

FEBRUARY 13, 2017

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL FEBRUARY 13, 2017 AT 5:30 P.M.

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Mayor Magazzu, Councilman McIntosh, Councilwoman Bodanza, Councilman Epifanio, Council President Morris.

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

Absent- Animal Control/ Property Maintenance, Josh Shellenberger

POLICE DEPARTMENT

Total of 210 Motor Vehicle Summons, which include 2 for DWI, 26 Motor Vehicle Crashes, 91 Alarms calls. A total of 64 arrests, which include 6 for narcotics, 5 for shoplifting, 1 strong arm robbery, and 34 warrant services.

On 1/25 Officers responded to a shoplifting at the Home Depot store where the accused was reportedly fighting with the loss prevention official. Upon arrival of the officers assisted loss prevention and took the suspect into custody. The accused was charged with robbery and remanded to the county jail.

On 1/21 Officer were assisting Voorhees police with locating a vehicle that fled and MV crash in their jurisdiction. The vehicle was located at a residence in Berlin Township. Upon speaking with the resident and obtaining information the accused became uncooperative and assaulted Lt. Siderio. The suspect was charged accordingly and released on a summons.

Department news:

I would like to announce that a conditional offer for employment has been presented to Tyquan McIntosh for the position of part time SLEO II. I request that if all conditions are met Tyquan be hired as a SLEO II and sworn in at the February 27th council meeting. I would also request that David Childs be re-appointed as a part time SLEO II for 2017.

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There has been numerous complaints reference to Jefferson Ave. The complaints stem from the company DPI construction using the rear of 82 Lafayette Ave. to store their machinery. Residents have complained about heavy trucks / machinery being on the undedicated portion of Jefferson Ave. and the roadway being resurfaced / refinished. I was advised by Mr. Riebel that there are no violations within Berlin Township or Voorhees Twp. Mr. Riebel also met with the owner of DPI construction and was advised that he doesn't plan of driving any of his vehicles on Jefferson Ave. He advised he plans on using Lafayette Ave. to access his yard. I would suggest that the governing body discuss adding Jefferson Ave. to the list of streets that limit the size and weight of vehicles.

Respectfully,
Chief Leonard Check

RESOLUTION 2017-70 RESOLUTION OF THE TOWNSHIP OF BERLIN AUTHORIZING, THE IMPOSITION OF LIENS IN ACCORDANCE WITH CHAPTER 249 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED, "PROPERTY MAINTENANCE."

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

WHEREAS, Chapters 249 of the Code of the Township of Berlin establish, *inter alia*, the procedure by which such property maintenance shall be performed and the process through which the costs thereof shall be established as municipal charges and/or liens against the real property upon which such maintenance is performed; and

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

<u>Property: Block/Lot</u>	<u>REASON</u>
210 Chestnut Ave. B-1413 L-5	Tree removal

WHEREAS, pursuant to Chapter 249 the Code Enforcement Officer issued Violation Notices to the property owner(s) or responsible party(ies) relating to the above-referenced conditions which were found to be health and safety hazards; and

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

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

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

<u>Property: Block/Lot</u>	<u>Date Charged</u>	<u>Amount</u>	<u>Reason</u>
210 Chestnut Ave. B-1413 L-5	February 13, 2017	\$300.00	Tree removal

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

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

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Township Tax Collector and said Resolution, together with all invoices evidencing certification of costs expended for said work, shall be filed with and/or shall remain on file with the Township Tax Collector until said charges are paid the lien is released in the matter required by law.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-70. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-71 CONFIRMING LIST OF UNCOLLECTIBLE TAXES.

To the Mayor and Council to the Township of Berlin:

I hereby submit to you a list of taxes, which in my opinion are uncollectible. I give the reasons why I deem them uncollectible, and I request that same be remitted and that I be relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4.

**Dated March 27, 2017
Dana O'Hara, CTC - Tax Collector**

NAME	YEAR	DESCRIPTION	AMOUNT	REASON
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D&D CO PROP LLC	2017	1001- 4	\$ 18,391.09	State Tax Appeal Stipulated Settlement
			\$ 18,391.09	TOTAL to Aug/Nov 2017

By resolution of the Mayor and Council of the Township of Berlin, the taxes listed above have been ordered remitted and the Collector relieved thereof.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-71. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017- 72 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.

WHEREAS, the property owner or responsible party failed to take appropriate action as required in the Violation Notices; the Code Enforcement Officer placed a work order with outside vendors on the properties and provided an invoice as certification of all costs associated with the work performed pursuant to Chapter 280-6 and pursuant to Chapter 280-7 the monies expended to pay outside vendors to perform the services at these properties have been charged against the property; and pursuant to Chapter 280-8 forthwith became a lien on such lands and was filed with the Tax Office; said lien to be discharged by the Tax Collector upon payment.

WHEREAS, the Tax Collector has confirmed receipt of payment for the liens against the following properties representing maintenance work performed; the maintenance liens against the following properties have been discharged, as follows:

Property:	AMOUNT	DATE PAID
30 Holly Drive	\$ 243.11	11/22/16
244 Briarwood Ave	\$ 20.00	12/01/16
526 Rt 73 North	\$ 125.00	12/02/16
526 Rt 73 North	\$ 1,625.00	12/02/16
226 Second Ave	\$ 350.00	12/27/16
205 Abbot Ave	\$ 50.00	01/05/17
255 Peppermill Road	\$ 275.00	01/20/17
178 Franklin Ave	\$ 1,525.00	01/30/17
6 Astor Avenue	\$ 130.00	01/31/17

Submitted for February 13, 2017 Meeting

Dana O'Hara, CTC - Tax Collector

By resolution of the Mayor and Council of the Township of Berlin, for the reasons set forth hereinabove, it hereby approves and authorizes said liens against said properties pursuant to Chapter 280-7 of the Code of the Township of Berlin hereby discharged.

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BE IT FURTHER RESOLVED, This Resolution shall take effect immediately upon adoption.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-72. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-73 RESOLUTION AUTHORIZING A CONSTRUCTION PERMIT REFUND IN THE AMOUNT \$5633.23 FOR CONSTRUCTION CONCEPTS.

WHEREAS, Construction Concepts, 1070 Kings Highway Bellmawr New Jersey 08031 submitted plans for a 20,000 square foot building area; and

WHEREAS, based on those plans submitted a construction permit was issued: and

WHEREAS, after the permit was issued the contractor chose not to build 7, 000 square feet of retail portion and is requesting a refund for that portion.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin hereby authorizes the refund in the amount of \$5633.23 for the unbuilt portion of the construction permit to Construction Concepts.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-73. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-74 REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR A SENIOR CITIZENS DONATIONS TRUST FUND FOR THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY PURSUANT TO N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedicated by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A 40A:5-29 provides for the receipt of donations to a municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the donations to a Senior Citizens Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

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

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1. The governing body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Senior Citizens Donations Trust Fund in accordance with the provisions N.J.S.A. 40A:5-29; and

2. The Municipal Clerk of the Township of Berlin, County of Camden is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-74. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-75 RESOLUTION AUTHORIZING THE APPOINTMENT OF DAVID CHILDS AS PART TIME CLASS II SPECIAL LAW ENFORCEMENT OFFICER (SLEO II) FOR THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY.

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

WHEREAS David Childs has applied for the position: and

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

NOW BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby appoints David Childs as a part time Special Law Enforcement Officer pursuant to N.J.S.A. 40A:14-146.10A for Berlin Township Police Department effective February 13, 2017 till December 31, 2017.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-75. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-76 RESOLUTION AUTHORIZING THE APPOINTMENT OF TYQUAN MCINTOSH AS PART TIME CLASS II SPECIAL LAW ENFORCEMENT OFFICER (SLEO II) FOR THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY.

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

WHEREAS Tyquan McIntosh has applied for the position: and

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

NOW BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby appoints Tyquan McIntosh as a part time Special Law Enforcement Officer pursuant to N.J.S.A. 40A:14-146.10A for Berlin Township Police Department effective February 27, 2017 till December 31, 2017.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-76. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-77 LIST OF UNCOLLECTIBLE TAXES DUE BACK FROM STATE

I hereby submit to you a list of taxes, which in my opinion are uncollectible. I give the reasons why I deem them uncollectible, and I request that same be remitted and that I be relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4.

Dated: February 10, 2017

Dana O'Hara, CTC - Tax Collector

NAME	DESCRIPTION	YEAR	AMOUNT	REASON
JoAnn Smith	1301-4	2017	250.00	Disabled Person
			\$ 250.00	Total to Aug/Nov 2017

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-77. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-78 LIST OF UNCOLLECTIBLE TAXES

I hereby submit to you a list of taxes, which in my opinion are uncollectible. I give the reasons why I deem them uncollectible, and I request that same be remitted and that I be relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4.

Dated: February 10, 2017

Dana O'Hara, CTC - Tax Collector

NAME	YEAR	BLOCK/LOT	AMOUNT	REASON
William Crane	2017	2404-39	250.00	Veteran – Aug/Nov

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\$ 250.00 TOTAL to Aug/Nov 2017

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-78. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-79 AUTHORIZING THE TOWNSHIP ENGINEER TO PREPARE, ADVERTISE AND RECEIVE BIDS FOR A NEW AUTOMATED REFUSE COLLECTION VEHICLE.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that the Township Engineer is hereby authorized to prepare, advertise and receive bids for One New Automated Refuse Collection Vehicle.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Resolution 2017-79. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017- 80 RESOLUTION CONFIRMING THE MAYOR IN ENDORSING THE CAMDEN COUNTY OPEN SPACE TRUST FUND RECREATION FACILITY ENHANCEMENT PROGRAM APPLICATIONS.

WHEREAS, the Township of Berlin desires to submit an application to Camden County Open Space Fund Recreation Enhancement program Application for year 2017; and

WHEREAS, the Township of Berlin would like to submit an application to:

PROJECT- seating around Band Shell and seating at other location at the Luke Avenue Recreation Park.

BE IT RESOLVED, that the Mayor and Council of the Township of Berlin formally approves the application submission for the 2017 Camden County Open Space Fund Recreation Enhancement program; and

BE IT FURTHER RESOLVED, that the Mayor of the Township of Berlin was hereby authorized to sign the application and any other respective documentation.

Business Approvals

1) **Full Circle Automotive LLC, Kyle Rosenberg**, 770 Route 73 South, West Berlin NJ, Unit B. Auto Sales and Service.

Motion by Councilman Epifanio second by Council President Morris to approve the mercantile license above. Mercantile License approved by call of the roll, five members present voting in the affirmative.

Solicitor Permit

1) **Michael K. Sween, T/A Allied Energy Efficiency Experts.** Door to Door sales. Home energy Consumption Audit/ Consultation

2) **Timothy Kinnevy T/A The Insulation Group.** Door to Door sales. New Jersey Clean Energy Program

Motion by Council President Morris second by Councilman McIntosh to approve the solicitors permit above. Solicitor permit approved by call of the roll, five members present voting in the affirmative.

Approval of Meeting Minute for January 23rd 2017.

Motion by Councilman McIntosh, second by Council President Morris to approve the Meeting Minutes for January 23, 2017. Motion carried by voice vote, five present voting in the affirmative.

All Other Business

Lori Campisano, CFO reported on the Sale of the Refunding Bonds , Series 2017.

Public Portion

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.

Louise Amato, 206 Lucas Avenue stated that since the construction at Retro Fitness center, she no longer has any privacy in her back yard even with the buffer of the 6ft trees that were planted. She asked if the Governing Body could be any assistance in coming up with a solution

Chuck Riebel, Township Engineer remarked that he would reach out to builder.

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. Mayor Magazzu closed the meeting to the public for questions or comments.

Adjourn

Motion by Council President Morris, second by, Councilman Epifanio to adjourn the meeting at 6:05 am. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 6:05 pm

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Catherine Underwood, Township Clerk