

MARCH 26, 2018

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL MARCH 26, 2018 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, Council President Morris, Councilwoman Bodanza, Councilman Epifanio.

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

**Absent-** Property Maintenance / Animal Control Josh Shellenberger.

**Departmental Reports**

Engineers report in the back of the minutes

**ORDINANCE 2018-4 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of the Township of Berlin in the County of Camden finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$72,288.17 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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**WHEREAS**, the Mayor and Council of the Township of Berlin hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Township of Berlin, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Berlin shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0 %, amounting to \$72,288.17, and that the CY 2018 municipal budget for the Township of Berlin be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED that** a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion by Council President Morris, second by Councilwoman Bodanza to adopt Ordinance 2018-4 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

**ORDINANCE 2018 -5 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING ARTICLE X, ENTITLED "SITE PLAN REVIEW," AND ARTICLE XI, ENTITLED "PERFORMANCE GUARANTIES," OF CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "LAND USE AND DEVELOPMENT"**

**RESOLUTION 2018-86 PAYMENT OF BILLS MARCH**

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 detailed below and attached are hereby approved and the bills to be paid.

<b>TO</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
Treasurer – State Dog Report February 2018 Total License	Dog Trust	308.40

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(177)

CONFIRMING:

TO	ACCOUNT	AMOUNT
TD Bank NA – Bond Series 2015 (03/01/18)	8-01-45-920-2105	\$545,000.00
	8-01-45-930-2105	10,900.00
TD Bank NA – Bond Series 2008 (03/15/18)	8-01-45-920-2105	1,766.67
	8-07-55-522-2015	1,233.33
Treasurer, State of New Jersey Green Acres Loan Payment	C-04-05-160-0165	7,772.89
Ameriflex (March 2018)	Flex Claims Acct.	75.00
Ryan Trabosh – Substitute Judge	8-01-43-490-2169	350.00
South Jersey Energy	8-01-31-435-2071	1,027.97
Verizon FIOS Administration (02/16-03/15/18)	8-01-31-443-2077	277.94
Verizon FIOS Police Department (03/01-03/31/18)	8-01-31-443-2077	119.99
NHBW, Inc. (National Hook-up of Black Women)	8-01-20-110-2105	200.00
Berlin Township Fire District #1 (1 <sup>st</sup> Qrt. Tax Levy)	8-01-55-210-0000	138,775.00
Palace Dinner (1 <sup>st</sup> Snow Storm – 01/04/2018)	8-01-26-290-2105	145.95
Payroll, Current Fund	03/01/2018	131,613.22
Payroll, Sewer Operating Fund	03/01/2018	7,012.87
Payroll, Open Space	03/01/2018	4,185.68
Payroll, Current Fund	03/15/2018	127,547.15
Payroll, Sewer Operating Fund	03/15/2018	7,449.65
Payroll, Open Space	03/15/2018	4,565.59

Motion by Councilman Epifano second by Councilwoman Bodanza to adopt Resolution 2018-84. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018- 87 AUTHORIZATION TO HOLD TAX SALE FOR 2017 OPEN DELINQUENCIES PER THE OFFICIAL EXTENDED TAX DUPLICATE LIST RULES AND REGULATIONS PURSUANT TO N.J.S.A. 54:5-19 .**

WHEREAS, according to the amended regulations set forth in N.J.S.A. 54:5-19 et seq., all taxes and municipal sewer and other lienable charges payable through December 31, 2017 shall be subject to tax sale and offered for sale of lien to the lowest bidder or highest premium bidder at a tax sale to be held on the 6<sup>th</sup> day of June 2018 at 10:30 AM at the Municipal Building, and;

WHEREAS, there are delinquencies appearing in the records of the Township of Berlin for monies levied on the owners of record as they appear in the official tax list filed in the office of the Collector of Taxes of Berlin Township, as well as certified listings from the Borough of Berlin Water Department and the Camden County Municipal Utilities Authority, and;

WHEREAS, at any time before a scheduled tax sale, the collector shall receive payment of the amount due on any property, with the interest and costs incurred up to the time of payment, and;

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WHEREAS, the taxpayer shall pay the full amount advertised which includes the costs, at two percent of the total delinquency not to be less than \$15.00 nor more than \$100.00, and now must be paid in order to remove the property from sale and;

WHEREAS, the Tax Collector may mail NOTICE OF SALE for any two weeks and advertise for any two weeks, or just advertise consecutively for the full four weeks, with the official tax sale held the following week, and;

WHEREAS, the costs incurred for each mailing of NOTICE OF SALE be set at \$25.00 per mailing, and be collected in order for the property to be removed from said tax sale, so;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that the Tax Collector be authorized to hold a Tax Sale for all unpaid charges through the end of the 2017 calendar year, properties located in our municipality on June 6, 2018 and being advertised and/or with official notices of sale for four consecutive weeks and notice to the owners of record according to the requirements of N.J.S.A. 54:5-19 et seq.

Submitted for March 26, 2018 meeting by Dana O'Hara, CTC

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt Resolution 2018-87. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-88 AUTHORIZING LOCAL EXAMINATION OF THE 2018 BUDGET.**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Berlin has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2018 budget year.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges

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- b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve of uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated,
  - b. Items of appropriation are properly set forth,
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE Director of the Division of Local Government Services

Adopted: March 26, 2018

I, Catherine Underwood, Township Clerk of the Township of Berlin, certify that the above is a true and correct copy of a resolution duly adopted at the Mayor and Council Meeting on March 26, 2018, at Berlin Township Municipal Hall – A Shared Services Center, 135 Route 73 South, West Berlin, NJ 08091.

Motion by Council President Morris second by Councilwoman Bodanza to adopt Resolution 2018-88. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-89 RESOLUTION TO INTRODUCE THE 2018 CALENDAR YEAR BUDGET.**

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, County of Camden, New Jersey, that the budget shall constitute appropriations for the purpose stated herein set forth as appropriations and authorization of the amount of \$6,972,313.32

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for the local tax to be raised by taxation for Municipal Purposes and \$235,300.00 for the local tax to be raised by taxation for Municipal Open Space, Recreation, Farmland and Historic Preservation and certification to the County Board of Taxation; and

**BE IT FURTHER RESOLVED** that said budget be published in the Courier Post Newspaper in the issue of April 5, 2018. The Governing Body of the Township of Berlin does hereby approve the following Budget for the Calendar Year 2018. Notice is hereby given that the Budget and Tax Resolution was approved by the Township Council of the Township of Berlin, County of Camden on March 26, 2018. A hearing on the budget and tax resolution will be held at the Berlin Township Municipal Hall – A Shared Services Center, 135 Route 73 South, West Berlin, NJ 08091, on April 23, 2018 at 5:30 P.M.; at which time and place objections to said budget and tax resolution for the calendar year 2018 may be presented by taxpayers or other interested persons.

Motion by Council President Morris second by Councilman Epifanio to adopt Resolution 2018-89. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-90 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.**

**To the Mayor and Council to the Township of Berlin:**

**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:

<b>Property:</b>	<b>AMOUNT</b>	<b>DATE PAID</b>
255 Peppermill Road	\$ 45.71	08/21/17
344 Harrison Avenue	320.00	12/14/17.
309 Cleveland Avenue	48.00	12/18/17
244 Briarwood Road	75.00	12/18/17
230 Second Avenue	75.00	12/29/17
9 Holly Drive	290.00	01/26/18
255 Peppermill Road	314.29	01/29/18
244 Briarwood Road	175.00	02/06/18
384 Morton Avenue	255.00	02/28/18

**Submitted for March 26, 2018 Meeting**

**Dana O'Hara, CTC - Tax Collector**

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**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.**

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

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt Resolution 2018-90. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-91 RESOLUTION TO AWARD THE BID FOR THE PRIVATE SALE OF CERTAIN MUNICIPAL OWNED PROPERTY KNOWN AS 175 CROWFOOT ROAD, BLOCK 2105 LOT 1 PURSUANT TO N.J.S.A.40A:12-13(b).**

**WHEREAS**, the Township of Berlin advertised for, and received bids to a private land sale to adjoining property owners held pursuant to N.J.S.A.40A:12-13(b) for property located at 175 Crowfoot Road, West Berlin New Jersey 08091 Block 2105 Lot 1; and

**WHEREAS**, only one bid was received in the amount of \$15,001.00 from James Chicano, 327 Lincoln Avenue West Berlin NJ 08091and;

**WHEREAS**, the Mayor and Council of the Township of Berlin shall review the bid documents and approve the sale contingent upon the Solicitor approval.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, hereby approves and authorizes the private sale of land located at 175 Crowfoot Road, West Berlin New Jersey 08091 Block 2105 Lot 1 in the amount of \$15,001.00 to James Chicano, 327 Lincoln Avenue West Berlin NJ 08091and;

**BE IT FURTHER RESOLVED**, that the Township shall proceed to prepare all the necessary documentation for the transfer of said property to the successful bidder as indicated hereinabove pursuant to the terms and conditions in the advertisement for sale.

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt Resolution 2018-91. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-92 RESOLUTION TO APPOINT CATHERINE UNDERWOOD AS THE FUND COMMISSIONER FOR THE SOUTHERN NEW JERSEY HIF.**

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin Catherine Underwood is hereby appointed as Fund Commissioner for the Southern New Jersey HIF until December 31, 2018.

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Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt Resolution 2018-92. Resolution adopted by call of the roll, five members present voting in the affirmative

**RESOLUTION 2018-93 RESOLUTION AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS TO ALLOW FOR THE POSSIBLE LEASING OF THE VARIOUS SPORTS FACILITIES, THROUGH THE TOWNSHIP, TO INTERESTED ORGANIZATIONS AND GROUPS.**

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the Township Engineer, Charles J. Riebel is hereby authorized to prepare specification to allow for the possible leasing of the various sports organizations and groups.

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt Resolution 2018-93. Resolution adopted by call of the roll, five members present voting in the affirmative

**Approval of the Meeting Minutes for March 12, 2018**

Motion by Councilman Epifanio, second by Councilman McIntosh to approve the Meeting Minutes for March 12, 2018. Motion carried by voice vote, five members present voting in the affirmative.

**All other Business**

Councilman McIntosh thanked Mayor and Council for attending the event in which he was presented with the Gold Star Service Award. Councilman McIntosh stated that these colleagues have become his second family and thanks them all.

Councilman Epifanio stated that since Berlin Township passed “**Resolution 2018-82 of the Mayor and Council of the Township of Berlin urging Congress to take action to prevent gun violence**” along with surrounding municipalities who have also passed the resolution some movement with the gun control has taken place with the assembly.

**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.

Herman Mallard from Montebello asked Mr. Riebel if he had any updates from the NJDOT.

Mr. Reibel responded that he had spoken to a NJDOT representative and she had informed him that since many members are new they were going to schedule a meeting in the future to update and inform the new members on the situation.



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No more 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.

**Adjourn**

Motion by Council President Morris, second by, Councilman Epifanio to adjourn the meeting at 6:15 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 6:15 pm

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Catherine Underwood  
Berlin Township RMC