

**MAY 9, 2016**

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL May 9, 2016 AT 5:30 P.M.**

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

All in attendance joined in the Salute to the Flag.

**ROLL CALL**

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

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

**Absent-**

**OATH OF OFFICE**

Mayor Magazzu administered the oath of Office to  
Special Law Enforcement Officer – **David Childs**  
Police Officer - **Colin Kelbaugh**

**DEPARTMENTAL REPORTS**

**ENGINEER AND PUBLIC WORKS DIRECTOR REPORT** – Report is located in the back of the minutes.

**SOLICITORS REPORT**

Stuart Platt, Township Solicitor stated that two Ordinances are on the agenda tonight for introduction.

**POLICE DEPARTMENT**

Total of 72 motor vehicle summons, 25 M.V Accidents, 134 Alarm calls. A total of 57 arrests which include 5 narcotics, 13 for shoplifting, and 25 warrant services.

9 ordinance violation charges were issued to the owner on the Red Barn Book Store for operating a sexually oriented business after hours. The store continues to remain open.

**Drug arrests:**

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On 04/02/16 at 0220 hrs. A subject was stopped in the Wal-Mart lot due to the recent rise in shoplifting offences. The subject has under the influence of narcotics and could not stand. The subject was subsequently found to be in possession of heroin and arrested.

On 04/19/16 members of the Berlin Twp. Police department, the Berlin Police Department, and the Camden County Prosecutors office conducted pro active narcotics investigations throughout Berlin Twp.

At 1830 hours an arrest was made for possession of marijuana resulting from a motor vehicle stop in the area of Lucas Ave. and Haddon Ave.

At 2053 hours after observing a narcotics transaction Officer arrested a subject for possession of Crack Cocaine in the area on Chestnut Ave.

On 04/26/16 Officers responded to a reported MV accident at Rt. 73 and Crosskeys Road whereas one vehicle had fled the scene. A search of the area revealed the vehicle on Harker Ave. The driver was subsequently arrested for possession of Heroin and Oxycodone Pills.

On 04/28/16 at 2026 hrs. Officers stopped a suspicious person on the lot of Elwell Auto's, which was closed for business. Through investigation the subject was arrested for possession of Xanax Pills without a valid prescription.

The department applied for and was granted the Click it or Ticket Grant scheduled to run from 05/23/16 til 06/05/16. This grant will allow us to add additional patrols for seatbelt and other motor vehicle violations.

I would also like to once again thank the Mayor and council for the appointments made this evening. We are on the right track and I look forward to continuing to work together to making the police department more efficient.

Respectfully Submitted,

Chief Leonard Check

**ORDINANCE 2016- 10 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING, REVISING, AND/OR SUPPLEMENTING CHAPTER 249 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "PROPERTY MAINTENANCE."**

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

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**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 installation and maintenance of invasive plant species 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,” entitled is hereby amended, revised and/or supplemented by deleting Section 249-2, entitled "Violations and Penalties," and by creating new articles and/or sections as follows:

**Chapter 249. Property Maintenance**

**Article I: International Property Maintenance Code**

§ 249-1 Adoption of standards; copies on file

**Article II: Junk, Waste and Equipment Storage**

§ 249-2 Purpose

§ 249-3 Definitions

§ 249-4 Unlawful acts

§ 249-5 Storage trailers

§ 249-6 Exemptions

**Article III: Invasive Plants**

§ 249-7 Purpose

§ 249-8 Definitions

§ 249-9 Control of growth

§ 249-10 Inspections

§ 249-11 Plantings of invasive plants prohibited

**Article IV: Administration and Enforcement**

§ 249-12 Administration and enforcement

§ 249-13 Right of entry

§ 249-14 Notice of violation

§ 249-15 Extension of time abatement

§ 249-16 Violations and Penalties

**SECTION 2:** Article III of Chapter 249, entitled “Property Maintenance,” shall read as follows:

**Article III: Invasive Plants**

**§ 249-7 Purpose.**

The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.

**§ 249-8 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**INVASIVE PLANTS**

All native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include but are not limited to bamboo (spreading or running type), ragweed, multi flora rose, kudzu-vine and poison ivy or oak.

**§ 249-9 Control of growth.**

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

**§ 249-10 Plantings of invasive plants prohibited.**

All new in-ground plantings of invasive plants are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent the growth or spread of existing invasive species beyond the boundaries of a resident's property.

**§ 249-11 Inspections.**

All places and premises in the Township of Berlin shall be subject to inspection by the Property Maintenance Officer. Such inspection shall be made if that official has reason to believe that any section of this chapter is being violated.

**SECTION 3:** Chapter 249 of the Code of the Township of Winslow, entitled "Property Maintenance," is hereby amended, revised and/or supplemented by renumbering the remaining Article and Section numbers as follows:

<u>Current Article/Section Number</u>	<u>New Article/Section Number</u>
ARTICLE I	[NO CHANGE]
§249-1	[NO CHANGE]
§249-2	DELETED
ARTICLE II	[NO CHANGE]
§249-3	§249-2
§249-4	§249-3
§249-5	§249-4

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§249-6	§249-5
§249-7	§249-6
ARTICLE III (new)	
N/A (See Section 2 above)	§249-7
N/A (See Section 2 above)	§249-8
N/A (See Section 2 above)	§249-9
N/A (See Section 2 above)	§249-10
N/A (See Section 2 above)	§249-11
ARTICLE IV (new)	
§249-8	§249-12
§249-9	§249-13
§249-10	§249-14
§249-11	§249-15
§249-12	§249-16

**SECTION 4:** Except as set forth in Sections 1, 2 and 3 above, the balance of Chapter 249 shall not be affected by this Ordinance.

**SECTION 5:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6:** 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.

Motion by Councilman McIntosh, second by Councilwoman Bodanza to adopt Ordinance 2016-10 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

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**ORDINANCE 2016-11 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING, REVISING, AND/OR SUPPLEMENTING CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "BUILDINGS, PUBLIC".**

**WHEREAS**, the Governing Body of the Township of Berlin has determined that it would be appropriate to establish policies and procedures for the use of Township-owned buildings; 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 109 of the Berlin Township Code, entitled "Buildings, Public," is hereby amended, revised and/or supplemented by creating new articles as follows:

**Chapter 109. Buildings, Public**

**Article 1: Use of Public Facilities**

Section 109-1 Purpose

Section 109-2 Policies and Procedures established

**Article 2: Prohibited Conduct**

Section 109-3 Prohibition

Section 109-4 Definitions

Section 109-5 Violations and Penalties

**SECTION 2:** Article II of Chapter 109 of the code of the Township of Berlin shall read as follows:

**Article 2: Prohibited Conduct**

**Section 109-3 Prohibition**

Smoking is prohibited on all property owned by the Township of Berlin.

**Section 109-4 Definitions**

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Property is defined as all buildings or structures, public works, facilities, parking lots, open space, parks, recreation areas, and any other real property owned by Berlin Township.

**Section 109-5 Violations and Penalties**

Any person who violates this article of the code of the Township of Berlin shall be subject to a fine of not more than \$100.

**SECTION 3:** Except as set forth in Section 1 and 2 above, the balance of the Code of the Township of Berlin 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 Councilman McIntosh, second by Councilwoman Bodanza to adopt Ordinance 2016-11 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-109 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948) – CAMDEN COUNTY REGIONALIZED DWI ENFORCEMENT SOBRIETY CHECKPOINT 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 Regionalized DWI Enforcement Sobriety Checkpoint Grant from Camden County for \$2,000.00;

**BE IT FURTHER RESOLVED** that a like sum of \$2,000.00 and the same is hereby appropriated under the caption of:

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Operation "Excluded From CAP" Camden County Regionalized DWI  
Enforcement Sobriety Checkpoint Grant

\$2,000.00

**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 Councilman Epifanio, second by Councilman McIntosh to adopt Resolution 2016-109. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-110 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**, Chief of Police Leonard Check has recommended the appointment of David Childs to the Berlin Township Police Department.

**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 May 10, 2016 till December 31, 2016.

Motion by Councilman Epifanio, second by Councilman McIntosh to adopt Resolution 2016-110. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-111 RESOLUTION APPOINTING COLIN KELBAUGH PATROLMAN FOR THE TOWNSHIP OF BERLIN POLICE DEPARTMENT.**

**WHEREAS**, a recommendation has been made to the Mayor and Township Council of the Township of Berlin to appoint Colin Kelbaugh as Patrolman in the Township Police Department; and

**WHEREAS**, Mayor and Township Council have reviewed the recommendation and found same to be acceptable.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Berlin that it hereby authorizes and approves the appointment of Colin Kelbaugh Patrolman in the Township Police Department effective May 10, 2016.

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Motion by Councilman Epifanio, second by Councilman McIntosh to adopt Resolution 2016-111. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-112 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 38 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 38 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

Year 38

\$21,000.00

**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 Councilman Epifanio, second by Councilman McIntosh to adopt Resolution 2016-112. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-113 AUTHORIZING MAYOR TO SIGN NJDEP APPLICATION FOR PARADE ENTERPRISES, LLC, BURGER KING.**

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized and directed to sign the NJDEP sewer connection application for Parade Enterprises LLC Burger King located at 593 and 595 Route 73 North, West Berlin New Jersey Block 1002 Lot 10.02 & 11.

Motion by Councilman Epifanio, second by Councilman McIntosh to adopt Resolution 2016-113. Resolution adopted by call of the roll, five members present voting in the affirmative.

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**RESOLUTION 2016-114 RESOLUTION OF THE TOWNSHIP OF BERLIN APPROVING AND ADOPTING AMENDED POLICY, PROCEDURES AND RULES GOVERNING USE OF MUNICIPAL FACILITIES PURSUANT TO "BULDINGS, PUBLIC".**

**WHEREAS**, Chapter 109 of the Code of the Township of Berlin, entitled "Buildings, Public," provides for the private use of Township-owned buildings and/or municipal facilities by both residents and non-residents of the Township of Berlin; and

**WHEREAS**, Chapter 109 authorizes the Governing Body of the Township of Berlin to adopt by resolution the policies, procedures, rules and regulations governing such private use of municipal facilities; and

**WHEREAS**, the Governing Body previously adopted such policies, procedures, rules and regulations and now deem it necessary and appropriate in the best interests of the Township to amend same;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that it hereby approves and adopts the revised "Application for Use of Municipal Facilities," "Policy and Procedures for Rental of Municipal Facilities," "Rules Governing Use of Municipal Facilities," and "Agreement to Abide by Policy, Procedures and Rules Governing Use of Municipal Facilities," attached hereto as Exhibits A through D, respectively, including any and all schedules or exhibits thereto as shown on the attached Exhibits.

Motion by Councilman Epifanio, second by Councilman McIntosh to adopt Resolution 2016-114. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-115 RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO THE N.J.S.A. 40A:4-87 (CHAPTER 159 P.L. 1948) – CLICK IT OR TICKET 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 Click it or Ticket 2016 Grant from the NJ Division of Highway Traffic Safety for \$5,000.00;

**BE IT FURTHER RESOLVED** that a like sum of \$5,000.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"

**MAY 9, 2016**

Click it or Ticket 2016 Grant                      \$5,000.00

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 Councilman Epifanio, second by Councilman McIntosh to adopt Resolution 2016-115. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2016-116 SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 23 – JUNE 5, 2016**

**Whereas**, there were 560 motor vehicle fatalities in New Jersey in 2015; and

**Whereas**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

**Whereas**, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**Whereas**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**Whereas**, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 23 – June 5, 2016 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

**Whereas**, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91% to 93%; and

**Whereas**, a further increase in seat belt usage in New Jersey will save lives on our roadways;

**Therefore**, be is resolved that The Mayor and Council of the Township of Berlin declares it's support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 23 – June 5, 2016 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

Motion by Councilman Epifanio, second by Councilman McIntosh to adopt Resolution 2016-116. Resolution adopted by call of the roll, five members present voting in the affirmative.

**Business Approvals**

- 1) **William H. White 3<sup>rd</sup> T/A Boardwalk Specials LLC.** 1040 Industrial Drive Unit 18, West Berlin NJ. Holding location for Kiosks and Equipment.

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

**Approval of Meeting Minutes for April 25, 2016.**

Motion by Councilwoman Bodanza, second by Councilman McIntosh to approve the Meeting Minutes for April 25, 2016. Motion carried by voice vote, five present voting in the affirmative.

**All Other Business**

**1) Camden County Board of Freeholders Meeting will be held at Berlin Township On May 19, 2016 at 6:30 pm.**

**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 for questions or comments.

No comments were to be heard

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

**Adjourn**

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

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Catherine Underwood, Township Clerk