

**OCTOBER 28, 2013**

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL OCTOBER 28, 2013 AT 6:30 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-** Council President Morris, Councilman Epifanio, Councilman McIntosh, Councilwoman Bodanza, Mayor Magazzu

**Also Present-** Solicitor, Stuart Platt, CFO, Lori Campisano, Engineer/  
Public Works Director, Chuck Riebel, Chief of Police Leonard Check,  
Josh Shellenberger, Maintenance/Animal Control

**Absent-**

**Proclamation: Anti-Bullying Awareness Month**

**Proclamation: Halloween**

**Departmental Reports**

**A. CHANGE ORDERS AND VOUCHERS**

**1. 2013 Street Improvement Program**

**a. Proposal Number 2 – Improvements to Edgewood Avenue**

I am preparing and will be submitting a Change Order, to reflect as-built quantities and the additional curb for, hopeful, consideration by the Governing Body, at The Council Meeting

**b. Proposal Number 3, Improvements to Various Streets**

I will be submitting Final Change Order No. 2 for consideration for approval by the Governing Body at the Council.

**B. RESOLUTIONS AND ORDINANCES FOR CONSIDERATION**

None

**C. ENGINEER'S REPORT**

**1. 2013 STREET IMPROVEMENT PROGRAM**

- a. Proposal No. 1 – Improvements to Mt. Vernon Avenue from Minck Avenue to Franklin Avenue (Partial Funding Through N.J.D.O.T. - \$180,000)

The contractor, Lexa Concrete, LLC expects the completion of the projects by October 22, 2013. Once completed, we will issue the punch list for the corrective items. We will be measuring the as-built conditions for payment. I will be preparing a change order for the as-built quantities for consideration for approval by the Governing Body.

- b. Proposal No. 2 – Improvements to Edgewood Avenue- From Cooper Road to the N.J.D.O.T. Project Near Rt. 73 (Partial Funding Through N.J.D.O.T. – (\$200,000.00)

The contractor, Lexa Concrete, LLC, is constructing the concrete curb and expects to complete the construction of the concrete items by October 22, 2013. They will, then follow with the restoration of the areas behind the curb and commence with the pavement work.

- c. Proposal No. 3 – Various Streets

The contractor, Charles Marandino, LLC, has completed the construction. I have informed them that they must replace the dead sod at the intersection of Grove and Cleveland Avenues. I will be submitting the Final Change Order and voucher, shortly, for consideration for approval by the Governing Body.

We have received a price of \$10,000 from Lexa Concrete, LLC for the construction of a Type “B” inlet, over the existing storm pipe, along Veteran’s Avenue, to intercept some of the stormwater, which is travelling along the street. I believe that the price is excessive and will attempt to obtain a better price from this contractor or another contractor.

**2. IMPROVEMENTS TO MCCLELLAN AVENUE – DEAD END**

This project is included in Ordinance 2011-26. I intend to include this project with the street improvements to Hill Avenue project. I could, also, request a price from Lexa Concrete, L.L.C. if the Governing Body would like to include, by Change Order, to the current contract.

**3. STREET IMPROVEMENTS TO HILL AVENUE (C.D.B.G. YEAR 35 FUNDING \$21,000 +/-)**

I must perform the preliminary design and prepare the construction cost estimate to determine if the current Township and C.D.B.G. funds are sufficient to cover the construction cost.

**4. CAPITAL IMPROVEMENTS PROGRAM**

As you know, there are many streets, which are in need of improvements (pavement, storm drainage, curb, etc.), in the immediate or near future. There are, also, various improvements, which are necessary for recreation facilities, public buildings and sanitary sewer.

It is my understanding that the Governing Body is considering bonding for the improvements to the sewer pumping stations.

I recommend that, if possible, the Governing Body consider implementing a long capital improvements program. I intend to prepare a Recommendations Report, detailing a possible long range plan for capital improvements, in the future.

**5. HADDON AVENUE STREETScape, PHASES 1, 2, AND 3, JEFFERSON AVENUE TO LUCAS AVENUE (FEDERAL TEA-21 FUNDS \$555,240)**

We have submitted the various closing documents to the N.J.D.O.T for their approval and recommendation of release of the final payment to the contractor. The N.J.D.O.T. Local Aid Office has informed me that they are in need of additional documents. I am hopeful that we can submit the necessary documents, in the immediate future.

**N.J.D.O.T. FY 2014 APPLICATIONS**

We have, electronically, submitted the applications to the N.J.D.O.T. for the following projects

1. Oak Avenue- N.J.D.O.T. Ramp A to 80' Past Clover Avenue
2. Hazel Avenue – Chestnut Avenue to Cushman Avenue

Typically, the State announces the selected projects at the end of the year.

**6. RECONSTRUCTION OF BASKETBALL COURT AT SPRUCE AVENUE RECREATION SITE (COUNTY OPEN SPACE GRANT - \$25,000)**

I had mentioned to the Governing Body that I did not believe that the construction cost will exceed the County grant amount. I would like to receive bids, for this project, in the same bid package as the Hill Avenue Street Improvements Project, in hopes of receiving more competitive process for the larger scale projects.

**7. PROPOSED DOG PARK AT LUKE AVENUE RECREATION AREA, COUNTY OPEN SPACE APPLICATION**

The application package was submitted to the County.

**8. BANDSHELL AT LUKE AVENUE RECREATION AREA (COUNTY OPEN SPACE GRANT - \$25,000)**

I am hopeful that the Public Works staff will be able to construct the concrete foundation and floor. I believe that it will be necessary for a contractor to erect the band shell structure and install the electric due to the anticipated, limited amount of time which the Public Works staff will be able to devote to the erection of the structure.

**9. PERVIOUS CONCRETE SIDEWALK ALONG NORTHBOUND ROUTE 73 -JACKSON ROAD TO EDGEWOOD AVENUE (N.J.D.O.T. FY'S 2008 AND 2009 FUNDING)**

The Contractor has applied the hardener/sealer, in the test areas. I will be observing the test areas and am hopeful that the application will be acceptable so that the application can be performed along the remaining area of the project.

Once the corrective work has been completed, we will submit the final invoice to the N.J.D.O.T. for the reimbursement of Municipal Aid funds.

**10. MUNICIPAL CERTIFICATION FOR FUTURE FEDERAL FUNDED PROJECTS**

We must obtain the information from the N.J.D.O.T. Once received, we will inform the Governing Body and Ms. Campisano.

We will be attending a seminar, presented by the N.J.D.O.T., regarding requirements for Federally Funded projects, in September, 2013.

**11. NO PASSING ZONE ALONG COOPER ROAD**

We are, currently, preparing the CAD profile plan, using the New Jersey – American Water Company plan. We will follow with the analysis to determine the portions of the road that meet the standard for no passing.

**12. MUNICIPAL BUILDING**

a. Roof Membranes

We must perform the vertical and horizontal measurements of the existing conditions, perform the design, prepare the bid documents and receive bids. I expect to receive bids in the Spring, 2014 for construction to follow, shortly thereafter.

b. Improvements to the Unfinished General Assembly Rooms

We must complete the bid documents for the ceiling, the remainder of the ceiling lighting, HVAC system and reconfiguration of the fire suppression system.

I believe that it may be possible for the Public Works staff to install the vinyl tile floor, during the winter season 2013/2014.

c. Free Standing Monument Sign

Quite some time ago, had recommended that the Governing Body consider awarding a contract to Dandrea Masonry for the installation of the brick facing and concrete capping to the masonry block base. The Public Works Department has, recently painted the masonry block. If the Governing Body desires to have the brick facing installed along the planter walls, I will contract Dandrea Masonry to see if they will honor their price from some time ago.

d. Irrigation and Landscaping

The design for the irrigation system remains to be completed. I am hopeful that we will be able to have an irrigation contractor donate their design services. Otherwise, we must purchase design software to complete the task.

### **13. STORM DRAINAGE IMPROVEMENTS**

a. Lester Avenue Storm Drainage and Stormwater Management

1) Phase 1-Construction of Storm Inlets Piping and Temporary Stormwater Basin

The utility companies have marked the locations of their respective utilities. We will be performing the land surveying work and engineering design, in the near future. It is intended that the Public Works Department will perform the construction in early Winter 2013.

2) Phase 2 – Extension of Storm Drainage to the Existing Stormwater Management System within the Luke Avenue Recreation Complex

We must perform the land surveying and engineering design. I will be preparing a cost estimate for the construction for consideration for funding by the Governing Body.

It will be necessary to obtain an easement for the proposed storm drainage piping, which will be crossing the P.S.E.G. lands.

b. Kelley Drive Stormwater Basin Reconstruction

We must prepare the bid documents so that the reconstruction work can be completed before the end of this year.

c. Mt. Vernon Avenue Storm Drainage at the Elementary School

On occasion, the street has flooded, due to the apparent limited capacity of the drainage system and receiving ditch, which is on the Board of Education property. I have discussed the matter with Mr. Pfluger, School Buildings and Grounds Superintendent. The ditch must be reconstructed to provide additional capacity and a positive outflow.

Mr. Pfluger has provided me with an incomplete version of a topographic map for the school property. I intend to attempt to decipher the contours and perform a preliminary design for said improvements. I intend to present the preliminary proposal to Mr.

Fitz for his review and consideration for recommendation to the Board of Education.

Prior to any discussions with the Board of Education, I will present the matter to the Governing Body for your review and direction.

- d. Storm Drainage Issues with the Southwest Portion of the Township  
I had reported to the Governing Body that I am estimating that the overall construction cost for the necessary improvements is approximately \$11.8 million.

**16. REQUEST TO THE PINELANDS COMMISSION FOR ADDITIONAL REDESIGNATION OF LANDS**

We must prepare the documents to support the request for the redesignation of the Pinelands Zoning to allow for greater density development and the extension of sanitary to the re-designated areas.

The Pinelands Commission staff has presented various proposals for changes to the requirements to purchase Pinelands development credits (PDC's) for lands within the Regional Growth Area.

I have contacted Mr. Dandrea and recommended that he meet with Pinelands staff to see if it would be possible to incorporate his lots into the Regional Growth Area, as part of this change for PDC's. Mr. Dandrea has provided me with a plan, depicting the desired development of his lands, to present to the Pinelands staff.

**17. MONTEBELLO PUMPING STATION**

No update to report. Therefore, I continue to recommend that the Governing Body NOT take any action to accept the ownership of this pumping station.

**18. TAX MAP REVISIONS**

We have not completed the revisions to the Tax Maps.

**19. FORMER MUNICIPAL BUILDING SITE, BATE AVENUE**

Key Engineers has completed the surveying fieldwork for the location of the existing improvements and have provided the respective CAD file. I am working with them to provide direction for the closure calculations. I am hopeful that I will be able to provide the necessary direction so I can issue the survey of the premises.

**20. TRAFFIC SIGNAL TIMING CHANGES AT THE INTERSECTION OF HADDON AND FRANKLIN AVENUES**

Chief Check has recommended that the green time be extended for Haddon Avenue (coming from Voorhees Twp) between 4:30 and 6:30 p.m. In order to change the signal timing it is necessary to perform traffic counts and a traffic engineering study. It will also be necessary to obtain County consent of re-timing of the signal sequence.

The County Engineer has informed me that they expect construction for the improvements to the intersection, which includes the traffic signal upgrade and re-timing, to commence in March, 2014 and will take approximately five months to complete

Since the construction project will not occur for some time, Chief Check has recommended that we proceed with the request for the interim timing changes to the existing traffic signal.

**21. TRAFFIC CALMING PROGRAM**

I believe that the Governing Body is still considering the implementation of a traffic calming program, using portable speed humps and warning signage, flashing speed notice boards with flashing white strobe lights and other traffic calming devices.

Residents along Minck Avenue, Fairview Avenue and Taunton Avenue have voiced their concerns with the excessive speeding, along their streets. Several residents along Mt. Vernon Avenue have voiced their concern of vehicles speeding within the section where the reconstruction project will be eliminating the high crown area at the intersections.

**22. REVISIONS TO TRAFFIC ORDINANCE**

I have met with the Solicitor's Office to discuss the many changes to the traffic code, which are necessary. I must submit my recommendations to their office.

**D. PUBLIC WORKS DEPARTMENT**

**1. ROUTE 73 PUMPING STATION**

The new pumps have been installed and are operating. I have, again, observed the accumulation of a large volume of sand in the wet well. The sand caused extreme wear and damage to the pumps. We are investigating the source of the sand, which is being discharged into the Township system.

**2. IMPROVEMENTS TO SEWER PUMPING STATIONS**

I am hopeful that the Governing Body will be adopting the Bond Ordinance for the improvements to every pumping station.

The Minck Avenue pumping station is operating on one pump as the other pump has become inoperable and damaged, due to the extreme clogging by non-biodegradable wipes. These wipes are causing havoc with pumping stations, worldwide. The crew has set-up the bypass pump, at this station, in case the remaining pump becomes inoperable and/or damaged.

**3. REQUEST FOR 2013 CAPITAL PURCHASES FOR VEHICLES AND EQUIPMENT**

I continue to recommend that the Governing Body consider allocating the necessary funds for several vehicles and pieces of equipment for the Public Works Department. We have been experiencing frequent breakdowns, requiring repairs and making them unreliable and unavailable for usage for the performance of Public Works tasks.

4. **GREASE TRAP MAINTENANCE**

I believe that the Construction Office officials are reviewing the amending ordinance and will be submitting their comments and recommendations to the Governing Body.

5. **TEXTILE RECYCLING**

I must, still, meet with the Westville Public Works Superintendent to obtain the information, regarding the implementation of this program.

6. **LEAF COMPOST MATERIAL**

We were able to have the partially composted leaves removed from the compost area, in order to make room for the leaves from the upcoming season.

We are unable to grind the leaves, during the composting process, as the tub grinder has been un-repairable and, therefore, unusable. We are trying to find someone that may be able to repair the tub grinder.

I have contacted contractors with tub grinders, to contract the grinding of the leaves, without anyone willing to perform the leaf grinding. In my opinion, it is extremely important to have an operational tub grinder if the Township continues with the leaf composting process and brush collection and grinding program.

7. **IMPROVEMENTS TO THE FACILITIES AT CLYDE PARK**

The Public Works staff continues to perform frequent clean-ups, repairs and improvements to the facilities. The staff has replaced the vandalized gazebo railings with painted, wood railings only to have a baluster vandalized, shortly after the installation. We are stock a few balusters for use in replacing damaged members. Wood railings will be utilized, due to the greater cost of vinyl railings and frequent replacement/repair, due to damages.

I recommend that consideration be given for the installation of a camera surveillance system to monitor and record the activities at the facility.

8. **PERFORMANCE OF VARIOUS TASKS**

The Public Works staff will be ending the lawn maintenance, during the week of October 21, 2013. Leaf collection will be commencing during the week of October 28, 2013. The leaf collection equipment



has been serviced and repaired for use during the upcoming leaf collection season

### **SOLICITORS REPORT**

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. DiluzioV. Berlin Township
5. Chief Jackson
6. Berlin Township ADS. Estate of Raj Kumar Chopra
7. Berlin Township ADS. David Carp
8. Berlin Twp. ADS. Jason Black
9. Berlin Twp. ADS. Abdul Mansaray
10. Berlin Twp. ADS. Jennnifer Vernacchio as Guardian Hannah Maslanka
11. Berlin Township ADS. Tarin Durham
12. Berlin Twp. ADS. Tyrone Powell
13. BerlinTwp. ADS. Sherry Quering
14. Open Public Records Act.
15. Fire Safety Ordinance
16. Traffic Ordinance Overhaul
17. Speed Humps
18. No Thur Traffic Ordinance
19. Pawn Shop Ordinance

### **MAINTENANCE OFFICER / ANIMAL CONTROL**

Maintenance Officer /Animal Control reported that someone had sprayed graffiti on Fat Tomato building which has been removed, also the dumpster area has been repaired. Officer stated that he is going back out to the property on Chestnut Ave. They had cleaned up the property but it is beginning to become property maintenance issue again.

### **POLICE DEPARTMENT**

Chief of Police Check reported that the in case tags were installed to the residents that had enrolled in the program. Chief stated that he checked the scanner and everything is working as it should. Chief remarked the DARE program started with the 5<sup>th</sup> grade students. Chief Check noted that for the Month of September 61 people were arrested, issued 131 summons and towed a total of 17 vehicles.

### **SECOND READING AND PUBLIC HEARING ORDINANCE 2013-11 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 333 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "WATER AND SEWER".**

**WHEREAS**, Chapter 333 of the Code of the Township of Berlin, entitled “Water and Sewer,” sets forth criteria for installation, inspection and maintenance of grease traps; and

**WHEREAS**, in order to aid the Plumbing Subcode Official, responsibility for enforcement of the regulation of the grease traps needs to be expanded to include employees of the Department of Public Works as designated by the Director thereof; 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:** Section 23 of Chapter 333, entitled “Regulations and Requirements,” is hereby amended, revised and supplemented as follows:

- A. [NO CHANGE]
- B. [NO CHANGE]
- C. [NO CHANGE]
- D. [NO CHANGE]
- E. [NO CHANGE]
- F. It is the responsibility of the establishment owner, lessee or assignee to carry out all proceedings necessary to have any and all grease interceptors opened and ready for inspection and to see that the equipment is put back in proper operation after the inspection. All inspections will be conducted by the Plumbing Subcode Official and/or such other employee of the Department of Public Works as designated by the Director thereof.
- G. Forms for periodic inspections will be furnished by the owner, lessee or assignee and posted as close as possible to the interceptor to which it applies. The forms shall be protected from soiling. In those instances where the interceptor is chemically treated, the method and chemical of such treatment shall be approved by the Plumbing Subcode Official and/or such other employee of the Department of Public Works as designated by the Director thereof. Any proposed chemical changes shall be furnished to the Plumbing Subcode Official and/or such employee designated by the Director of Public Works. Copies of maintenance and removal records shall be provided to the Department of Public Works, c/o the Director and the Plumbing Subcode Official, within seven (7) days of such occurrence.

- H. 1. [NO CHANGE]
2. The above schedule may be altered by the Plumbing Subcode Official and/or such other employee of the Department of Public Works as designated by the Director if deemed necessary. The owner, lessee, or assignee shall be notified, in writing, of any scheduled change.
- J. The Plumbing Subcode Official, and/or as the case may be, such other employee of the Department of Public Works designated by the Director, shall require all interceptors to be efficient in operation and may, at the expense of the owner, lessee or assignee, require independent laboratory tests to ascertain the concentration of grease being emitted from the effluent line of the unit. All grease traps shall be cleaned in accordance with the foregoing schedule and the Township provided with a bill or receipt from a licensed county-registered grease and waste disposal company or qualified recycling company. Disagreeable odors shall require deodorant to combat said offensive odors.

**SECTION 2:** Except as set forth in Section 1 above, the balance of Chapter 333 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 Councilwoman Bodanza, second by Council President Morris 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 2013-11.

Rich Grabowski, Centaurian Drive asked if this ordinance pertained to the residents.

Township Solicitor Stuart Platt replied no that this ordinance deals with business only.

No more comments were to be heard.

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

Motion by Council President Morris second by Councilman Epifanio to adopt Ordinance 2013-11 Ordinance approved by call of the roll, five members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING BOND ORDINANCE 2013-12  
AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF UTILITY  
EQUIPMENT AND COMPLETION OF VARIOUS UTILITY CAPITAL  
IMPROVEMENTS IN AND FOR THE TOWNSHIP OF BERLIN, COUNTY OF  
CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$750,000  
THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION  
BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF BERLIN,  
COUNTY OF CAMDEN, NEW JERSEY IN THE AGGREGATE PRINCIPAL  
AMOUNT OF UP TO \$750,000; MAKING CERTAIN DETERMINATIONS AND  
COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN  
CONNECTION WITH THE FOREGOING.**

**BE IT ORDAINED** by the Township Council of the Township of Berlin, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

**Section 1.** The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Berlin, County of Camden, New Jersey ("Township").

**Section 2.** It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$750,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$750,000.

**Section 3.** The sum of \$750,000, to be raised by the issuance of bonds or bond anticipation notes are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the Township in an amount not to exceed \$750,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

**Section 5.** In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$750,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby

directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$70,000.

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimat ed Total Cost</u>	<u>Down Payme nt</u>	<u>Amount of Obligations</u>	<u>Period of Usefuln ess</u>
A. Various improvements to the Township's Pumping Stations including, but not limited to, the replacement and/or rehabilitation of the existing pumps and control panels and installation of aeration systems, all as more particularly described in the records on file in the office of the Township Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$420,000	\$0	\$420,000	30 years
B. Acquisition of various pieces of equipment including, but not limited to, a Sewer Jetter/Vacuum, Camera and Portable Gas Monitor, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	330,000	0	330,000	15 years
<b>TOTALS</b>	<b>\$750,000</b>	<b>\$0</b>	<b>\$750,000</b>	

**Section 8.** The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 23.40 years.

**Section 9.** Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

**Section 10.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$750,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 11.** The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

**Section 12.** The applicable Capital Budget of the Township is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

**Section 13.** The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

**Section 14.** The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**Section 15.** The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 16.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 17.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Motion by Council President Morris, second by Councilman Epifanio 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 Bond Ordinance 2013-12.

Leroy Haley asked if this will cost the tax payers additional money.

Chief Financial Officer, Lori Campisano replied no.

No more comments were to be heard.

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

Motion by Councilwoman Bodanza second by Council President Morris to adopt Ordinance 2013-12 Ordinance approved by call of the roll, five members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2013-13 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING 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 Governing Body has determined it necessary for the health, safety and welfare of the residents of the Township of Berlin to revise Chapter 249 regarding storage of junk vehicles on private property; 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," Article 2, entitled "Junk, Waste and Equipment Storage," Section 7, entitled "Exemptions," is hereby amended, revised and supplemented as follows:

Section 249-7. Exemptions.

- A. Nothing herein contained shall prohibit the keeping of one (1) junk vehicle on private lands. In such a case, the vehicle shall be parked only in the rear yard area. The one (1) junk vehicle parked in the rear yard shall be covered at all times unless restoration work is being performed on the vehicle. For purposes of this Chapter, rear yard shall have the meaning set forth in Section 340-4 of the Code of the Township of Berlin.
- B. **[NO CHANGE]**
- C. **[NO CHANGE]**
- D. **[NO CHANGE]**
- E. The owner of any property upon which one or more junk vehicles is stored or has been stored as of the effective date of the amendment of Section 249-7(A) above shall have ninety (90) days from said effective date to comply with the requirements of this Chapter as amended. Failure to comply with the amended provisions of this Chapter within said ninety (90) day period shall subject the



property owner to the enforcement provisions of this Chapter, including but not limited to fines and/or imprisonment for each day a violation continues.

**SECTION 2:** Except as set forth in Section 1 above, the balance of Chapter 249 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 2013-13.

Gail Grabowski, Centaurian Drive stated that in her neighborhood there are many residents have boats and vehicles on the property. Does this include boats as well?

Stuart replied that this Ordinance deal with vehicles only. But on tonight agenda there is another ordinances that will address the boat issue.

No more comments were to be heard.

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

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Ordinance 2013-13 Ordinance approved by call of the roll, five members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2013-14 AN  
ORDINANCE AMENDING CHAPTER 333-16 SECTION A OF THE CODE OF  
THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW  
JERSEY, ENTITLED SEWER CONNECTION FEE.**

**WHEREAS,** The Township of Berlin may on an annual basis evaluate its sewer connection fee; and

**WHEREAS**, said analysis has been performed which is attached hereto and incorporated by reference herein; and

**WHEREAS**, as a result of this analysis, it is necessary for the Township to increase its sewer connection fee from \$2,670.00 to \$3,045.00; and

**WHEREAS**, as required, a public hearing is to be held in regard to the consideration to revise the sewer connection fee.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council, in the Township of Berlin, County of Camden, State of New Jersey, as follows:

**SECTION 1:** As required by law, a public hearing will be held on October 28, 2013 to increase the Township sewer connection fee from \$2,670.00 to \$3,045.00.

**SECTION 2:** As a result of said public hearing, the Township has approved a revision to the sewer connection fee from \$2,670.00 to \$3,045.00 effective December 1, 2013.

**SECTION 3:** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistencies only.

**SECTION 4:** This ordinance shall take effect 20 days after adoption and publication as required by law.

Motion by Councilman Epifanio, second by Council President Morris 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 2013-14.

No comments were to be heard.

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

Motion by Council President Morris second by Councilman Epifanio to adopt Ordinance 2013-14 Ordinance approved by call of the roll, five members present voting in the affirmative.

**ORDINANCE 2013-15 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 226 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "PARKING IN FRONT YARDS".**

**WHEREAS**, Chapter 226 of the Code of the Township of Berlin, entitled “Parking in Front Yards,” regulates parking of motor vehicles, campers, trailers and boats on private property within the Township of Berlin; and

**WHEREAS**, the Governing Body has determined for the public health, safety and welfare of the residents of the Township of Berlin that parking of such vehicles should be prohibited on public streets; 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:** Section 4 and Section 5 of Chapter 226, entitled “Parking in Front Yards,” are hereby amended, revised and supplemented by being renumbered as follows:

<u>Existing Section Number</u>	<u>New Section Number</u>
226-4	226-5
226-5	226-6

**SECTION 2:** Chapter 226, entitled “Parking in Front Yards,” is hereby amended, revised and supplemented by adding a new Section 4 thereof, as follows:

§ 226-4. No Parking in Public Streets.

Notwithstanding anything in this Chapter to the contrary, parking of any camper, trailer or boat on public streets shall be strictly prohibited at all times.

**SECTION 3:** Except as set forth in Sections 1 and 2 above, the balance of Chapter 226 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 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 2013-15.

Rich Grabowski, Centaurian Drive asked if this is parking on the property or in the street in front on the property.

Stuart, Township Solicitor said that ordinance prohibits parking in the streets.

No more comments were to be heard.

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

Motion by Council President Morris second by Councilwoman Bodanza to adopt Ordinance 2013-15 Ordinance approved by call of the roll, five members present voting in the affirmative.

**ORDINANCE 2013-16 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 244 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "PRECIOUS METALS AND GEMS".**

**WHEREAS**, the New Jersey Pawnbroking Law, N.J.S.A. 45:22-1, et seq., establishes certain regulations and restrictions governing pawnbrokers and dealers of secondhand goods; and

**WHEREAS**, the Pawnbroking Law requires review by municipal police of certain records and merchandise belonging to and/or held by pawnbrokers and dealers of certain types of secondhand goods; and

**WHEREAS**, the Pawnbroking Law permits municipal enforcement of certain violations of the provisions therein; and

**WHEREAS**, the Governing Body has determined it is in the best interest of the citizens of the Township of Berlin to license, regulate and establish a standard body of uniformly produced records and policies to be adhered to by pawnbrokers, pawnbroking businesses and dealers of secondhand goods for the purposes of (1) supporting the efforts of local, regional and state law enforcement authorities to track, monitor and share information regarding secondhand goods bought, sold and exchanged, including monies lent through pawnbrokers, (2) facilitating and encouraging the prevention of fraud and other abuses upon the citizens of the Township of Berlin, (3) ensuring and promoting the difficulty of disposing of stolen property and aiding in the recovery thereof

and (4) generally implementing and enforcing the goals and purposes of the Pawnbroking Law; 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 244 of the Code of the Township of Berlin, entitled “Precious Metals and Gems,” is hereby repealed in its entirety and replaced with a new Chapter 244 as follows:

**Chapter 244. Pawnbrokers and Dealers in Secondhand Goods.**

Article I. General Provisions.

§244-1. Purpose.

The purpose of this Chapter is to:

- A. implement the New Jersey Pawnbroking Law;
- B. establish procedures for the licensing and operation of pawnbrokers and dealers of secondhand goods, in accordance with the Pawnbroking Law, through the implementation of a standard body of uniform policies and recordkeeping requirements to which each business governed by this Chapter shall abide;
- C. allow local, regional and state law enforcement authorities to track, monitor and share information regarding secondhand merchandise bought, sold and exchanged, including monies lent through pawnbrokers doing business in the Township of Berlin;
- D. facilitate the prevention of fraud, impositions and other abuses upon the citizens of the Township of Berlin; and
- E. ensure the difficulty of disposing of stolen property and aid in the recovery of stolen property.

§244-2 . Definitions.

For the purpose of this Chapter, the following terms shall have the meanings indicated:

- A. Antique or Antiques

One or more old and valuable art object or item no longer in production that is at least 50 years old. As used in this Chapter, the terms “antique” or “antiques” shall also mean “primitives.”

**B. Antique Dealer**

Any person, partnership, firm, association or corporation, other than a licensed pawnbroker or licensed secondhand dealer, having a place of business in the Township of Berlin for the purpose of purchasing, trading or dealing in antiques or primitives and who derives 75% of his or her gross sales from the sale of antiques or primitives.

**C. Business Entity**

Any and all forms of business organization operating pursuant to law, including but not limited to entities designated and/or operating as a partnership, limited liability company, corporation, “S” corporation, association or firm. For purposes of this Chapter, the term “business entity” includes a foreign business or business formed under the laws of another state which business is authorized by the State of New Jersey Division of Revenue to conduct business within this state and, at all times relevant to this Chapter, is in good standing with the New Jersey Division of Revenue. Foreign businesses include all forms of business entity recognized in the foreign jurisdiction, including any form of business entity not otherwise recognized by the laws of the State of New Jersey, such as, without limitation, a limited liability partnership.

**D. Garage Sale**

The sale of used personal property by the lawful residents of a residentially zoned property that is not conducted on a periodic or ongoing basis. A garage sale shall be deemed to be periodic or ongoing if a garage sale is held by the lawful resident of residentially zoned property more than three (3) days in any consecutive ninety (90) day period.

**E. Intoxicated**

When a person’s mental state or physical functioning is substantially impaired as a result of the use of alcohol or drugs.

**F. Licensee**

Any person or business entity granted a license pursuant to this Chapter and/or granted a license by the Department of Banking and Insurance in accordance with the Pawnbroking Law.

**G. Minor**

Notwithstanding anything stated herein with respect to pawnbrokers, a minor is a person who has not yet attained 18 years of age.

**H. Pawnbroker**

Any person, partnership, firm, association, corporation or other business entity lending money on deposit or pledge of personal property, other than choses in action, securities or printed evidences of indebtedness; or purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehouseman and lending money on goods, wares or merchandise pledged or deposited as collateral security. For purposes of this Chapter, the term "pawnbroker" shall include any secondhand dealer who also operates as a pawnbroker or undertakes any action or conduct which includes the business of a pawnbroker as defined in the Pawnbroking Law.

I. Pawnbroking Law

The New Jersey statute and implementing regulations, N.J.S.A. 45:22-1, et seq. and N.J.A.C. 3:16-1.1, et seq., respectively, and any and all amendments thereto, which govern and regulate pawn shop businesses and pawnbrokers operating within the State of New Jersey.

J. Person

A human being or individual which is not a business entity. For purposes of this Chapter, the term "person" shall also include a human being or individual operating a business as a sole proprietorship.

K. Pledge

An article or articles deposited with a pawnbroker in the course of his business.

L. Pledgor

A person who delivers the pledge into the possession of a pawnbroker, unless such person discloses that he is or was acting for another, and in such event "pledgor" means the disclosed principal.

M. Precious Metals

As defined in N.J.S.A. 51:6A-5, gold, silver platinum, palladium and alloys thereof.

N. Secondhand Dealer or Dealer in Second Hand Goods

Any person, partnership, firm, association, corporation or other business entity, or joint venture, trustee or court-appointed representative, or any agent thereof which operates a business for profit which buys, sells, possesses on consignment for sale or trades jewelry, stamps, coins or any precious metals which may have been previously owned by a consumer or which derives more than 35% of its gross receipts from the sale, consignment for sale or trade of any goods, wares or merchandise which have previously been owned by a consumer, including but not limited to furniture, appliances, consumer electronic goods, clothing, automobile accessories, books, magazines, athletic cards and memorabilia or precious metals, whether in bulk or manufactured state. The term "secondhand dealer" shall include businesses commonly known as "consignment shops," "trading posts," "swap shop operators," "stamp dealers,"

“coin dealers,” “jewelers” and “auction houses” that purchase and resell items from persons other than dealers and suppliers. The term “secondhand dealer” shall not include businesses which are commonly referred to as “pawnshops” or are recognized as such under the Pawnbroking Law. The fact that any business does any of the following acts shall be deemed prima facie proof that said business is a secondhand dealership:

(1) advertises in any fashion that it buys or sells secondhand or used items, including but not limited to advertising via any form of traditional media, internet, telephone listings and/or signs or postings, whether such advertisement is posted on the exterior or interior of the business; or

(2) devotes a significant segment or section of the business premises to the purchase or sale of secondhand or used items.

O. Secondhand Goods

Goods which have been previously owned, worn or used by a consumer and/or that are not new. For purposes of this Chapter, the term “secondhand goods” shall include “secondhand watches” except where the context clearly indicates to the contrary.

P. Secondhand Watches.

A watch shall be deemed to be second-hand if:

(1) it as a whole or the case thereof or the movement thereof has been previously sold to or acquired by any person who bought or acquired the same for his use or the use of another, but not for resale; provided, however, that a watch which has been so sold or acquired and is thereafter returned either through an exchange or for credit to the original individual, firm, partnership, association or corporation who sold or passed title to such watch, shall not be deemed to be a second-hand watch for the purposes of this Chapter if such vendor shall keep a written or printed record setting forth the name of the purchaser thereof, the date of the sale or transfer thereof, and the serial number (if any) on the case and the movement, and any other distinguishing numbers or identification marks, which said record shall be kept for at least five (5) years from the date of such sale or transfer and shall be open for inspection during all business hours by the Camden County Prosecutor or the prosecutor’s duly appointed representative;

(2) its case, serial numbers or movement numbers or other distinguishing numbers or identification marks shall be erased, defaced, removed, altered or covered; or

(3) if its movement is more than five (5) years old and has been repaired by any person or persons, including the vendor, notwithstanding that it may have been returned either through an exchange or for credit to said original



vendor. Cleaning and oiling a watch movement or recasing the movement in a new case shall not be deemed watch repair for the purposes of this Chapter.

§244-3. Compliance with State and Federal Laws Required.

A. Any person operating as a pawnshop, pawnbroker or secondhand dealer shall comply with all applicable local, state and federal laws and regulations that govern same. Specifically, and without limitation, all pawnshop operators or pawnbrokers shall comply with the Pawnbroking Law and any business that deals in the purchase of precious metals shall comply with the laws set forth in N.J.S.A. 51:6A-1. Nothing in this Chapter shall be construed as a waiver of any licensing, zoning, site plan or subdivision requirements as may otherwise be required by the Code of the Township of Berlin.

B. Notwithstanding anything in Chapter 122, entitled "Business Licensing and Registration," to the contrary, except where otherwise stated in this Chapter, the provisions of this Chapter shall govern pawnbrokers, pawnbroking activities, dealers in secondhand goods and precious metal dealers with respect to the issuance, term, renewal and effect of licenses issued pursuant to this Chapter and the violations and penalties set forth in this Chapter. It is the express intent of the Township of Berlin that any conflict between this Chapter and Chapter 122 of the Code of the Township of Berlin, entitled "Business Licensing and Registration," be resolved in favor of this Chapter.

§244-4. Daily Reporting; Cooperation with Authorities.

A. Daily Reporting to Township Police.

(1) All pawnbrokers or dealers in secondhand goods, in addition to keeping a proper record of the deposit and redemption of all goods and pledges as otherwise required in this Chapter, shall, each day, except Sunday, before eleven o'clock in the forenoon (11:00A.M.), deliver to the Chief of Police of the Berlin Township Police Department, a legible and correct transcript from the book or books in which said pawnbroker or dealer keeps his record of the deposit or redemption of goods and pledges, showing the description of each article or thing received by him during the business day immediately preceding the filing of the report, together with the amount of money loaned thereon, and a description of the person making the pledge. In the case of business done on Saturday, such report shall be delivered to the Chief of Police before eleven o'clock A.M. of the succeeding Monday.

(2) The information required by this Section shall be reported to the Chief of Police via a reputable internet-based company selected by the Chief of Police. Any fees associated with the use of such internet-based filings shall be the responsibility of the pawnbroker and/or dealer in second hand goods. The failure of any pawnbroker or dealer in second hand goods to pay the required

fees and/or maintain said electronic account registration shall be cause for revocation of any license issued pursuant to this Chapter in the manner set forth in §244-9 and/or §244-22(B), as applicable.

(3) Any pawnbroker or dealer in secondhand goods who fails to comply with the provisions of this section shall forfeit and pay to the Township a fine or penalty of one hundred dollars (\$100.00) for each and every offense.

B. Investigation by and Cooperation with Authorities.

Any person or business entity licensed as a pawnbroker in accordance with the Pawnbroking Law and this Chapter shall make available for inspection by the Department of Banking and Insurance all pledged and purchased items, including those items which the licensee has acquired as a result of a sale of unredeemed pledges. A licensee also shall allow inspection by all law enforcement authorities of all pledged and purchased items upon reasonable suspicion that one of the items listed in the report filed pursuant to §244-4(A) is stolen or other evidence of a crime. If a licensee fails to file the report required by §244-4(A), law enforcement authorities may inspect all pledged and purchased items, including those which the licensee has acquired as a result of unredeemed pledges.

Article II. Secondhand Dealers; License and Permit Required.

§244-5. License Required.

No person or business entity shall engage in the business of or operate a business as a secondhand dealer without first obtaining from the Township of Berlin a license, in accordance with the provisions of Chapter 122 of the Code of the Township of Berlin, authorizing such business or operation. In addition to the license required by this section, any business which also qualifies as a "pawnbroker" under the Pawnbroking Law must obtain a license from the Township pursuant to Article IV of this Chapter and a pawnbroking license from the New Jersey Department of Banking and Insurance in accordance with the Pawnbroking Law.

§244-6. Licensing Procedure.

A. Application.

Any person or business entity wishing to engage in the business of or to operate a business as a secondhand dealer shall apply, in writing, to the Township Clerk for the license required by this section, which application shall be on a form provided by the Township Clerk in accordance with this Chapter and the requirements of Chapter 122 of the Code of the Township of Berlin. Notwithstanding the foregoing, every application for a license to operate or do

business as a secondhand dealer shall include, in addition to any other information required by Chapter 122, the following:

(1) the name of the person, persons, business entity or business entities applying for the license (the "applicant");

(2) the current residential address, telephone number, cellular telephone number, date of birth, driver's license number and social security number or federal tax identification number of the individual applicant, or if the applicant is a business entity, the current residential address, telephone number, cellular telephone number, date of birth, driver's license number and social security number or federal tax identification number of all individual officers, directors, members, shareholders or owners of such business entity which hold more than a ten percent (10%) ownership interest in the business entity;

(3) the location for which the license is requested, including, but not limited to the street number and street name of the proposed location;

(4) whether the applicant or any of the applicant's officers, directors, members, shareholders or owners have been convicted of any criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction;

(5) whether the applicant or any of the applicant's officers, directors, members, shareholders or owners have held a license or had an interest in a license issued by this or any other jurisdiction regulating the purchase and sale of secondhand goods which license was revoked and, if so, list the date of revocation and the jurisdiction;

(6) in the case of a pawnbroker, a copy of the pawnbroking license issued by the Department of Banking and Insurance in accordance with the Pawnbroking Law;

(7) a copy of the Zoning Permit required by §244-14 of this Chapter;  
and

(8) an application fee in the amount of \$100.00.

**B. Investigation of Application by Police Department.**

Upon receipt of an application for a license in accordance with this Article, the Township Clerk shall cause a copy thereof to be sent to the Police Department, which shall report back to the Township Clerk within 21 days whether the applicant(s) is/are in compliance with the requirements of §244-6(A) and, in the case of a pawnbroker, whether the applicant's pawnbroking license issued by the Department of Banking and Insurance is in good standing or has been revoked.

C. Issuance of License.

Upon receipt of a favorable report from the Police Department as required by this Article, the Township Clerk shall submit the application to the Governing Body for review in accordance with §122-7. No license shall be issued hereunder if the Governing Body determines:

(1) the applicant, including any person described in §244-6(A)(2), is a minor; or

(2) the applicant, including any person described in §244-6(A)(2), has been convicted of or has pleaded guilty to any offense related to theft, burglary, or purchasing or receiving stolen items under the laws of this State, the Township or any other jurisdiction within the last ten (10) years, or have forfeited a bond to appear in court to answer for charges for such offenses during said time; or

(3) the applicant, including any person described in §244-6(A)(2), has been convicted of an offense involving breach of trust, moral turpitude or fraudulent or dishonest dealing, or has had a final judgment entered against him in a civil action upon grounds of fraud, misrepresentation or deceit; or

(4) the applicant, including any person described in §244-6(A)(2), has held a license or had an interest in a license regulating the purchase or sale of secondhand property which was issued by the Township or any other jurisdiction and which was revoked for cause; or

(5) the location for which the license was requested is not a permanent structure; or

(6) the location for which the license was requested and/or the structure to be used to operate the applicant's business as a secondhand dealer would not comply with applicable laws, including the Zoning Code of the Township of Berlin; or

(7) the applicant, including any person described in §244-6(A)(2), has knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this Chapter or with respect to any investigation of an application authorized by this Chapter.

D. Contents of License.

All licenses issued by the Township Clerk in accordance with this Article shall be on a form provided by the Township Clerk in accordance with this Chapter and the requirements of Chapter 122 of the Code of the Township of Berlin. Notwithstanding the foregoing, every license issued pursuant to this Chapter

shall include, in addition to any other information required by Chapter 122, the following information:

- (1) the license number assigned to the license by the Township Clerk;
- (2) the name of the person or business entity to whom the license was issued;
- (3) the location where the person or business entity is licensed to conduct business as a secondhand dealer, including the street name and street number thereof;
- (4) the hours of operation during which the licensee is permitted to conduct business as a secondhand dealer on the licensed premises pursuant to the license; and
- (5) the license number, if any, of the license issued by the New Jersey Department of Banking and Insurance to any secondhand dealer who also qualifies as or constitutes a "pawnbroker" under the Pawnbroking Law.

#### §244-7. Term of License.

Every license issued in accordance with this Article shall be valid from January 1 to December 1 of each year and shall be renewable on an annual basis. Any license issued after January 1 shall expire on December 31 of the year in which it was issued. The fee for each annual license renewal shall be \$125.00. The fee for each annual renewal shall be paid no later than December 1 prior to the year for which the renewal is sought.

#### §244-8. Posting License at Business.

Every license issued in accordance with the provisions of this Article shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrances to the premises for which the license was issued.

#### §244-9. Revocation of License.

A license issued in accordance with this Article may be revoked or suspended as follows:

- A. The Governing Body may revoke or suspend, for a period not to exceed thirty (30) days, any license issued to a secondhand dealer in accordance with this Article if the Governing Body finds:

(1) the person or business entity to whom the license was issued, including any person described in §244-6(A)(2), violated any of the provisions of this Chapter, the laws of the State of New Jersey, or the Code of the Township of Berlin in the operation of the business for which the license was issued;

(2) the person or business entity to whom the license was issued, including any person described in §244-6(A)(2), has been convicted of any offense described in §244-6(A)(4) or §244-6(A)(5);

(3) the person or business entity to whom the license was issued, including any person described in §244-6(A)(2), knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this Chapter or with respect to any investigation authorized by §244-6(B);

(4) the person or business entity to whom the license was issued has become insolvent or has acted in a way that indicates the licensee's business is not being operated in a financially responsible manner;

(5) the person or business entity to whom the license was issued has demonstrated unworthiness, incompetence, and faith or dishonesty in transacting business or otherwise; or

(6) the person or business entity to whom the license was issued has engaged in any other conduct which would be deemed by the Governing Body to be grounds to deny, revoke or suspend a license.

B. Notwithstanding the foregoing, and without limiting the effect thereof, any person or business entity to whom a license was issued, including any person described in §244-6(A)(2), who is found to have obtained a license in accordance with this Article by intentionally furnishing the Township with false or misleading information on the license application shall, upon the discovery thereof, suffer an immediate revocation of such license and all fees paid by such person or business entity shall be deemed to be forfeited.

#### §244-10. Records of Licenses to be Maintained by Township Clerk.

Prior to delivering any approved license to the person or business entity identified in such license, the Township Clerk shall assign a number to the license and shall record in a book kept solely for the purpose stated herein the following information for each license; the license number, name of the person or business entity to whom the license was issued, the location for which the license was issued and the date the license was issued. For any license that is revoked or suspended in accordance with this Chapter, the Township Clerk shall record in the same book the date the license was revoked or suspended and the date, if any, the license was reinstated. The book maintained by the Township Clerk for

this purpose shall be labeled “Licenses – Secondhand Dealers” and shall be made available during normal business hours for inspection by the Police Department of the Township of Berlin, the Camden County Prosecutor, the Commissioner of the Department of Banking and Insurance, any other governmental agency with jurisdiction, and/or the appointed or designated representative or representatives of each.

#### §244-11. Exemptions from Licensing Requirement.

The following are exempt from the requirements of this Article:

- A. garage sales;
- B. sales conducted by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one year prior to the holding of a sale or which are incorporated as a not-for-profit corporation by the State of New Jersey;
- C. sales or purchases which are regulated by other licensing laws of the State of New Jersey, including automobile dealers, used parts dealers and automotive parts recyclers; and
- D. antique dealers and sales or purchases conducted by antique dealers.

#### §244-12. Change of Location.

No person or business entity issued a license in accordance with this Article shall conduct any business required to be licensed by this Article except at the location designated on the license. A licensee who desires to change the location at which such business is conducted shall file with the Township Clerk a written application for a change in location pursuant to and in accordance with §244-22(D) of this Chapter. Nothing herein shall be construed as a waiver of the requirement to obtain a zoning permit in accordance with §244-14 of this Chapter and pursuant to the Zoning Code of the Township of Berlin, as proof that such business is permitted or allowed to be conducted in the Zoning District in which the new location is situated.

#### §244-13. License Cannot be Transferred.

A license issued in accordance with this Article is not transferable. A licensee shall have no right to assign or transfer its license to any other person or business entity. A person or business entity that wishes to conduct the licensee’s business in lieu of or in place of the licensee, including any purchaser or assignee of the licensee’s business, must obtain a license in his/her/its own name in accordance with the procedures established in this Chapter.

§244-14. Zoning Permit Required.

In addition to the licensing requirement set forth in this Article, every secondhand dealer and pawnbroker that applies for a license in accordance with this Chapter shall first obtain a zoning permit from the Berlin Township Zoning Official pursuant to the Zoning Code of the Township of Berlin, which zoning permit shall be evidence that the Zoning District within which the proposed secondhand dealership or pawn shop is to be located allows or permits the proposed use. If the Township Committee denies an application for a license or amended license on the basis that the proposed secondhand dealership or pawn shop is not a permitted use in the Zoning District in which said business is proposed to be located, the secondhand dealer or pawnbroker shall be required to obtain all required approvals from the Zoning Board of Adjustment and shall submit evidence of said approval with its license application instead of the zoning permit required by this Section.

Article III. Operation of Secondhand Dealers.

§244-15. Prohibited Purchases.

A. No secondhand dealer shall purchase or accept any goods, wares, articles, items or things under any of the following circumstances:

(1) where the seller is a minor; provided, however, that a pawnbroker may not accept a pledge from any person who is under the age of 16 as set forth in Article IV of this Chapter;

(2) where the seller is intoxicated;

(3) where the seller fails to present the identification required by §244-16(D)(4) of this Article; or

(4) where the item to be purchased had an original manufacturer's serial number at the time it was new but no longer legibly exhibits said number.

B. No secondhand dealer shall deal in, buy, sell or display on or in the licensed premises any pistol, revolver, Derringer, bowie knife, dirk or other deadly weapon of like character which is capable of being secreted upon a person unless such secondhand dealer shall also possess any and all valid and current licenses or permits regarding same as required by applicable federal, state or local laws, ordinances, rules or regulations.

§244-16. Record of Purchases.



Every holder of a license issued in accordance with this Article shall maintain at the licensed location a receipt book or register which shall be available for inspection by any police officer during normal hours of operation and which shall meet the following requirements:

A. the receipt books or registers shall be sequentially numbered and shall be of a form that creates, allows, or maintains triplicate copies of each entry;

B. all entries in the receipt books or registers shall be entered by hand in ink or in such other permanent writing material which is not susceptible to erasure, smudging, running or fading;

C. all entries in the receipt books or registers shall be neatly written so as to be readily legible;

D. all entries shall be made immediately at the time of receipt or purchase of any property and shall include the following information:

(1) a concise and accurate description of all property taken, purchased or received, including any number or inscription that may be in or on said property;

(2) the full legal name of the person from whom the property is received, including the person's full first name and middle initial, if any;

(3) the current address, date of birth and telephone number of the person from whom the property is received;

(4) a valid New Jersey driver's license number or, if the person does not reside in the state or does not have a valid driver's license, then at least two (2) forms of identification of which at least one shall contain the seller's full legal name, date of birth, a photograph or full physical description and an identification number;

(5) the amount paid for each item or the consideration and terms of the transaction;

(6) the signature of the seller; and

(7) the signature of the employee who received the property.

#### §244-17. Receipts.

A. All secondhand dealers shall produce a receipt to the seller of any item purchased or received by the secondhand dealer. A copy of all receipts issued pursuant to this section shall be maintained in chronological order and kept on

file by the secondhand dealer for a period not less than two (2) years from the date the receipt was issued.

B. Receipts required to be issued and maintained under this section shall contain all of the information described in §244-16(D) and, if the items received included any form of precious metal, the following additional information:

(1) the price at which the precious metals were bought, expressed as price per ounce;

(2) the weight of the precious metal purchased together with a full and complete description of the items being purchased; and

(3) if the item purchased is a gem or piece of jewelry not bought on the basis of weight, the price being paid for the item together with a description of the item.

#### §244-18. Waiting Period.

Every secondhand dealer, except auction houses, shall keep all property purchased or received from an individual for a period of ten (10) calendar days before it can be sold or traded. The waiting period may be waived or extended by the Chief of Police or by his authorized representative; provided, however, that any such waiver or extension shall be valid only if it is contained in a written document signed by the Chief of Police or his authorized representative.

#### §244-19. Inspection of Premises; Seizures; Restitution.

Every licensed secondhand dealer and every person employed by a licensed secondhand dealer shall admit to any and every part of the licensed premises where the secondhand dealer is conducting the licensed business, during normal business hours, any law enforcement officer of the Township of Berlin to examine any goods, articles, items or things on the premises relating to the purchase or sale of secondhand property to search for and to take into possession, without compensation to the licensee, any article known to be stolen or which such officer has reasonable grounds to believe to have been stolen. Such law enforcement officer may make any search or seizure as is provided for in this section and the property so seized shall be receipted for by the officer, which receipt shall fully describe the seized property and shall be signed by the officer. Should the officer determine the property not to be stolen, the officer shall promptly return the property to the secondhand dealer from whom it was confiscated and obtain a receipt from the secondhand dealer evidencing the return of the property, which receipt shall comply with the provisions of §244-16. If the property is determined to be the result of a domestic theft, the victim shall make restitution for the amount paid to obtain said property. Restitution for all

other property shall be made by way of criminal complaints against the seller of said items.

§244-20. Violations and Penalties.

Violations of this Article shall be deemed a misdemeanor and any person or business entity which violates any of the provisions of this Article shall, upon conviction, be subject to a fine of not less than \$100.00 or more than \$500.00; provided, however, that each day a violation of this Article shall continue shall constitute a separate offense. The licensed secondhand dealer shall be responsible for any violation of this Article occasioned by any of the licensee's partners, officers, directors, members, shareholders, employees or agents such that a violation committed by any such person shall be imputed to the licensee. Upon a third or subsequent violation under this Article, the license of said secondhand dealer may be revoked by the Governing Body in accordance with §244-9.

Article IV Pawnbrokers and Pawnbroking Businesses; Additional Requirements.

§244-21. Pawnbrokers Required to Comply with this Chapter and Pawnbroking Law.

In addition to the requirements of this Article, all pawnbrokers, including secondhand dealers who also operate as pawnbrokers or undertake any action or conduct which includes the business of a pawnbroker as defined in the Pawnbroking Law, shall comply with all applicable provisions of this Chapter and with all provisions of the Pawnbroking Law. In addition, all pawnbrokers licensed by the Department of Banking and Insurance shall provide the Township Clerk evidence of such licensure and compliance with the Department's rules and regulations in the form and manner required in this Chapter.

§244-22. Licensing Requirements.

A. General Provisions.

(1) No pawnbroker shall engage in the business of or operate a pawn shop or pawnbroking business without first obtaining from the Township of Berlin a license authorizing such business or operation in accordance with the provisions of this Chapter and Chapter 122 of the Code of the Township of Berlin, the granting of which license shall be contingent upon the pawnbroker first obtaining from the Department of Banking and Insurance the license required by the Pawnbroking Law.

(2) Every application for a license in accordance with this Article shall contain, in addition to all of the information and documentation required by §244-

6(A) of Article II of this Chapter and the information required in Chapter 122 of the Code of the Township of Berlin, the following additional items:

(a) a copy of the policies of insurance which the pawnbroker is required to maintain in accordance with N.J.S. 45:22-5 and N.J.A.C. 3:16-1.5; and

(b) a copy of the bond which the pawnbroker is required to maintain in accordance with N.J.S. 45:22-7 and N.J.A.C. 3:16-1.4.

(3) For purposes of this Article, the pawnbroker's submission of a valid and current license issued by the Department of Banking and Insurance in accordance with the Pawnbroking Law, as required by §244-6(A)(6) of this Chapter, shall constitute conclusive proof of satisfaction of the elements of §244-6(C)(1) through §244-6(C)(4), inclusive, such that upon receipt to the satisfaction of the Township Clerk of all other information and documentation required by §244-6(A) and §244-22(A)(2), the Township Clerk shall be required to submit the application to the Governing Body for review in accordance with §122-7.

(4) The contents of any license issued pursuant to this Article shall comply with the provisions of §244-6(D) of Article II of this Chapter.

(5) The term of a license issued pursuant to this Article shall correspond with the term of the license the pawnbroker obtained from the Department of Banking and Insurance as set forth in N.J.S.45:22-4. No application for renewal shall be approved unless the pawnbroker seeking renewal provides a copy of a renewed and valid license issued by the Department of Banking and Insurance. An application for a license or a renewal thereof shall be denied if the Department of Banking and Insurance denies the pawnbroker's license application or denies the pawnbroker's application for a license renewal submitted to that agency. It is the express intent of this section that applications for a license or renewal of a license issued pursuant to this Article shall be contingent upon the grant of or renewal of a license issued by the Department of Banking and Insurance upon which the pawnbroker's application with the Township is based.

(6) The Township Clerk shall maintain a book for the purpose of recording and keeping track of all licenses issued in accordance with this Article. The book required to be maintained by this section shall contain all of the information required by, and shall be maintained in the same manner set forth in §244-10 of Article III of this Chapter; provided, however, that the book required by this section shall be labeled "Licenses – Pawnbrokers and Pawn Shops," and shall be maintained separately from the book required to be maintained under §244-10.

(7) The provisions of §244-13 and §244-14 of this Chapter, prohibiting transfers of licenses and requiring a zoning permit or zoning variance in order to conduct the business contemplated by this Chapter, shall apply to licenses issued pursuant to this Article.

(8) This Article shall apply to all pawnbrokers, pawn shops and pawnbroking businesses without exception.

B. Revocation.

The status of any license issued by the Governing Body pursuant to this Article shall be subject to and contingent upon a licensed pawnbroker maintaining a current and valid license from the Department of Banking and Insurance. It is the express intent of this section that the revocation of a license issued pursuant to the Pawnbroking Law by the Department of Banking and Insurance shall constitute grounds for an immediate revocation of the corresponding license issued by the Governing Body.

C. Posting.

Every license issued pursuant to this Article shall be posted by the pawnbroker in a conspicuous place on the premises for which the license was issued along with the pawnbroker's schedule of fees to be charged. Pursuant to N.J.A.C. 3:16-1.3, the fee schedule shall be printed in bold type, in both English and Spanish, except where the Department of Banking and Insurance deems it necessary that a different or additional language be used.

D. Location of Pawn Shop; Change of Location.

(1) A license issued pursuant to this Article shall entitle the pawnbroker who holds the license to operate a pawn shop or pawnbroking business only at the location identified on the license. No pawnbroker may operate a pawn shop or pawnbroking business at a location other than the location identified on the pawnbroker's license. A separate license shall be required for each location at which a pawnbroker intends to operate a pawn shop or conduct a pawnbroking business.

(2) A pawnbroker who holds a license issued pursuant to this Article shall apply to the Governing Body for an amended license for any proposed change in location of the pawn shop or pawnbroking business as that location is identified on a valid and current license issued pursuant to this Article. The application required by this section shall be submitted at least thirty (30) days before the change in location is to take effect. Upon receipt of the application required by this section, the Zoning Official shall undertake the investigation required by §122-3 of the Code of the Township of Berlin and shall report his/her

findings to the Governing Body which shall then decide on granting or denying the application in the same manner required by §122-7.

(3) An application fee of \$50.00 shall be paid to the Township Clerk upon submission of an application for an amended license pursuant to this Section.

(4) Notwithstanding anything in this section to the contrary, an amended license shall not be issued if the pawnbroker is in violation of any other section of this Article or any other federal, state or local laws, rules or regulations.

#### §244-23. Operations of Pawnbrokers.

The operation of a pawnbroker, pawn shop or pawnbroking business shall be subject to the requirements of the Pawnbroking Law, including without limitation the following:

##### A. Prohibited Transactions.

(1) A pawnbroker shall not accept a pledge from any person who is under the age of 16.

(2) No pawnbroker, his agent or attorney, shall receive, by way of pledge or pawn, from any person any mechanic's tools used in the erection, addition or alteration of any building or structure, unless said person produces before said pawnbroker, his agent or attorney, two (2) reputable citizens who reside in the county in which the pawnbroker is doing business, and who shall respectively subscribe to an affidavit containing the name, residence and occupation of such affiant, and setting forth that said affiant verily believes that the person desiring to pledge said mechanic's tools is the true owner thereof. Every such affidavit shall be kept on file by the pawnbroker and a note thereof made in his books, as described in §244-23(B)(1) of this Article, and shall be subject to the same inspection as his books, and the pawnbroker shall furnish without charge a true copy of said affidavit to each person making the same. A pawnbroker who violates any of the provisions of this section shall be guilty of a misdemeanor.

##### B. Records of Pawnbrokers.

(1) Every pawnbroker shall maintain and keep the information described below in separate books, written in the English language, as follows:

(a) a pawnbroker shall keep a book in which shall be recorded, in ink, at the time of making each loan the following:

(i) the name and address of the pledgor, or where the pledge is made by a person acting as agent for a disclosed principal, the names and addresses of principal and agent;

(ii) the date of the transaction;

(iii) amount of the loan;

(iv) the article or articles pledged;

(v) the serial number of the loan; and

(vi) if the article or articles pledged include mechanic's tools, a notation indicating receipt of an affidavit in the form required by §244-23(A)(2) and a description of the location in which the pawnbroker keeps the affidavit.

(b) a pawnbroker shall keep in a book which shall be recorded, in ink, all sales of unredeemed pledges, including the following with respect to each sale:

(i) number, date, amount and duration of each loan;

(ii) the date of sale;

(iii) the amount realized from the sale of the collateral;

(iv) the amount charged to the pledgor as interest;

(v) commission and expenses of the sale;

(vi) the amount of the surplus or deficit, as the case may be; and

(vii) the date on which and the person to whom the surplus, if any, was paid.

(c) a pawnbroker shall keep a cash book, which the pawnbroker shall balance daily, in which shall be recorded:

(i) each amount paid out and the purpose for which it was paid; and

(ii) each amount received and on what account it was received.

(d) a pawnbroker shall keep a general ledger book.

(2) The pawnbroker shall at the time of making a loan require the pledgor or his agent to write his signature and address on a card bearing the serial number of the loan corresponding to that recorded in the pawnbroker's book, as provided in §244-23(B)(1)(a) of this Article. If such person is unable to write, he shall sign by mark, and in such event the pawnbroker shall record on the signature card such information as will enable him to identify the person in case of the loss of the ticket.

(3) The pawnbroker shall maintain its records on the licensed premises for a period of five (5) years and shall make such records available to the Berlin Township Police Department for inspection, with or without notice, during normal business hours in the manner as otherwise set forth in this Chapter; provided, however, that no records shall be removed or destroyed within two (2) years of the date of the last entry thereon or therein.

C. Pledgor's Ticket Required; Contents of Pledgor's Ticket.

The pawnbroker shall, at such time, deliver to the pledgor or his agent a memorandum or ticket on which shall be legibly written or printed the following:

- (1) the name of the pledgor;
- (2) the name of the pawnbroker;
- (3) the place where the pledge is made;
- (4) the article or articles pledged;
- (5) the amount of the loan;
- (6) the date of the transaction;
- (7) the serial number of the loan;
- (8) the rate of interest;
- (9) a copy of N.J.S. 45:22-22 and N.J.S. 45:22-24; and

(10) any other terms and conditions of the transaction not inconsistent with the Pawnbroking Law; provided, however, that nothing appearing on a pawn ticket shall relieve the pawnbroker of the obligation to exercise reasonable care



in the safe-keeping of articles pledged with him as otherwise provided in the Pawnbroking Law.

D. Redemption of Pledgor's Ticket.

(1) The holder of a pledgor's ticket shall be presumed to be the person entitled to redeem the pledge and the pawnbroker shall deliver the pledge to the person presenting the ticket upon payment of principal and interest. The holder of a pledgor's ticket may redeem by mail in accordance with the provisions of N.J.S. 45:22-17.

(2) a pawnbroker when requested for a receipt at the time of redemption, renewal or reduction of a loan, shall furnish to the person redeeming, renewing or reducing the loan, a receipt setting forth the following:

(a) the name and address of the pawnbroker;

(b) the date and number of the pledge;

(c) the amount of principal and interest; and

(d) the date of the payment for redemption, renewal or reduction of the loan.

(3) All unredeemed pledges shall be sold at public auction or private sale, but not before the expiration of twelve months from the date of the loan, unless otherwise agreed in writing between the pawnbroker and the pledgor, or unless authorized by the Commissioner of Banking and Insurance for due cause shown. A public auction or private sale under this section shall not take place before a notice in writing shall have first been mailed, subsequent to the date of maturity of the loan, to the last known address of the pledgor. Said written notice shall be mailed at least twenty (20) days prior to the date of such public auction or private sale. The disposition of the proceeds of a public auction or private sale under this section shall be distributed only in the manner and order set forth in N.J.S. 45:22-27 and N.J.S. 45:22-28.

(4) Except as otherwise provided in the Pawnbroking Law, a pawnbroker shall not be required, by legal process or otherwise, to deliver a pledge except upon surrender of the ticket, unless the ticket be impounded or its negotiation enjoined by a court of competent jurisdiction, such as, but not limited to, circumstances described in N.J.S. 45:22-30.

E. Lost, Destroyed, Stolen, Altered and Spurious Tickets.

The following shall apply to all tickets issued in accordance with §244-23(C):

(1) If the ticket is lost, destroyed or stolen, the pledgor shall so notify the pawnbroker in writing. The receipt of such notice shall be treated by the pawnbroker as a stop against the loan. Before delivering the collateral or issuing a new ticket, the pledgor shall provide the pawnbroker with an affidavit detailing the alleged loss, destruction or theft of the ticket. Upon receipt of such affidavit, the pawnbroker shall permit the pledgor either to redeem the loan or to receive a new ticket upon the payment of accrued interest. Nothing herein shall be construed as a waiver of any other requirements or provisions of the Pawnbroking Law with respect to lost, destroyed or stolen tickets.

(2) If the ticket is altered, the pawnbroker shall not be excused from liability to deliver the pledge according to the terms of the ticket as originally issued, however, the pawnbroker shall be relieved of any other liability to the pledgor or holder of the ticket.

(3) If a ticket is presented to a pawnbroker which purports to be one issued by said pawnbroker, but which is found to be spurious, the pawnbroker may seize and retain same without any liability whatsoever to the holder thereof. Any such tickets so seized shall be delivered to the Commissioner of the Department of Banking and Insurance and a copy thereof shall be delivered to the Chief of Police of the Township of Berlin or his designated representative.

(4) A licensee may charge a fee for services provided in connection with a lost, stolen or destroyed ticket; provided, however, that the charged amount does not exceed the maximum amount set forth in the Pawnbroking Law.

#### F. Actions on Loan Issued by Pawnbroker.

(1) Upon presentation of a ticket, and tender of not less than five dollars (\$5.00) as an installment on the principal together with accrued interest, the pawnbroker shall accept the same and issue a new ticket for the reduced amount.

(2) A pawnbroker shall not charge or receive interest on a loan in excess of the percentage established by the Pawnbroking Law except that a pawnbroker may charge \$1.00 where the interest thereunder amounts to less. In no event shall any other charges be made for any reason whatsoever except as may be permitted and/or determined by the Commissioner of the Department of Banking and Insurance.

(3) On loans secured by the pledge of articles, a licensee may levy a service charge equal to the amount established in, but not to exceed the amount set forth in, the Pawnbroking Law. The service charge shall not be levied on the renewal of a pledge more than once during any twelve (12) month period following the date of the initial pledge. A licensee shall levy a service charge only with the knowledge and consent of the pledgor.

G. Advertising.

(1) No licensee shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, computer modem, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement which is inaccurate, untrue, deceptive or misleading.

(2) A licensee is prohibited from using on his stationary, records, forms literature or advertising the words "bank" or "banking" or any other words which might imply that the licensee is a bank or is engaged in a banking business.

(3) An advertisement for public auction of unredeemed pledges shall be placed in three consecutive issues of a daily or weekly newspaper of general circulation in the city or country where the pawnbroker's business is conducted. In addition, the licensee may place advertisements in such other publications as he or she deems appropriate. Each advertisement shall include notice of the time and site of the public auction. Copies of all advertisements shall be delivered to the Chief of Police of the Berlin Township Police Department, or his designated representative, at least fourteen (14) days prior to the advertised sale and shall be retained for examination by the Department of Banking and Insurance.

(4) The licensee shall conspicuously post a list of items available for sale on the licensee's principal business at least three (3) days prior to the date of public auction, and the licensee shall make the list available to members of the public upon request. In addition, the licensee shall provide the Chief of Police of the Berlin Township Police Department, or his designated representative, a copy of the list of items available for sale at the same time the licensee delivers a copy of the advertisement as required by §244-23(G)(3).

H. Public Auction or Private Sale.

In addition to the notice requirement set forth in §244-D(3), §244(G)(3) and §244-(G)(4), every public auction or private sale conducted by a licensee shall comply with the following:

(1) A licensee shall obtain the name and address of each person who makes a purchase as a result of a public auction or private sale. The purchasers' names and addresses shall be retained for examination by the Berlin Township Police Department and the Department of Banking and Insurance.

(2) A licensee shall prepare and maintain a list containing a description of each item which the licensee acquires as a result of a public auction or private sale of unredeemed pledges.

(3) A licensee shall allow public inspection of all unredeemed pledges at the site of the public auction for not less than one (1) hour prior to commencement of the auction.

(4) A licensee shall mail a notice of public auction or private sale to each pledgor of record of items to be sold at least twenty (20) days prior to the auction or sale.

#### §244-24. Annual Report.

On or before March 15 of each year, every pawnbroker licensed pursuant to this Chapter shall file with the Township Clerk a copy of the annual report said pawnbroker is required to file with the Commissioner of the Department of Banking and Insurance.

#### §244-25. Reports of Legal Actions.

A licensee shall provide the Township Clerk with a copy of every legal process bringing a lawsuit, claim or suit upon a surety bond, which involves the licensee's pawnbroker business, not later than five (5) days after the licensee submits a copy of said documentation to the Department of Banking and Insurance in accordance with N.J.A.C. 3:16-3.1(a). In addition, a licensee shall report to the Township Clerk in writing the disposition of each such lawsuit, claim or suit upon a surety bond not later than five (5) days after the licensee submits such information to the Department of Banking and Insurance.

### Article V. Secondhand Watches.

#### §244-26. Secondhand Watches to be Clearly Marked.

Any person or business entity engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell or exchange, or offer for sale or exchange, expose for sale or exchange, possess with the intent to sell or exchange, or display with the intent to sell or exchange any secondhand watch, shall affix and keep affixed to the same a tag with the words "second-hand" clearly and legibly written or printed thereon, and the said tag shall be so placed that the words "second-hand" shall be in plain sight at all times.

#### §244-27. Special Invoice for Secondhand Watches.

A. Any person or business entity engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell a secondhand watch or in

any other way pass title thereto shall deliver to the vendee a written invoice bearing the words "secondhand watch" in bold letters, larger than any of the other written matter upon said invoice, which invoice shall also set forth the following:

- (1) the name and address of the vendor;
- (2) the name and address of the vendee;
- (3) the date of the sale;
- (4) the name of the watch or its makers;
- (5) the serial numbers, if any; and

(6) any other distinguishing numbers or identification marks upon its case and movement; or, if the serial numbers or other distinguishing numbers or identification marks shall have been erased, defaced, removed, altered or covered, the invoice shall so state.

B. The vendor shall keep on file a duplicate of said invoice for at least five (5) years from the date of the sale thereof, which shall be open to inspection during all business hours by the Camden County Prosecutor or his duly authorized representative.

#### §244-28. Advertising Secondhand Watches.

Any pawnbroker, secondhand dealer or other person or business entity or any agent thereof, who may advertise or display in any manner a secondhand watch for sale or exchange shall state clearly in such advertisement or display that said watch is a secondhand watch.

#### §244-29. Violations.

Any pawnbroker, secondhand dealer or other person or business entity or any agent thereof, who violates any provisions of this Article shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed the sum of five hundred dollars (\$500.00) or by imprisonment not to exceed one hundred (100) days, or both; provided, however, that the provisions of this Article shall not apply to pawnbroker's auction sales or unredeemed pledges.

**SECTION 2:** The Table of Contents for Chapter 244 of the Code of the Township of Berlin, entitled "Precious Metals and Gems," is hereby deleted and replaced with the following new Table of Contents a follows:

### **CHAPTER 244 – PRECIOUS METALS AND GEMS**

Article I. General Provisions.

§244-1. Purpose.

§244-2. Definitions.

§244-3. Compliance with State and Federal Laws Required.

§244-4. Daily Reporting; Cooperation with Authorities.

Article II. Secondhand Dealers; License and Permit Required.

§244-5. License Required.

§244-6. Licensing Procedure.

§244-7. Terms of License.

§244-8. Posting License at Business.

§244-9. Revocation of License.

§244-10. Records of Licenses to be Maintained by Township Clerk.

§244-11. Exemptions from Licensing Requirement.

§244-12. Change of Location.

§244-13. License Cannot be Transferred.

§244-14. Zoning Permit Required.

Article III. Operation of Secondhand Dealers.

§244-15. Prohibited Purchases.

§244-16. Record of Purchases.

§244-17. Receipts.

§244-18. Waiting Period.

§244-19. Inspection of Premises; Seizures; Restitution.

§244-20. Violations and Penalties.

Article IV. Pawnbrokers and Pawnbroking Businesses; Additional Requirements.

§244-21. Pawnbrokers Required to Comply with this Chapter and Pawnbroking Law.

§244-22. Licensing Requirements.

§244-23. Operations of Pawnbrokers.

§244-24. Annual Report.

§244-25. Reports of Legal Actions.

Article V. Secondhand Watches.

§244-26. Secondhand Watches to be Clearly Marked.

§244-27. Special Invoice for Secondhand Watches.

§244-28. Advertising Secondhand Watches.

§244-29. Violations.

**SECTION 3:** Except as set forth in Sections 1 and 2 above, the balance of the Berlin Township Code 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 immediately upon final passage and publication in accordance with 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 2013-16.

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.

Motion by Council President Morris second by Councilman Epifanio to adopt Ordinance 2013-16 Ordinance approved by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-176 RESOLUTION APPROVING AND RATIFYING THE CALLING OF LETTER OF CREDIT FOR RESIN TECH BLOCK 1101, LOT 7**

Motion by Council President Morris, second by Councilman Epifanio to **table** Resolution 2013-176. Resolution tabled by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-177 RESOLUTION AUTHORIZING PURCHASES BASED UPON THE AWARD OF CONTRACT (2<sup>nd</sup> YEAR OPTION) TO INTERNATIONAL SALT CO., LLC IN ACCORDANCE WITH THE COOPERATIVE BID AWARDED BY THE COUNTY OF CAMDEN.**

**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 10, 2012 at 10:00a.m., Prevailing Time, Bid B-19, Furnishing and Delivering Sodium Chloride, Pretreated Liquid Enhanced Sodium Chloride and Corrosion Inhibited de-icing Liquid, the receipt of which bids were duly advertised in accordance with law; and

**WHEREAS**, International Salt Co., LLC , is the lowest responsible bidder who complied with the specifications and bid the unit price of \$52.49 per ton for Item #1, Sodium Chloride; and

**WHEREAS**, bid B-19/2012 provided for a second year option; and

**WHEREAS**, by resolution adopted on October 17, 2013, the Camden County Board of Chosen Freeholders exercised the second year option of Bid B-19/2012 and awarded contracts for Camden County's needs and participating municipalities in the Cooperative, under the aforementioned bid to International Salt Co., LLC: and

**WHEREAS**, the term of the contract awarded shall be for one year commencing November 1, 2013; and

**WHEREAS**, funding for this purpose shall not exceed the maximum budgeted line items for streets and roads in the permanent and temporary CY 2013 and CY 2014 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 at a unit price of \$52.49 per ton pursuant to Camden County Bid B-19/2012 – 2<sup>nd</sup> Year Option, Furnishing and Delivering Sodium Chloride, Pretreated Liquid Enhanced Sodium Chloride and Corrosion Inhibited de-icing Liquid under the first year option for a one year term commencing November 1, 2013.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-177. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-178 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948) – YEAR 35 COMMUNITY DEVELOPMENT BLOCK 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 Year 35 Community Development Block Grant from the County of Camden for \$21,000.00;

**BE IT FURTHER RESOLVED** that a like sum of \$21,000.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
Community Development Block Grant	\$21,000.00

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

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-178. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-179 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 are hereby approved and the bills to be paid.

<b>TO</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
Camden County Animal Shelter	Dog Trust	\$ 583.34
Key Engineers	PB Esc #286	1,317.50
Key Engineers	PB Esc #286	3,840.00
Robert E. DePersia, II, ESQ.	Mun Public Defenders Trust	825.00

**CONFIRMING**

Various Current Fund and Sewer Operating Fund Checks	See Bill List attached dated: 9/30/13	\$ 10,611.82
America on Line	3-01-31-443-2077	37.99
America on Line	3-01-31-443-2077	37.99
State of NJ Health Benefits	3-01-23-220-2092	58,187.54
State of NJ Health Benefits	3-01-23-220-2092	27,300.17
Verizon	3-20-20-120-2105	143.14
Lexa Concrete	G-02-55-770-0100	128,230.06
Lexa Concrete	G-02-55-772-0100	20,075.00
Charles Marandino, LLC	C-04-04-865-080701	46,488.30
Charles Marandino, LLC	C-04-04-867-112602	2,994.70
Treasurer, State of NJ	Dog Trust	9.60
Revel Casino	3-01-20-120-2041	477.00
Treasurer, State of NJ	3-01-55-292-0000	250.00
The Fat Tomato	3-01-20-110-2105	119.38
Ameriflex	Flex Claims Account	75.00
Ford Motor Credit	3-01-25-240-2051	10,266.51
Verizon	3-0131-443-2077	99.99
Payroll, Current Fund	10/3/2013	120,332.10
Payroll, Sewer Operating Fund	10/3/2013	6,202.81
Payroll, Current Fund	10/17/2013	118,223.38
Payroll, Sewer Operating Fund	10/17/2013	5,984.45

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-179. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-180 CHANGE ORDER NUMBER 1 FOR PROPOSAL  
NUMBER 3 FOR 2013 STREET IMPROVEMENT PROGRAM.**

**WHEREAS**, it is necessary to make changes in the scope of the work to be done in completing Proposal Number 3 for 2013 Street Improvement Program, in the Township of Berlin, Camden County New Jersey; and

**WHEREAS**, Change order Number 1 to Charles Marandino LLC, was developed to itemize and authorize those changes.

**WHEREAS** the decreases and increases reflect as-built quantities, repairs to failing storm drainage pipes, additional milling and surface course at the settled sewer trench along Grove Avenue (between Cleveland and Thurman Avenue) and the renegotiated unit price for the concrete curb since the quantity was reduced by more than 25% of the contract quantity (as per the attached sheet)

**WHEREAS** an increase, per the Change Order, to the Contract amount is \$8,663.94.

**WHEREAS** the change reflects an adjustment in the contract amount from \$52,674.00 to \$61,337.94 a 16.4% increase.

**WHEREAS** certification has been received from the Township Chief Financial Officer that sufficient funds have been allocated for this Change.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Berlin Mayor and Council that Change Order Number 1 is hereby authorized and approved for the change in the contract amount from \$52,674.00 to \$61,337.94, an increase of \$8,663.94.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-180. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013- 181 DESIGNATING RECIPIENTS FOR THE CAMDEN COUNTY HOUSING REHABILITATION PROGRAM AND AUTHORIZING CAMDEN COUNTY DIVISION OF COMMUNITY DEVELOPMENT AS ADMINISTRATIVE AGENT. (Recipients Richard Gray & Rita Lyons)**

**WHEREAS**, the Township of Berlin Housing Rehabilitation Agency, hereinafter referred to as "Agency" has received and reviewed applications by certain homeowners specified herein for rehabilitation of their dwellings under the Camden County Community Development Block Grant program; and

**WHEREAS**, said Agency has determined that said homeowners are eligible under the guidelines of said program; and

**WHEREAS**, the County of Camden has been authorized by Cooperation Agreements between the County and the various participating municipalities to administer the Housing Rehabilitation Program from funds received under Community Development Block grant Program;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1.) That the following homeowners are hereby determined eligible for assistance under the Camden County Home Improvement Program:

a) **06-D-281- Richard Gray & Rita Lyons 5 North Rose Lane, West Berlin NJ**

2.) The Camden County Division of Community Development is hereby authorized to process the aforementioned homeowner's application for rehabilitation of their dwellings as specified herein.

3.) That the Camden County Division of Community Development is further authorized to do the following:

a) Execute any and all documents and perform all administrative functions which may be required or desired in order to carry out the terms and conditions of the Community Development Block Grant Program.

b) Make payments to the homeowners and contractors in amounts determined by the County for services performed in rehabilitating the dwellings specified herein.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-181. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-182 CHANGE ORDER 2 AND FINAL PAYMENT FOR THE CONSTRUCTION OF SIDEWALK ALONG ROUTE 73 NORTHBOUND.**

**WHEREAS**, it is necessary to make changes in the scope of the work to be done in completing the construction of sidewalks along Route 73 northbound, in the Township of Berlin, Camden County New Jersey; and

**WHEREAS**, Change order Number 2 to Lexa Concrete LLC, was developed to itemize and authorize those changes.

**WHEREAS** a decrease, per the Change Order 2, to the Contract amount is \$14,732.00.

**WHEREAS** the change reflects an adjustment in the contract final amount to \$240,267.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Berlin Mayor and Council that Change Order Number 2 is hereby authorized and approved.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-182. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2013-183 CHANGE ORDER NUMBER 1 FOR PROPOSAL NUMBER 2 IMPROVEMENTS TO EDGEWOOD AVENUE 2013 STREET IMPROVEMENT PROGRAM**

**WHEREAS**, it is necessary to make changes in the scope of the work to be done in completing Proposal Number 2, 2013 Street Improvement Program, in the Township of Berlin, Camden County, New Jersey

**WHEREAS**, Change Order Number 1 was developed to itemize and authorize those changes for the as-built quantities for the storm drainage improvements, correct the quantity for Item No. 11. 6"x8"x18" Concrete Curb, Class B and the reduction of the quantities for various items.

**WHEREAS**, the Change reflects an adjustment in the Contract amount from \$305,605.37 to \$319,682.53, a 4.6% increase

**WHEREAS**, certification has been received from the Township Chief Financial Officer that sufficient funds have been allocated for this Change Order and;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Berlin Mayor and Council that Change Order Number 1 is hereby authorized and approved for the change in the Contract amount from \$305,605.37 to \$319,682.53,an increase of \$14,077.16

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Resolution 2013-183. Resolution adopted by call of the roll, five members present voting in the affirmative.

**Business Approvals**

**1) KX Enterprises, Brian Margolis**, 420 Commerce Lane, West Berlin NJ, Suite 4. Company trains people to install decorative concrete overlay.

**2) MC Custom Sheet Metal Fabrications, Michael Franchi**, 215 East Old Egg Harbor Road, West Berlin NJ. Fabrication of HVAC Duct work.

**3) Niagara Machine. Kevin S. Bryan**, 415 Bloomfield Drive Unit 5, West Berlin NJ. Sale Service of rentals for concrete preparation equipment.

**4) Allusions Salon and Spa, Ryan Middleman**, 117 Route 73 North, West Berlin NJ. Hair Salon Services.

**5) Warner Piano Company Inc., Ralph W.Weil**, 447 Route 73 North West Berlin NJ. Piano Services

**6) Innovative Payroll Services LLC, John Scholtz** ,432 Kelly Drive , West Berlin NJ. Payroll Processing and Check printing

Motion by Councilman Morris, second by Councilwoman Bodanza to approve the business licenses. Licensed approved by call of the roll, five members present voting in the affirmative for license.

**Councilman Epifanio abstained from voting for Allusions Salon and Spa.**

#### **Approval of Minutes September 23, 2013**

Motion by Councilman McIntosh, second by Councilman Epifanio to approve the minutes for September 23, 2013. Motion carried by voice vote, five present voting in the affirmative.

#### **Consent Agenda for September**

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

#### **All Other Business**

Mayor Magazzu stated that the Holiday food drive is going well. Council President Morris spoke about Berlin Township cleanup day, we were able to clean every park.

#### **Public Portion**

Motion by Council President Morris, second by Councilman Epifanio 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.

Rich Grabowski asked how long does it take to collect the food.

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

**Mayor and Council Responded**

Mayor stated that we start the food drive around 10:30am and it takes all day long. Councilman Epifanio replied that we put about 6 to 8 hours on Saturdays.

**Adjourn**

Motion by Council President Morris, second by Councilman Epifanio to adjourn the meeting at 7:10 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 7:10 pm

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Catherine Underwood, Township Clerk