**SECTION 2:** Except as set forth in Section 1 above, the balance of the Code of the Township of Berlin shall not be affected by this Ordinance.

**SECTION 3:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** 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 5:** 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 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 2016-20.

No comments were to be heard.

Motion by Council President Morris, second by Councilwoman Bodanza to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2016-20.

Motion by Councilwoman Bodanza second by Council President Morris to adopt Ordinance 2016-20. Ordinance approved by call of the roll, five members present voting in the affirmative.

**ORDINANCE 2016-21 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, REVISING, AMENDING AND SUPPLEMENTING CHAPTER 87 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ANIMALS"**

**WHEREAS**, Chapter 87 of the Code of the Township of Berlin establishes regulations for the keeping, licensing, maintenance and/or care of domesticated animals and prohibitions against keeping, feeding and/or caring for wild and/or undomesticated animals; and

**WHEREAS**, the Berlin Township Mayor and Council believes it is in the best interests of this municipality to amend Chapter 87 to confirm the Township's policy

OCTOBER 24, 2016

against keeping, feeding and/or caring for wild and/or undomesticated animals to protect the health, safety and welfare of the residents of the Township by preventing such unsafe and unsanitary conditions as commonly arising from the unauthorized feeding and/or caring for wild animals and/or animals that have not been and/or are not domesticated; and

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

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

**SECTION 1:** Chapter 87, Entitled "Animals," Article V, entitled "Wildlife Feeding," Section 38, entitled "Definitions; word usage," is hereby amended, revised and /or supplemented by adding definitions and by deleting the definition of "Wildlife" and replacing same with a new definition thereof as follows:

**AUTHORIZED PERSONS**

Persons employed by a zoo, park, rehabilitation center or environmental education center and who, as a responsibility of such employment, are charged with feeding the wildlife that are kept, held, maintained and/or cared for within such establishment.

**CONFINED WILDLIFE**

Wildlife confined in a zoo, park, rehabilitation center or environmental education center.

**WILDLIFE**

All animals that are neither human nor domesticated, including without limitation stray, wild and/or feral dogs and cats, but not including any animal for which a special animal permit has been issued.

**SECTION 2:** Chapter 87, Entitled "Animals," Article V, entitled "Wildlife Feeding," Section 39, entitled "Prohibited conduct," is hereby deleted and replaced with a new Section 39, entitled "Prohibited conduct," to read as follows:

**§87-39 Prohibited conduct.**

It shall be unlawful for any person to feed any wildlife on any property situated within the Township of Berlin, except that authorized persons are not prohibited from feeding any confined wildlife as such term is defined in this Article.

**SECTION 3:** Except as set forth in Sections 1-2 above, the balance of Chapter 87 shall not be affected by this Ordinance.

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

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

**SECTION 6:** This ordinance shall become effective 90 days after passage.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Ordinance 2016-21 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**ORDINANCE 2016-22 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING, REVISING, AND/OR SUPPLEMENTING CHAPTER 93 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "BACKGROUND CHECKS"**

**WHEREAS**, the Township of Berlin ("Township") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, the Governing Body has determined it necessary for the health, safety and welfare of the residents of the Township of Berlin to amend, revise and/or supplement Chapter 93 of the Township Code entitled "Background Checks"; and

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

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

**SECTION 1:** Chapter 93, entitled "Background Checks," entitled is hereby amended, revised and/or supplemented by adding a new Section 93-5.1, entitled "Appeal Procedure," which shall read as follows:

**§93-5.1. Appeal Procedure.**

- A. Any individual whose criminal history background check disqualifies that individual from volunteering and participating, may appeal his or her disqualification as follows:



- (1) An individual may challenge the accuracy of the criminal history record;
  - (2) A person may claim to be rehabilitated to the extent that it should permit qualification.
  - (3) No individual may appeal a disqualification on the grounds of rehabilitation, if the individual has been disqualified because that individual has been convicted, adjudicated delinquent or acquitted by reason of insanity of the offenses enumerated in Section 93-5B of this Chapter.
- B. A challenge to the accuracy of the report shall be filed with the Berlin Township Chief of Police, who shall investigate the challenge with the New Jersey State Police.
- C. An appeal based on rehabilitation shall be made to an Appeals Board which shall consist of the Director of Parks and Recreation, the Director of Public Safety and the Berlin Township Chief of Police. Any such appeal must be made within thirty (30) days of receipt of the notice of disqualification and filed in writing with the Berlin Township Chief of Police in an envelope marked confidential.
- D. In determining whether a person has affirmatively demonstrated rehabilitation, the Appeals Board shall consider the following factors:
- (1) The nature and responsibility of the position which the individual would hold if approved.
  - (2) The nature and responsibility of any previous similar positions held related to youth activities and youth sports activities.
  - (3) The nature and seriousness of the offense.
  - (4) The circumstances under which the offense occurred.
  - (5) The date of the offense.
  - (6) The age of the person when the offense was committed.
  - (7) Whether the offense was an isolated or repeated incident.
  - (8) Any other evidence considered relative concerning rehabilitation including community service or the recommendation of those who have had the individual under their supervision or who have a work or community history with the individual.
- E. If the Appeals Board determines that the disqualified individual has been successfully rehabilitated, it shall enter that individual's name on the list of qualified individuals maintained by the Berlin Township Police Department.

If the Appeals Board denies the appeal, it shall advise the individual in writing. All appeals and information relating to an appeal shall remain confidential.

**SECTION 2:** Section 93-5 of the Code of the Township of Berlin, entitled "Disqualification; noncompliance," is hereby amended and revised to provide as follows:

§93-5 (A) [NO CHANGE]

§93-5 (B) In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety and welfare of children, said person shall not be qualified to participate in any capacity in any function for persons under the age of 18 years held at any Township-owned facilities. Such offenses shall include, but not be limited to:

(1) In New Jersey, any crime or disorderly persons offense:

(a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq. or N.J.S.A. 2C:15-1 et seq.;

(b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq.;

(c) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

(d) Involving any controlled dangerous substance or controlled dangerous substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes.

(2) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Subsection B(1) of this section.

§93-5 (C) [NO CHANGE]

§93-5 (D) [NO CHANGE]

**SECTION 3:** Except as set forth in Sections 1 and 2 above, the balance of Chapter 93 shall not be affected by this Ordinance.

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

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

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

OCTOBER 24, 2016

Motion by Council President Morris, second by Councilman McIntosh to adopt Ordinance 2016-22 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**FIRST READING ORDINANCE 2016-23 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 280 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "SOLID WASTE"**

Motion by Councilman Epifanio, second by Council President Morris to adopt Ordinance 2016-23 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**ORDINANCE 2016-24 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING, REVISING, AND/OR SUPPLEMENTING CHAPTER 249 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "PROPERTY MAINTENANCE"**

**WHEREAS**, Chapter 249 of the Code of the Township of Berlin, entitled "Property Maintenance," regulates, in pertinent part, the maintenance of private property within the Township of Berlin; and

**WHEREAS**, the regulations regarding maintenance of brush, grass and/or weed and prohibiting the overgrowth of same on private property have been established in Chapter 280, entitled "Solid Waste" which regulates the timing and method of collection of solid waste within the Township; and

**WHEREAS**, brush, grass and weed maintenance is unrelated to the collection of solid waste but instead is more appropriately an issue of property maintenance; and

**WHEREAS**, simultaneously herewith, Chapter 280 is being repealed and replaced in its entirety as a result of which it has been determined that the provisions relating to brush, grass and weeds should be relocated to Chapter 249 which governs, generally, property maintenance; and

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

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

**SECTION 1:** Chapter 249, entitled "Property Maintenance," entitled is hereby amended, revised and/or supplemented by adding a new Article III, entitled "Brush,

Grass and Weeds" as follows, and by renumbering current Articles III and IV to new Articles IV and V, respectively, as more fully set forth herein:

**Article III: Brush, Grass and Weeds**

**§ 249-7 Purpose; Enforcement.**

The purpose of this Article is to regulate the accumulation of brush, grass and/or weeds on private property within the Township of Berlin. The enforcement, violations and penalties contained in this Article III shall apply only to any action taken by the Township to enforce the provisions of this Article. In the event of any conflict between the enforcement, violations and/or penalty provisions of this Article III and the provisions set forth in Article V of this Chapter, the enforcement provisions of this Article shall control.

**§ 249-8 Prohibited Accumulations.**

It shall be unlawful for an owner or tenant of lands lying within the limits of the Township of Berlin to allow to accumulate on said lands brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris. The presence of grass over 10 inches high shall also be construed to constitute a violation.

**§ 249-9 Notice to Remove; Exception; Service.**

- A. Whenever dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris have been allowed to accumulate on lands lying within the limits of the Township of Berlin, and the Fire Marshal, Chief of the Police Department, Health Officer, or Property Maintenance Officer shall deem it necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, to remove or destroy the same, Fire Marshal, Chief of the Police Department, Health Officer or Property Maintenance Officer shall give the owner or tenant of any such lands 10 days written notice to remove or destroy the same.
- B. In the event there exists on the property grass in excess of 10 inches high, or in the event of the existence of brush or weeds, including ragweed, which, in the opinion of the Fire Marshal, Chief of the Police Department, Health Officer, or Property Maintenance Officer, it is necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, to remove or destroy the same, no prior notice shall be provided and the Fire Marshal, Chief of the Police Department, Health Officer, or Property Maintenance Officer shall immediately issue a citation for violation of this article.
- C. The notice required to be given hereunder shall be delivered as follows:

- (1) In the event that such lands shall be occupied by either the owner or tenant, written notice shall be given to such owner or tenant personally or by leaving such notice on the premises with a member of the owner's or tenant's family above the age of 14 years.
- (2) In the event that such lands shall not be occupied, written notice shall be sent to the assessed owner of said land at his last-known residence as shown in the office of the Collector of Taxes of the Township of Berlin, by registered mail, with postage prepaid thereon.

**§ 249-10 Citation; Township Right to Remove**

- A. In the event that such owner or tenant shall refuse or neglect to remove or destroy the debris within the time limited by such notice as provided under §249-9, then the Fire Marshal, Chief of the Police Department, Health Officer or Property Maintenance Officer shall issue a citation for violation of this article; provided, however, that for each subsequent violation of this article by an owner or tenant within the same calendar year, for the same property, the owner or tenant shall not receive notice pursuant to §249-9, and a citation shall be immediately issued for said violation.
- B. The Fire Marshal, Chief of the Police Department, Health Officer or Property Maintenance Officer may also, either in lieu of or in combination with the issuance of a citation, and within their sole discretion, remove or cause to be removed or destroyed under his or her discretion all such accumulations as hereinbefore set forth.

**§249-11 Costs of Removal a Lien**

- A. In the event that such owner or tenant shall refuse or neglect to remove or destroy any such accumulations as hereinbefore set forth, and it shall be necessary for the Fire Marshal, Chief of the Police Department or Health Officer to remove or destroy or cause such removal or destruction, the officer shall certify the cost thereof to the Mayor and Council of Berlin.
- B. Upon such certification to the Mayor and Council of the cost of removal or destruction as hereinbefore set forth, the Mayor and Council shall examine such certification and, if found correct, the cost as shown thereon shall, by resolution of the Mayor and Council, be charged against said lands.
- C. Upon passage of said resolution by the Mayor and Council as set forth in §249-11(B) hereof, the assessment so charged shall forthwith become a lien on such lands and shall be added to and become a part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

**§249-12 Violations and Penalties**

Any person violating or failing to comply with any of the provisions of this Article III shall, upon conviction thereof, be punishable by a fine of not more than \$500. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

**SECTION 2:** Chapter 249 of the Code of the Township of Winslow, entitled "Property Maintenance," is hereby amended, revised and/or supplemented by renumbering the remaining Article and Section numbers as follows:

<u>Current Article/Section Number</u>	<u>New Article/Section Number</u>
ARTICLE III (new as per Section 1 above)	N/A
N/A (See Section 1 above)	§249-7
N/A (See Section 1 above)	§249-8
N/A (See Section 1 above)	§249-9
N/A (See Section 1 above)	§249-10
N/A (See Section 1 above)	§249-11
N/A (See Section 1 above)	§249-12
ARTICLE III	ARTICLE IV
§249-7	§249-13
§249-8	§249-14
§249-9	§249-15
§249-10	§249-16
§249-11	§249-17
ARTICLE IV	ARTICLE V
§249-12	§249-18
§249-13	§249-19
§249-14	§249-20
§249-15	§249-21
§249-16	§249-22

**SECTION 3:** Except as set forth in Sections 1 and 2 above, the balance of Chapter 249 shall not be affected by this Ordinance.

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

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

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

Motion by Council President Morris, second by Councilman Epifanio to adopt Ordinance 2016-24 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-172 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**

**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 2016 from the U.S. Department of Justice for \$1,860.00;

**BE IT FURTHER RESOLVED** that a like sum of \$1,860.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"  
Bulletproof Vest Partnership Federal  
Grant FY 2016 \$1,860.00

**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.

OCTOBER 24, 2016

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2016-172. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-173 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) – BODY ARMOR REPLACEMENT GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Finance may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget; and

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

**WHEREAS**, the Chief Financial Officer has certified that the Township has received a Body Armor Replacement Grant 2016 from the NJ Division of Criminal Justice for \$1,863.38;

**BE IT FURTHER RESOLVED** that a like sum of \$1,863.38 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"  
Body Armor Replacement Grant \$1,863.38

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

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2016-173. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-174 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE GUARANTEE AND THE POSTING OF A MAINTENANCE BOND FOR CHERRY PLAZA SHOPPING CENTER.**

**WHEREAS**, Cherry Plaza Shopping Center, 115 Route 73 North, West Berlin, New Jersey; Block 1301, Lot 2, has requested the release of their Performance Guarantee No. S040792 in the amount of \$70,742.40; and



**WHEREAS**, the Engineer has recommended that the Township Grant the request for the release of the performance guarantee contingent upon outstanding vouchers be paid in full and the posting of a two year Maintenance Bond in the amount of \$8,842.80.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Guarantee No. S040792 for Cherry Plaza Shopping Center is hereby granted with the conditions stated above.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2016-174. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-175 RESOLUTION OF THE TOWNSHIP OF BERLIN AUTHORIZING, THE IMPOSITION OF LIENS IN ACCORDANCE WITH CHAPTER 280 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED, "SOLID WASTE," AND CHAPTER 289, ENTITLED "STREETS & SIDEWALKS AND SECTION 303 OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE BOOK ENTILED SWIMMING POOLS, SPAS AND HOT TUBS"**

**WHEREAS**, N.J.S.A. 40:48-2.12(f) authorizes a municipality to perform certain acts of property maintenance and to charge the costs thereof as a lien against the real property on which such maintenance is performed; and

**WHEREAS**, Chapters 280 and 289 of the Code of the Township of Berlin and 303.1 of the IPM Code Book establish, *inter alia*, the procedure by which such property maintenance shall be performed and the process through which the costs thereof shall be established as municipal charges and/or liens against the real property upon which such maintenance is performed; and

**WHEREAS**, the Code Enforcement Officer for the Township of Berlin was notified and became aware that property maintenance was necessary for certain real properties located in the Township of Berlin listed as follows:

<b><u>Property: Block/Lot</u></b>	<b><u>REASON</u></b>
309 Cleveland Ave. B-804 L-11	Sidewalk repair
178 Franklin Ave. B-219 L-24	Yard clean up
95 Warren Ave. B-202 L-2	Lawn care
248 McClellan B-614 L-3	Lawn care
244 Briarwood Rd. B-1806 L-24	Lawn care
204 Centaurian Dr. B-1417 L-5	Lawn care
175 Lucas Ave. B-207 L-1	Tree trimming
226 Second Ave. B-605 L-3	Tree removal

OCTOBER 24, 2016

**WHEREAS**, pursuant to Chapter 280 and Article III of 289, the Code Enforcement Officer issued Violation Notices to the property owner(s) or responsible party(ies) relating to the above-referenced conditions which were found to be health and safety hazards; and

**WHEREAS**, the property owner(s) or responsible party(ies) failed to take appropriate action as required in said Violation Notices and the Code Enforcement Officer placed a work order with outside vendors to have such work performed as necessary to protect the health, safety and welfare of the Township; and

**WHEREAS**, the Code Enforcement Officer provided invoices as certification of all costs associated with the above-described work performed in order that the monies expended to pay outside vendors to perform the services at these properties could be charged against the respective properties as more fully set forth below;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that it hereby authorizes, approves and ratifies the assessment of municipal charges and/or liens on the following properties as of the date first noted below in accordance with the certified costs provided by the Code Enforcement Officer as described above, and further resolves that these amounts shall forthwith become a lien on such lands as provided for herein:

<u>Property: Block/Lot</u>	<u>Date Charge</u>	<u>AMOUNT</u>	<u>REASON</u>
309 Cleveland Ave. B-804 L-11	10/24/16	\$2,200.00	sidewalk repair
178 Franklin Ave. B-219 L-24	10/24/16	\$1,525.00	yard clean up
95 Warren Ave. B-202 L-2	10/24/16	\$100.00	lawn care
248 McClellan Ave. B-614 L-3	10/24/16	\$50.00	lawn care
244 Briarwood Rd. B-1806 L-24	10/24/16	\$20.00	lawn care
204 Centaurian Dr. B-1417 L-5	10/24/16	\$20.00	lawn care
175 Lucas Ave. B-207 L-1	10/24/16	\$50.00	lawn care
226 Second Ave. B-605 L-3	10/24/16	\$350.00	tree removal

**BE IT FURTHER RESOLVED**, that each of the above-referenced charges and/or liens shall be filed with and shall remain on file with the Tax Office until payment in full thereof, including any penalties and/or interest that may accrue thereon; and

**BE IT FURTHER RESOLVED**, that all unpaid liens authorized herein shall bear interest at the same rate allowed for unpaid taxes and shall be collected and enforced in the same manner as unpaid taxes and further that the Tax Collector is further authorized to subject same to Tax Sale in the calendar year next following the date thereof in accordance with the Tax Sale Law; and

**BE IT FURTHER RESOLVED**, that payment of the full amount of said municipal charges and/or liens, plus any accumulated penalties and/or interest thereon, has been tendered to the Tax Collector regarding certain of the aforementioned liens and therefore the Tax Collector is further authorized and instructed to discharge and remove same of record with respect to said properties as follows:

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be provided to the Township Tax Collector and said Resolution, together with all invoices evidencing certification

of costs expended for said work, shall be filed with and/or shall remain on file with the Township Tax Collector.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2016-175. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-176 PAYMENT OF BILLS OCTOBER.**

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

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

TO	ACCOUNT		AMOUNT
Treasurer, State of NJ	Dog Trust	\$	8.40

**CONFIRMING:**

TO	ACCOUNT		AMOUNT
Various Current Fund and Sewer Operating Fund Checks	See Bill List Attached dated: 9/29/16	\$	19,918.78
America on Line 8/23/16	6-01-31-443-2077		43.99
Verizon Fios Admin Int (9/16-10/15)	6-01-31-443-2077		139.99
State of NJ Health Benefits – Sept (A)	6-01-23-220-2092		69,307.67
State of NJ Health Benefits – Sept (R)	6-01-23-220-2092		36,263.98
Ameriflex (Oct)	Flex Claims Account		75.00
Verizon Fios PD (10/1-10/31/16)	6-01-31-443-2077		109.99
C2IT Enterprises	6-01-26-315-2025		1,235.00
Payroll, Current Fund	09/29/16		127,698.47
Payroll, Sewer Operating Fund	09/29/16		6,823.44
Payroll, Current Fund	10/13/16		129,774.45
Payroll, Sewer Operating Fund	10/13/16		6,611.11

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2016-176. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-177 RESOLUTION AUTHORIZING PURCHASES BASED UPON THE AWARD OF CONTRACT TO ATLANTIC SALT, INC. IN ACCORDANCE WITH THE COOPERATIVE BID AWARDED BY THE COUNTY OF CAMDEN**

OCTOBER 24, 2016

**WHEREAS**, the County of Camden, as the lead agency for the Camden County Cooperative Pricing System, in which Berlin Township is a member, system identifier #57-CCCPS (Cooperative), received and opened bids at its Division of Purchasing on October 12, 2016 at 11:00a.m., Prevailing Time, Bid B-23/2016 Furnishing and Delivering Sodium Chloride, Pretreated Liquid Enhanced Sodium Chloride and Corrosion Inhibited de-icing Liquid, and Magnesium Chloride Flakes for Various Locations in Camden County, on an “as needed” basis, the receipt of which bids were duly advertised in accordance with law; and

**WHEREAS**, Atlantic Salt, Inc. is the lowest responsible bidder who complied with the specifications and bid the unit price of \$57.35 per ton for Item #1, Sodium Chloride; and

**WHEREAS**, by resolution adopted on October 20, 2016, the Camden County Board of Chosen Freeholders awarded contracts for Camden County’s needs and participating municipalities in the Cooperative, under the aforementioned bid to Atlantic Salt, Inc.; and

**WHEREAS**, the term of the contract awarded shall be for one year commencing November 15, 2016 to November 16, 2017, with a second year option rate of the same to be exercised at the sole discretion of the County; and

**WHEREAS**, funding for this purpose shall not exceed the maximum budgeted line items for streets and roads in the permanent CY 2016 and the permanent and temporary CY 2017 budgets and Snow Removal Trust of the Township and shall be encumbered in accordance with N.J.A.C. 5:34-5.3(b)(2); and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the Public Works Department is hereby authorized to purchase sodium chloride from Atlantic Salt, Inc. at a unit price of \$57.35 per ton pursuant to Camden County Bid B-23/2016, Furnishing and Delivering Sodium Chloride, Pretreated Liquid Enhanced Sodium Chloride and Corrosion Inhibited de-icing Liquid, and Magnesium Chloride Flakes for Various Locations in Camden County, on an “as needed” basis, for a one year term commencing November 15, 2016.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2016-177. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-178 RESOLUTION TO AUTHORIZE PARTICIPATION IN THE NEW JERSEY STATE HEALTH BENEFITS PROGRAM ACT OF THE STATE OF NEW JERSEY LOCAL PRESCRIPTION DRUG COVERAGE.**

A Resolution to authorize participation in the New Jersey State Health Benefits Program Act of the State of New Jersey for Local Prescription Drug Coverage.

**BE IT RESOLVED:**

- 1) The Township of Berlin, a participating employer in the Health Benefits Program, hereby elects to participate in the Local Prescription Drug Program provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.25 et seq.) and to authorize coverage for all employees and their dependents thereunder in accordance with the statute and regulations adopted by the State Health Benefits Commission.
- 2) As a participating employer we will remit to the State Treasury all Premiums on account of employee and dependent coverage and periodic charges in accordance with the requirements of the statute and the rules and regulations duly promulgated thereunder.
- 3) We hereby appoint the Municipal Clerk to act as Certifying Officer in the administration of this program.
- 4) This resolution shall take effect immediately and coverage shall be effective as of January 1, 2017 or as soon thereafter as it may be effectuated pursuant to the statutes and regulation.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2016-178. Resolution adopted by call of the roll, five members present voting in the affirmative.

### **Business Approvals**

- 1) **Scott Raab Thwing Albert Instrument Company**, 14 West Collings Avenue. Manufacture of Precision Testing Instruments.
- 2) **Michael Kissel T/A Powerhouse Equipment**, 403 Bloomfield Drive Unit 2. Office for Executive Staff.
- 3) **Timothy Hawkins T/A Simple Drain Repair**. 141 Cooper Road. Public Works Contracting Company.
- 4) **Alex Merlo T/A Planet Fitness Berlin LLC**, 225 North Route 73. Health club membership.
- 5) **Michael Iannelli T/A Code Green Solar**, 44 Kelley Drive Suite #3. Office space for training of salesman, warehouse for storage of solar equipment.
- 6) **Nicole Sabatino T/A H&R Block**, 200 Route 73 unit #33. Tax Prep Services.

Motion by Councilman Epifanio second by Councilman McIntosh to approve the mercantile licenses above. Mercantile Licenses approved by call of the roll, five members present voting in the affirmative.

### **Approval of Minutes for September 26, 2016.**

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve the

OCTOBER 24, 2016

Meeting Minutes for September 26, 2016. Motion carried by voice vote, five present voting in the affirmative.

**Consent Agenda**

Motion by Councilwoman Bodanza, second by Council President Morris to receive and file the monthly reports on the consent agenda for September 2016. Motion carried by voice vote, all present voting in the affirmative.

**Correspondence Calendar September 2016**

Motion by Council President Morris, second by Councilman McIntosh to receive and file the Correspondence Calendar for September 2016. Motion carried by voice vote, all present voting in the affirmative.

**All Other Business**

- 1) **Best Practice Submission for Year 2016.**
- 2) **Annual Food Drive Begins on October 29<sup>th</sup> 2016.**
- 3) **Credit Rating from Standard and Poor**

**Public Portion**

Let the record reflect no one was in attendance of the meeting.

**Adjourn**

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

Meeting adjourned 6:20 pm

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Catherine Underwood, Township Clerk