

May 8, 2017

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL May 8, 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 Council President Morris, Councilman Epifanio.

Also Present- Solicitor, Stuart Platt, CFO, Lori Campisano, Animal Control/ Property Maintenance, Josh Shellenberger, Chief of Police Leonard Check.

Absent- Township Engineer / Public Works Director, Chuck Riebel

Camden County Detective Association presented Gilda Felice an award in her help in the arrest of three violent subjects who were responsible in multiple robberies.

Mayor Magazzu also presented a plaque to Gilda Felice for her bravery and quick thinking in help catching the three individuals recently involved in multiple robberies.

Departmental Reports

ENGINEER / PUBLIC WORK – Report at the back of the minutes

SOLICITOR REPORT

1. Water Agreement with Berlin Borough
2. C & M Repair Environmental
3. Bate Avenue Property Former Municipal Site
4. Estate of Carol Bowne
5. Open Public Records Act
6. Ordinance Revision
7. In Rem Tax Foreclosure
8. Municipal Building Roof Claim
9. Lester Avenue Drainage Project
11. Verizon Wireless Municipal Consent

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POLICE DEPARTMENT

Total calls for service for March: 3,057

Total of 190 Motor Vehicle Summons, 18 Motor Vehicle Crashes, 53 Alarms calls. Total of 45 arrests, which include 5 for narcotics, 1 juvenile arrest, 3 for shoplifting, 3 strong arm robberies, and 22 warrant services.

Department news:

Officers responded to 3 separate strong arm robbery cases, at Walmart, Home Depot, and the Sprint store.

The actors from the Walmart were arrested at the time of the incident, the actor from The Home depot was arrested the next day. The actor from the Sprint store was arrested several days later through investigation. In all three cases the actors were committing a theft and when they were confronted by loss prevention they used physical force against the store employee and fled the store.

The Police department participated in the DEA National Take Back Day on Saturday, 4/29/2017 between the hours of 10am and 2pm. A total of 159 lbs. on unused, unwanted, or expired prescription medications were collected either on the DEA take back day or from the department's collection box at headquarters.

Tonight we honor Gilda Felice. Gilda was the victim of an armed robbery at the United Check cashing in West Berlin. Because of her efforts and quick thinking three violent subjects were arrested from this and multiple other robberies and taken off the streets.

Respectfully,

Chief Leonard Check

ORDINANCE 2017-5 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AMENDING, REVISING, AND/OR SUPPLEMENTING CHAPTER 249 OF THE CODE OF THE TOWNSHIP OF BERLIN.

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

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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," Section 4, entitled "Definitions," is hereby amended, revised and/or supplemented by deleting the definition of "Junk Vehicle" and replacing it with a new definition of "Junk Vehicle" to read as follows:

JUNK VEHICLE

Any vehicle which is without a currently valid license plate or plates or is in either a rested, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition. A junk vehicle shall be classified as to its condition in one of the two following categories:

A. RESTORABLE

A junk vehicle that is in a condition whereby repairs to the same could be made to place it in an operating condition without exceeding its estimated value when repaired.

B. WRECKED

A junk vehicle in such condition that it is economically unsound to restore same to operating condition considering the repairs to be made, age of the vehicle, market value of the vehicle if it were restored, or in such condition that the Property Maintenance Inspector determines that it warrants such classification. The Property Maintenance Official shall make the final determination as to the classification to be assigned to any one particular vehicle.

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.

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Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Ordinance 2017-5 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-113 RESOLUTION REMOVING CERTAIN ITEMS FROM THE TOWNSHIP OF BERLIN FIXED ASSET INVENTORY AS OF DECEMBER 31, 2016.

WHEREAS, the Chief Financial Officer of the Township of Berlin maintains a fixed asset inventory system in accordance with N.J.A.C. 5:30-5.6; and

WHEREAS, the Mayor and Council of the Township of Berlin has adopted a capitalization threshold of \$500.00 for its fixed asset inventory; and

WHEREAS, it has been determined that certain fixed assets as listed below should be removed from the inventory as of December 31, 2016 for the reasons stated:

<u>Department/ Yr of Acquisition</u>	<u>Item/Category</u>	<u>Tag/Serial #</u>	<u>Amount/Reason</u>
1. Municipal Court	Shredder - #871		\$974.99 Broken
2. Police – 2012	Vest – Murray		\$877.50 Replaced
3. Police – 2012	Vest – Sheehan		\$877.50 Replaced
4. Police – 2012	Vest – Bonfiglio		\$877.50 Replaced
5. Clerk – 2011	IPad (Mayor's) – 32 GB - #0940		\$690.65 Broken
6. Police - 2014	2014 Ford Police Interceptor Utility VIN# 1FM5K8AR7EGB27818		\$35,202.19 Totalled in Accident in 2016

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the above mentioned fixed assets be removed from the inventory listing as of December 31, 2016

Motion by Councilman Epifanio, second by Council President Morris to adopt Resolution 2017-113. Resolution adopted by call of the roll, five members present voting in the affirmative.

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RESOLUTION 2017-114 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>
178 Franklin Ave. B-219 L-4	Trash clean up
167 Franklin Ave. B-519 L-1	yard clean up

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

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>
178 Franklin Ave. B-219 L-4	May 8, 2017	\$597.52	trash clean up
167 Franklin Ave. B-519 L-1	May 8, 2017	\$320.00	yard clean up

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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 Councilman Epifanio, second by Council President Morris to adopt Resolution 2017-114. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-115 RESOLUTION TO REFUND PAYMENT OF TRASH CARTS FOR VASYL LASHKO, 19 FAIRFAX AVENUE WEST BERLIN NJ.

WHEREAS, VasyL Lashko, 19 Fairfax Avenue West Berlin New Jersey, was not aware that the Township supplies at no cost three trash carts for Trash, Recyclables and Yard Waste; and

WHEREAS, VasyL Lashko, sent payment in for those carts and is requesting a refund of \$190.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey that a refund of \$190.00 be issued to VasyL Lashko 19 Fairfax Avenue West Berlin New Jersey.

Motion by Councilman Epifanio, second by Council President Morris to adopt Resolution 2017-115. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-116 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH RICOH USA FOR LEASING OF DIGITAL COPIER MACHINES FOR VARIOUS OFFICES IN ACCORDANCE WITH STATE CONTRACT.

WHEREAS, The State of New Jersey, Division of Purchasing, has awarded a contract to Ricoh USA Inc. for leasing of digital copier machines; and

WHEREAS, the Township of Berlin wishes to lease five digital copier machines for the Library, Police Department, Public Works Department, Municipal Court Office, and the

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Land Use Office in accordance with the State Contract 40467 awarded to Ricoh USA Inc. for a price of \$ 356.82 per month for 48 months as permitted by N.J.S.A. 40A:11-15; and

WHEREAS, funds are available as set forth on the attached Certification from the Township Chief Financial Officer; and

WHEREAS, in accordance with N.J.S.A. 40A:11-15 the lease agreement contains a clause making it subject to the availability and appropriation made annually of sufficient funds as required to meet the extended obligations as well as an annual cancellation clause; and

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor be and is hereby authorized to sign the lease agreement with Ricoh USA Inc. in accordance with State Contract 40467 for \$ 356.82 per month for 48 months.

Motion by Councilman Epifanio, second by Council President Morris to adopt Resolution 2017-116. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2017-117 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE BOND FOR ALTEC INDUSTRIES INC AND THE POSTING OF A MAINTENANCE BOND.

WHEREAS, Altec Industries, 340-342 Chestnut Avenue, West Berlin, New Jersey; Block 2103, Lot 13, has requested the release of their Performance Bond in the amount of 37,207.20; and

WHEREAS, the Engineer has recommended that the Township grant the request to release their performance bond contingent upon all outstanding vouchers be paid in full, the posting of a two year Maintenance Bond in the amount of \$4,650.90.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, Camden County, New Jersey hereby granted the release of the performance bond and the posting of maintenance bond with the conditions stated above for Altec Industries, 340-342 Chestnut Avenue, West Berlin, New Jersey; Block 2103, Lot 13.

Motion by Councilman Epifanio, second by Council President Morris to adopt Resolution 2017-117. Resolution adopted by call of the roll, five members present voting in the affirmative.

Business Approvals

1) Patrick Adams T/A Dollar Tree, 71 Walker Avenue, West Berlin. A retail store.

2) Brian Portanova T/A Certified Dermatology of NJ, 175 North Route 73 West Berlin. Dermatology Practice.

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3) Billy Light T/A Experimac, 185 North Route 73 West Berlin.
Sales and Repair of Apple items.

4) Michael Maricle T/A Altec, 342 Chestnut Avenue West Berlin.
Repairing of Bucket Trucks.

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

All Other Business

Mayor Magazzu reminded everyone about the Spring Festival for May 13, 2017

Public Portion

Motion by Councilman Epifanio, 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.

Nicole Gilbert of Jefferson Avenue submitted a petition to Berlin Township and to Voorhees Township to stop Cuderyo Construction and DPI LLC from using Jefferson Avenue as an access road to enter the back of the property located at 43 Lafayette Avenue. Mrs. Gilbert's concerns were that Jefferson Avenue has no sidewalks and poses a safety issue with the children on the street.

No more comments were to be heard.

Mayor and Council remarked that they will speak with the Engineer.

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 5:59pm. Motion carried by voice vote, all members voting in the affirmative.

Meeting adjourned 5:59 pm

Catherine Underwood
Berlin Township RMC

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