

APRIL 27, 2015

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL April 27, 2015 AT 5:00 P.M.**

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

All in attendance joined in the Salute to the Flag.

**ROLL CALL**

**Present-** Mayor Magazzu, Councilman Epifanio, Councilman McIntosh, Councilwoman Bodanza

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

**Absent-** Council President Morris

**DEPARTMENTAL REPORTS**

**PUBLIC WORKS / ENGINEER**

Chuck reported that with the Fourth of July around the corner he had reached out and spoken with County in regards to the sidewalk closure on the Haddon Avenue Bridge. The bridge structure is owned by NJ Transit and Camden County cannot repair the sidewalk without impacting the bridge structure. NJ transit is responsible for the bridge structure. Once NJ Transit performs the repair around the bridge structure, Camden County can repair the sidewalk. Chuck also asked them to fix the potholes on Haddon Avenue.

**SOLICITOR REPORT**

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Sherwood, Orio, Olyroyd & Fruggerio
5. Michael Curtis V. Berlin Township
6. Open Public Records Act

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7. Ordinance Revisions
8. In Rem Tax Foreclosure
9. Montebello- Phase 4 Performance Guarantees
10. Municipal Roof Claim
11. Lester Avenue Drainage Project

### **POLICE REPORT**

On April 20, 2015 I along with Ptl..FitzGiggon attended a memorial service in Haddon Heights for Det. Jack McLaughlin of the Camden County Prosecutors Office and Ptl. John Norcross of the Haddon Heights Police Department. These Officers were murdered on April 20, 1995, 20 years ago in Haddon Heights.

I Request that the governing body pass resolution 2015-113 supporting the police department in its enrollment into the 1033 program. The Law Enforcement support officer (1033) program is a program that allows local law enforcement agency to acquire property from the United States Department of Defense. I want to assure the governing body that I am aware of the sensitivity surrounding local police departments obtaining military surplus. No equipment would be obtained until approval from the Mayor and the governing body.

#### **Sahara Sam's:**

On May 8, 2015 The police department will be partnering with Sahara Sam's Water Park for a public Safety Appreciation night. The park will be closed to the public and they offered a discounted ticket price for public safety supporters. I would request the support from the governing body is advertising this event. A portion of the proceeds will go directly to the police department to be used for our drug education programs and our community outreach efforts.

#### **Department training:**

All Officers will complete the Attorney General Mandatory Training by April 29, 2015. In addition all Officers received updates training in all firearms, Taser, and the use of Narcan.

I attended an Executive Leadership Institute from April 13, -17.

Det. Pumphrey attended an investigative photography class.

Respectfully submitted,  
Leonard Check

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

Joshua Shellenberger reported that this week he rescued 5 dogs and with the help of Fur alert he was able to return all the dogs back home to their owners.

### **Proclamation**

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**“National Day of Prayer”**

**AN ACT designating the first Thursday in May each year as a “Day of Prayer in New Jersey”, and;**

**WHEREAS**, Civic Prayers and national days of prayer have a long and venerable history in our constitutional republic dating back to the first Continental Congress in 1775; and

**WHEREAS**, the Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Law so of Nature and of Nature’s God” the foundation of our United States of America and asserted that the people have inalienable rights that are God-given; and

**WHEREAS**, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

**WHEREAS**, in 1988, legislation set aside the first Thursday in May in each year as a National Day of Prayer; and

**WHEREAS**, the National Day of Prayer is an opportunity for Americans of all faiths to join in unites prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing from wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

**WHEREAS**, it is fitting and proper to give thanks to God by observing a day of prayer in New Jersey when all may acknowledge our blessing and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and Nation;

**NOW, THEREFORE**, I, Phyllis Magazzu, Mayor of the Township of Berlin do hereby proclaim Thursday, May 7<sup>th</sup> 2015 to be designated as a day of Prayer in the Township of Berlin. And encourage our citizens to observe the day in ways appropriate to its importance and significance.

**FIRST READING ORDINANCE 2015-4 AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$125,000.00 FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REASSESSMENT OF REAL PROPERTY IN THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY.**

**WHEREAS**, the Camden County Board of Taxation has ordered, by Resolution adopted on 3/5/14, for the Township of Berlin, New Jersey (the “Township”) to implement a municipal-wide reassessment of real property in the Township to be effective for the 2016 Tax Year; and

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**WHEREAS**, the Local Budget Law of the State of New Jersey and in particular N.J.S.A. 40A:4-53, provides that a municipality may adopt an ordinance authorizing a special emergency appropriation for, among other things, the preparation and execution of a complete revaluation program or any program to update and make current any previous revaluations program when ordered by the county board of taxation;

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

**Section 1.** A special emergency appropriation in the amount of \$125,000.00 is hereby authorized and made for the purpose of a complete program of reassessment of real property in the Township of Berlin, County of Camden, New Jersey.

**Section 2.** That said emergency appropriation shall be provided for in full in the budgets of the next succeeding years by the inclusion of not less than one-fifth of the total amount in each of the next succeeding annual budgets.

**Section 3.** The Township hereby authorizes the Chief Financial Officer to finance such appropriation from surplus fund available or by issuing special emergency notes from time to time in accordance with the provision of N.J.S.A. 40A:4-55, all shall be determined by and pursuant to a resolution or resolutions of the Township to be hereafter adopted.

**Section 4.** In accordance with the requirements of N.J.S.A. 40A:4-53, a copy of this ordinance as adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

**Section 5.** This ordinance shall take effect after publication after final adoption, as provided by law.

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adopt Ordinance 2015-4 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative

**FIRST READING ORDINANCE 2015-5 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REVISING, AMENDING AND SUPPLEMENTING CHAPTER 340 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "ZONING"**

**WHEREAS**, Chapter 340 of the Code of the Township of Berlin, entitled "Zoning," regulates, inter alia, permitted uses in the Highway Commercial Zones within the Township of Berlin; and

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**WHEREAS**, the Township Engineer and Code Enforcement Officer of the Township of Berlin have made recommendations for an amendment to the current regulations governing the proximity of different motor vehicle rental, sales and storage businesses to each other with in the C-1, C-2, C-2RD and C-3 zoning districts; 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 340, entitled "Zoning," Article IX, entitled "Highway Commercial Zones C-1, C-2, C-2RD and C-3," Section 51, entitled "Permitted uses," Subsection H, is hereby amended, revised and/or supplemented as follows:

**§340-51 Permitted uses**

(H) Motor vehicle rentals, sales and storage

Any business engaged in the rental, sale, storage or display of new and/or used motor vehicles shall not be any closer than one mile to each such other similar business establishment, as measured from each property line of every property on which each such use is located.

**SECTION 2:** Except as set forth in Section 1 above, the balance of Chapter 340 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 Councilman Epifanio, second by Councilwoman Bodanza to adopt Ordinance 2015-5 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2015-113 OF THE TOWNSHIP OF BERLIN TO PARTICIPATE IN THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) 1033 PROGRAM.**

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**WHEREAS**, the Township of Berlin Police Department has determined to enroll and participate in the Law Enforcement Support Office (LESO) 1033 Program which permits local law enforcement agencies to acquire/purchase personal property of the Department of Defense to be used for public safety and counter-terrorism purposes; and

**WHEREAS**, pursuant to Senate Bill No. 2364, it is necessary for the Governing Body for the Township of Berlin to approve by Resolution adopted by a majority of the full membership of said Governing Body, authorizing enrollment of the Berlin Township Police Department in the LESO Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, County of Camden, and State of New Jersey, that it hereby approves an application for enrollment by the Berlin Township Police Department in the Law Enforcement Support Office (LESO) 1033 Program pursuant to the requirements set forth in Senate Bill No. 2364.

**BE IT FURTHER RESOLVED** that appropriate notice of adoption of this Resolution shall be sent to the necessary agencies or regulatory parties as required.

**BE IT FURTHER RESOLVED** that this Resolution will take effect immediately upon adoption.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2015-113. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2015-114 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 37 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 37 Community Development Block Grant from the County of Camden for \$25,800.00;

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**BE IT FURTHER RESOLVED** that a like sum of \$25,800.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"  
Community Development Block Grant  
Year 37 \$25,800.00

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

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2015-114. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2015- 115 RESOLUTION RECONFIRMING THE DEDICATED TAX RATE FOR THE MUNICIPAL OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND FOR TAX BILLING PURPOSE.**

**WHEREAS**, on November 2, 1999 a referendum question was passed by the residents of the Township of Berlin, dedicating \$.04 per hundred dollars of assessed valuations for such purposes with the results certified by the County; and

**WHEREAS**, there has been no further referendum passed since November 2, 1999 to change such rate;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey that the dedicated tax rate of \$ .04 per hundred dollars of assessed valuations for the Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund be confirmed for tax billing purposes.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2015-115. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2015-116 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) – NJDOT FISCAL YEAR 2015 MUNICIPAL AID PROGRAM.**

**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

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

**WHEREAS**, the Chief Financial Officer has certified that the Township has received a NJDOT Fiscal Year 2015 Municipal Aid Program Grant for Improvements to Hazel Avenue from the New Jersey Department of Transportation for \$201,000.00;

**BE IT FURTHER RESOLVED** that a like sum of \$201,000.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"	
NJDOT FY 2015 Municipal Aid Program	
Grant for Improvements to Hazel Avenue	\$201,000.00

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

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2015-116. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2015-117 RESOLUTION WAIVING PARK PERMIT FEES FOR WESLEY UNITED METHODIST CHURCH FOR NATIONAL DAY OF PRAYER.**

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the Park Permit fees for Wesley United Methodist Church, be waived for National Day of Prayer to be held on May 7<sup>th</sup> 2015.

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2015-117. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2015-118 PAYMENT OF BILLS FOR APRIL**

**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>
Robert E. DePersia, II Esq.	Municipal Public Defender's Trust	\$ 300.00
Charles J. Block ESG	Municipal Public Defender's Trust	300.00
Taser International	Police State Forfeiture Trust	1,992.02



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**No comments were to be heard**

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

**RESOLUTION 2015-119 PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

**WHEREAS**, the Township of Berlin ("Township") is subject to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Mayor and Council of the Township of Berlin to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

To discuss safety and legal matters regarding the Fourth of July Event.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, assembled in public session on April 27, 2015, that an Executive Session closed to the public shall be held on April 27, 2015, at 5:00 P.M. in the Township of Berlin, 135 Route 73 South, West Berlin, New Jersey for the discussion of safety and legal matters regarding the Fourth of July Event

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Resolution 2015-119. Resolution adopted by call of the roll, four members present voting in the affirmative.

Motion by Councilman Epifanio, second by Councilwoman Bodanza to come out of closed session.

**Adjourn**

Motion by Councilman McIntosh, second by Councilman Epifanio to adjourn the meeting at 6:25 pm. Motion carried by voice vote, all members present voting in the affirmative.

Meeting adjourned 6:25 pm

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Catherine Underwood, Township Clerk