

NOVEMBER 26, 2018

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL NOVEMBER 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 ,Councilwoman Bodanza, Councilman Epifanio

**Also Present-** Solicitor, Eric Riso, CFO, Joyce Tinnes, Township Engineer / Public Works Director, Chuck Riebel, Property Maintenance /Animal Control, Joshua Shellenberger

**Absent-** Council President Morris, Chief of Police, Leonard Check

**Departmental Reports**

**Engineers and Director of Public Works Report in back of the minutes**

**SECOND READING PUBLIC HEARING ORDINANCE 2018 -8 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN,AND STATE OF NEW JERSEY, AMENDING CHAPTER 239 OF THE CODE OF THE TOWNSHIP OF BERLIN, ENTITLED “PEDDLING AND SOLICITING”**

**WHEREAS**, Chapter 239 of the Code of the Township of Berlin, entitled “Peddling and Soliciting,” regulates the activities of peddlers and solicitors who go door-to-door attempting to sell and/or take orders for future delivery of goods and/or services; and

**WHEREAS**, the purpose of Chapter 239 is to establish reasonable controls over the time, place and manner in which persons who solicit, hawk, peddle and/or canvass within the Township of Berlin may conduct such activities; and

**NOVEMBER 26, 2018**

**WHEREAS**, the purpose of Chapter 239 is also to permit such activities within the Township while preserving the individual privacy of the residents and preventing fraud, crimes, undue public inconvenience or annoyance, and unethical and/or dishonest soliciting, hawking, peddling and/or canvassing within the Township; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Township 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 of Berlin by law; and

**WHEREAS**, the Township Council previously amended Chapter 239 by creating a “Do Not Knock Registry” for residents who do not want peddlers, solicitors, canvassers, and hawkers to conduct activities at their homes or premises; and

**WHEREAS**, the Township Council believes that it would further be beneficial to the residents of the Township to amend the “Do Not Knock Registry” for residents who want to bar the receipt of unsolicited or nonsubscribed printed commercial materials at their homes or premises and to provide licensing procedures for individuals participating in the business of distribution of such unsolicited or nonsubscribed printed materials.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and the Township Council of the Township of Berlin, as follows:

**SECTION 1:** Section 239-3, entitled “License required; exemptions,” of Article II, entitled “Licenses,” of Chapter 239, entitled “Peddling and Soliciting,” is hereby amended, revised, and/or supplemented to read as follows:

A. Except as provided below, it shall be unlawful for any person to engage in the business of soliciting, canvassing, peddling or hawking, as such conduct is otherwise defined

**NOVEMBER 26, 2018**

herein, within the Township of Berlin without first obtaining a license therefor as provided herein. Except as provided below, it shall also be unlawful to place upon, deliver, throw upon, leave or abandon within or upon a private property or public ways adjacent to the private property any circulars, publications, handbills, brochures, shoppers or flyers, or other unsolicited commercial matter, printed or otherwise, of every kind or nature whatsoever, within the Township of Berlin without first obtaining a license therefor as provided herein.

B. [No Changes]

C. [No Changes]

D. The provisions of this chapter shall not be applicable to the delivery of:

(1) Mail, parcels or packages by and in accordance with the rules of the United States Postal Service.

(2) Parcels, packages and materials delivered by a commercially recognized courier service or overnight express delivery agency, such as, by way of example, Federal Express or United Parcel Service.

(3) Newspapers and other publications and periodicals if subscribed to by the owner or occupant of the recipient premises, provided same are placed firmly in a receptacle designed for such purpose, or, in the absence of such receptacle, tightly wrapped to prevent blowing or scattering upon the recipient premises or adjacent areas.

(4) Delivery of laundry, dry cleaning, dairy, bakery and similar food products and commercial product sampling by agreement with or invitation of the owner or occupant of the recipient premises.

**NOVEMBER 26, 2018**

**SECTION 2:** Section 239-10, entitled “Regulations applicable to all licensees,” of Article III, entitled “Fees and Regulations,” of Chapter 239 is hereby amended, revised, and/or supplemented to read as follows:

Every person issued a license pursuant to this chapter shall be subject to the following conditions and/or regulations pertaining to the licensed operations:

A. No person shall solicit, canvass, peddle, hawk or deliver unsolicited or nonsubscribed commercial materials within the Township of Berlin except on Mondays through Saturdays between the hours of 9:00 a.m. and 5:00 p.m. during the months of November through April, and Mondays through Saturdays between the hours of 9:00 a.m. and 7:00 p.m. during the months of May through October. No person shall solicit, canvass, peddle, hawk or deliver unsolicited or nonsubscribed commercial materials within the Township of Berlin on Sundays or legal holidays.

B. [No Changes]

C. No peddler, solicitor, canvasser, hawker or deliverer shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the Township of Berlin, or upon any private premises in the said Township where such sounds are capable of being heard upon the streets, alleys, parks or other public places of the Township, for the purpose of attracting attention to any goods, wares, merchandise or services which such person proposes to sell.

D. No peddler, solicitor, canvasser, hawker or deliverer shall have any exclusive right to any location in the public streets, nor shall any such person be permitted a stationary

location or be permitted to operate in any congested area where the operations might impede or inconvenience the public.

**SECTION 3:** Article IV, entitled “Do Not Knock Registry,” of Chapter 239 is hereby retitled as “Do Not Knock or Drop Registry” and amended, revised, and/or supplemented to read as follows:

**Article IV Do Not Knock or Drop Registry**

**Section 239-11 Establishment of Do Not Knock or Drop Registry.**

The Township Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that peddling, soliciting, canvassing, hawking, door-to-door sales enterprising and the delivery of unsolicited or nonsubscribed commercial materials as set forth in this Chapter are not permitted on the premises (hereinafter referred to as the “Do Not Knock or Drop Registry”). Notification shall be by completion of a form available at the Township Clerk’s office during normal business hours.

**Section 239-12 Do Not Knock or Drop Registry display.**

A. Any owner and/or occupant who has requested enlistment on the Do Not Knock or Drop Registry, pursuant to this Chapter herein, shall be able to obtain from the Clerk’s office a sticker for display at his/her/its premises indicating enlistment on the Do Not Knock or Drop Registry.

B. Owners and/or occupants who are placed on the Do Not Knock or Drop Registry at their request, shall remain on the Do Not Knock or Drop Registry until such time as they advise the Township Clerk in writing that they wish to be removed from the list.

**Section 239-13 Distribution of Do Not Knock or Drop Registry.**

**NOVEMBER 26, 2018**

The Township Clerk shall distribute the current Do Not Knock or Drop Registry to a licensee under this Article at the time of issuance of a license to peddle, solicit, canvas, hawk or otherwise door-to-door sell pursuant to the provisions of this Chapter. The Do Not Knock or Drop Registry provided to licensees shall only include the physical address of the enlisted premises. The licensee shall not peddle, solicit, canvas, hawk, conduct door-to-door sales, or place upon, deliver, throw upon, leave or abandon within or upon a private property or public ways adjacent to the private property any unsolicited commercial matter, at any premises identified on the then current Do Not Knock or Drop Registry.

**SECTION 4:** Section 239-14, entitled “Duty of police to enforce,” of Article V, entitled “Enforcement,” of Chapter 239 is hereby amended, revised, and/or supplemented to read as follows:

**§ 239-14. Duty of police to enforce.**

Notwithstanding the right of revocation reserved to the governing body herein, and in addition to same, it shall be the duty of any police officer of the Township of Berlin to require any person peddling, soliciting, canvassing, hawking or delivering unsolicited or nonsubscribed commercial materials as set forth in this chapter and who is not known by such officer to be duly licensed, to produce his or her peddler's license and/or to otherwise enforce any of the provisions of this chapter against any person found to be violating same.

**SECTION 5:** Except as set forth in Sections 1 through 4 above, the balance of Chapter 239 of the Code of the Township of Berlin shall not be affected by this Ordinance.

**SECTION 6:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**NOVEMBER 26, 2018**

**SECTION 7:** 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 8:** This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Motion by Councilwoman Bodanza, 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 on Ordinance 2018-8.

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 for questions or comments on Ordinance 2018-8.

Motion by Councilman Epifanio second by Councilman McIntosh to adopt Ordinance 2018-8. Ordinance approved by call of the roll, four members present voting in the affirmative.

**FIRST READING ORDINANCE 2018-9 AN ORDINANCE FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY.**

**BE IT ORDAINED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey as follows:

SECTION 1: That the following named officers and employees of the Township of Berlin, Camden County, New Jersey shall be paid within the following salary ranges for the calendar year 2019 as follows:

<u>POSITION</u>	ANNUAL SALARY RANGE	
	..... (Except as Noted).....	
	<u>FROM</u>	<u>TO</u>
Mayor	\$ 0.00	\$ 53,040.00
President of Council	0.00	10,000.00
Councilpersons	0.00	8,000.00
Township Clerk	0.00	75,000.00
Coordinator on Aging/Disabled	0.00	600.00

**NOVEMBER 26, 2018**

Chief Financial Officer	0.00	75,000.00
Tax Collector	0.00	75,000.00
Sewer Clerk	0.00	5,000.00
Tax Assessor	0.00	30,000.00
Director of Public Works/ Township Engineer (With C-2 Wastewater License)	0.00	170,000.00
Building Custodian/ Property Maintenance Inspector/ Zoning Officer/ Board of Health Inspector	0.00 per hour	24.00 per hour
Const. Code Official/Building Inspector	0.00	31,000.00
Emergency Management Coordinator	0.00	3,000.00
Prosecutor	0.00	15,000.00
Deputy Public Works Director (With NJCPWM Certification)	0.00	72,000.00
Recreation Coordinator (Not to exceed 10 hrs. per week)	0.00 per hour	16.00 per hour
Recreation Coordinator	0.00	5,200.00
Librarian	0.00 per hour	16.00 per hour
Municipal Judge	0.00	23,000.00
Municipal Court Administrator	0.00	75,000.00
Animal Control Officer	0.00 per month	600.00 per month
Assistant Township Clerk (With Registrar Certification)	0.00	40,000.00
Finance Clerk Part Time	0.00 per hour	16.00 per hour
Tax/Sewer Clerk	0.00	40,000.00
Engineering Technician	0.00	60,000.00
Public Works/Engineering Clerk	0.00	40,000.00
Administrative Secretary to Land Use (With Registrar Certification)	0.00	60,000.00
Fire Sub Code Official	0.00	7,500.00
Plumbing Inspector	0.00	6,000.00
Electrical Sub Code Official/ Electrical Inspector	0.00	12,000.00
Property Maintenance Inspector – Part Time (Not to exceed 8 hrs. per week)	0.00 per hour	17.00 per hour
Police Department – Clerk Typist	0.00	40,000.00
Crossing Guards	0.00 per hour	16.00 per hour
Temporary Clerk Typist	0.00 per hour	16.00 per hour
Emergency Event Temporary Laborer	0.00 per hour	24.00 per hour
Emergency Event Temporary Mechanic	0.00 per hour	28.00 per hour

**NOVEMBER 26, 2018**

Bus Driver	0.00 per hour	20.00 per hour
Clerk Typist/Part Time - to Include Library Clerk	0.00 per hour	16.00 per hour
Deputy Court Administrator	0.00	40,000.00
Court Recording Operator	0.00 per court	87.00 per court
Temporary Court Assistant	0.00 per court	125.00 per court
Student Clerk Typist	0.00	Minimum Wage
Chief of Police	0.00	140,000.00
Lieutenants of Police	0.00	115,000.00
Sergeants of Police	0.00	110,000.00
Patrolmen:		
Date of Hire (without certification)	0.00	36,000.00
Date of Hire (with certification or Completion of the academy)	0.00	50,000.00
Beginning of 2 <sup>nd</sup> year	0.00	52,000.00
Beginning of 3 <sup>rd</sup> year	0.00	60,000.00
Beginning of 4 <sup>th</sup> year	0.00	65,000.00
Beginning of 5 <sup>th</sup> year	0.00	70,000.00
Beginning of 6 <sup>th</sup> year	0.00	80,000.00
Beginning of 7 <sup>th</sup> year	0.00	85,000.00
Beginning of 8 <sup>th</sup> year	0.00	100,000.00
Part-time Class II SLEO Officer	0.00 per hour	15.00 per hour
Part-time School Security	0.00 per hour	25.00 per hour
Part-time Class II SLEO Officer:		
Traffic & Other Services	0.00 per hour	75.00 per hour
Traffic & Other – Twp. Projects	0.00 per hour	45.00 per hour
Employees of Public Works Department	0.00 per hour	40.00 per hour
Temporary Public Works Employees	0.00 per hour	16.00 per hour
Sewer Department Standby	0.00 per month	200.00 per month

Motion by Councilwoman Bodanza, second by Councilman McIntosh to adopt Ordinance 2018-9 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2018-196 PAYMENT OF BILLS**

**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.

**CONFIRMING:**

**NOVEMBER 26, 2018**

TO	ACCOUNT	AMOUNT
Various Current, Sewer Operating, Capital, Escrow & Trust Checks	See Bill List Attached dated: 11/07/18	\$1,675,409.68
America On Line (08/23/18)	8-01-31-443-2077	\$46.99
America On Line (09/23/18)	8-01-31-443-2077	\$46.99
TD Bank NA – Bond Series 2008 (09/15/18)	8-07-55-520-2105	\$120,000.00
	8-07-55-522-2105	\$3,000.00
Ameriflex (October 2018) Flex Claims Week of 10/05-10/11/18	T-18-56-850- 030208	\$10.00
Ameriflex (October 2018) Flex Claims Week of 10/12-10/18/18	T-18-56-850-030208	\$10.00
America On Line (10/23/18)	8-01-31-443-2077	\$46.99
Green Grove Baptist Church	8-01-20-110-2041	\$75.00
State of Jersey Health Benefits – October 2018 (A)	8-01-23-220-2092	\$62,411.26
	8-01-23-220-2092	\$16,995.96
State of Jersey Health Benefits – October 2018 (R)	8-01-23-220-2092	\$44,434.55
Ameriflex (October 2018) Flex Claims Week of 10/19-10/25/18	T-18-56-850-030208	\$13.00
Berlin Intercommunity Ambulance Association	8-01-25-260-2141	\$17,276.89
State Treasurer DLGS-Certification Unit	8-01-20-145-2041	\$25.00
Ameriflex (October/November 2018) Flex Claims Week of 10/26-11/01/18	T-18-56-850-030208	\$230.50
Ameriflex (November 2018)	T-18-56-850- 030208	\$75.00
Ameriflex (November 2018) Flex Claims Week of 11/2-11/08/18	T-18-56-850-030208	\$35.66
Berlin Township Board of Education	8-01-55-207-0000	\$747,205.67
State of Jersey Health Benefits – November 2018 (A)	8-01-23-220-2092	\$67,559.25
	8-01-23-220-2092	\$18,233.43
State of Jersey Health Benefits – November 2018 (R)	8-01-23-220-2092	\$45,486.25
Payroll, Current Fund	10/25/2018	\$131,818.17
Payroll, Sewer Operating Fund	10/25/2018	\$7,140.86
Payroll, Open Space	10/25/2018	\$4,203.34
Payroll, Animal Control	10/25/2018	\$279.43
Payroll, Current Fund	11/08/2018	\$131,993.38
Payroll, Sewer Operating Fund	11/08/2018	\$4,808.25
Payroll, Open Space	11/08/2018	\$4,146.79
Payroll, Animal Control	11/21/2018	\$279.43
Payroll, Current Fund	11/21/2018	\$218,785.01
Payroll, Sewer Operating Fund	11/21/2018	\$5,263.21
Payroll, Open Space	11/21/2018	\$4,851.39
Payroll, Animal Control	11/21/2018	\$279.43

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-196. Resolution adopted by call of the roll, four members present voting in the affirmative

NOVEMBER 26, 2018

**RESOLUTION 2018-197 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR THE CAMDEN COUNTY REGIONALIZED DWI ENFORCEMENT/SOBRIETY CHECKPOINT GRANT.**

**WHEREAS**, a receivable and reserve balance of \$700.00 titled Camden County Regionalized DWI Enforcement/Sobriety Checkpoint Grant remains on the balance sheet at 10/31/18; and

**WHEREAS**, the grant is complete and it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the receivable and reserve balance of \$700.00 titled Camden County Regionalized DWI Enforcement/Sobriety Checkpoint Grant is hereby canceled.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-197. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-198 RESOLUTION TO ESTABLISH FEES FOR TOWING AND STORAGE SERVICES AND TO ESTABLISH THE TOWING LICENSE APPLICATION FEE AND TOWNSHIP ADMINISTRATIVE FEES PURSUANT TO CHAPTER 304 OF THE CODE OF THE TOWNSHIP OF BERLIN, ENTITLED "TOWING AND STORAGE".**

**WHEREAS**, Chapter 304 of the Code of the Township of Berlin, entitled "Towing and Storage," establishes a procedure for private towing services within the Township; and

**WHEREAS**, Section 304-7 requires the Governing Body to annually establish, by resolution, towing fees and storage fees for private towing services within the Township; and

**WHEREAS**, the Township is authorized to establish and set towing and storage fees pursuant to N.J.S.A. 40:48-2.54, based upon the usual, customary and reasonable rates of towers who are duly licensed to tow and store vehicles in the municipality;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, in accordance with Section 304-7 of the Berlin Township Code, that the following shall constitute the Towing and Storage Fee Schedule for private towing services for FY2019:

TYPE OF SERVICE	FEE
Basic Towing Services	

**NOVEMBER 26, 2018**

Type I Vehicles	\$120.00
Type II Vehicles	\$120.00
Type III Vehicles	\$500.00
Motorcycles	\$120.00
Vehicle removal charge (yard fee)	\$35.00
<b>Non-Basic Towing Services</b>	
Additional Labor	\$50.00/hour
Excessive road clean-up	\$35.00
Recovery Winching (cost per hour)	
- Light Winching	\$50.00/hour
- Heavy Winching	\$300.00/hour
Use of more than one tow vehicle	\$120.00/ extra tow vehicle
Use of dollie wheels and/or GoJaks	Included in Additional Labor
Use of oil dry	Actual Cost Per Bag
<b>Storage Fees - Outside Secured</b>	
Type I Vehicles	\$25.00/day
Type II Vehicles	\$50.00/day
Type III Vehicles	\$75.00/day
Motorcycles	\$25.00/day
<b>Storage Fees - Inside Secured</b>	
Type I Vehicles	\$35.00/day
Type II Vehicles	\$75.00/day
Type III Vehicles	\$100.00/day
Motorcycles	\$35.00/day

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Township of Berlin, in accordance with Section 304-4(B) and Section 304-10(A), the application fee and administrative fee for FY2014 shall be as follows:

Application Fee:                   \$100.00

Administrative Fee:               \$ 20.00

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-198. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-199 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE GUARANTEE FOR SPRING MILL REALTY, LLC, THE CPAP SHOP AND THE POSTING OF A MAINTENANCE BOND.**

**NOVEMBER 26, 2018**

**WHEREAS**, Anthony Zadnik from Spring Mill Realty, LLC, The CPAP Shop located at 159 Cooper Road, West Berlin, New Jersey; Block 2501 Lot 6, has requested the release of their Performance Guarantee in the amount \$\$118,341.60 ;and

**WHEREAS**, the Engineer has recommended that the Township grant the request to release of the Performance Guarantee contingent upon the posting of a two year Maintenance Bond in the amount of \$1066.05; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of their performance Guarantee is hereby granted with the conditions stated above.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-199. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-200 RESOLUTION AUTHORIZING ADVERTISEMENT OF RFQ'S FOR PROFESSIONAL SERVICE CONTRACTS.**

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that the Municipal Clerk is hereby authorized to advertise for RFQ's for the calendar year 20189for professional service contracts, in the 11/29/18 issue of the Record Breeze.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-200. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-201 RESOLUTION TO APPROVE TOWING COMPANIES TO PROVIDE TOWING SERVICES FOR THE TOWNSHIP OF BERLIN .**

**WHEREAS**, the Township of Berlin has reviewed the applications submitted to the Berlin Township as per Ordinance 110 and

**WHEREAS**, the Township of Berlin has effectively operated using three tow services and have found the rotation to be profitable and service reliable.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Township of Berlin , County of Camden, New Jersey that the following Towing Companies provide towing services for the Township of Berlin effect for the period of January 1, 2019 through December 31, 2019.

- 1) **Linden Towing**, 2715 Egg Habor Road, Lindenwold
- 2) **RHP Towing**, 238 White Horse Pike, Atco

**NOVEMBER 26, 2018**

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-201. Resolution adopted by call of the roll, three members present voting in the affirmative, Councilman McIntosh abstained.

**RESOLUTION 2018-202 GRANTING ARCADE AMUSEMENT GAMES LICENSES TO DIGGERLAND USA, LLC**

**WHEREAS**, Diggerland has filed an application with the Township of Berlin, County of Camden, New Jersey, for an Amusement Games License for January 1, 2019 and expiring on December 31, 2019;

**DIGGERLAND USA, LLC**

**License # 36-2000-2-00090 (2018)**

**Arcade**

**100 Pinedge Drive West Berlin N.J.**

**WHEREAS**, the application of the above named has been examined by the Mayor and Council and has been found to be in proper order; and

**WHEREAS**, the proper fees have been paid to the Township of Berlin,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the license be and is hereby granted. The Township Clerk is hereby authorized and directed to issue a license from January 1, 2019 and ending December 31, 2019.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-202. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018- 203 GRANTING ARCADE AMUSEMENT GAMES LICENSES TO APEX PARK GROUP LLC (SAHARA SAM'S OASIS WATER PARK)**

**WHEREAS**, Apex Park Group LLC has filed an application with the Township of Berlin, County of Camden, New Jersey, for an Amusement Games License for January 1, 2019 and expiring on December 31, 2019;

**APEX Park Group, LLC (Sahara Sam's Water Park) License # 36-2000-1-00089 (2018)**

**Arcade**

**535 Route 73 North West Berlin NJ 08091**

**WHEREAS**, the application of the above named has been examined by the Mayor and Council and has been found to be in proper order; and

**NOVEMBER 26, 2018**

**WHEREAS**, the proper fees have been paid to the Township of Berlin,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the license be and is hereby granted. The Township Clerk is hereby authorized and directed to issue a license from January 1, 2019 and ending December 31, 2019.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-203. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-204 RESOLUTION CANCELING THE RECEIVABLE AND RESERVE BALANCE FOR THE CAMDEN COUNTY REGIONALIZED DWI ENFORCEMENT/SOBRIETY CHECKPOINT GRANT.**

**WHEREAS**, a receivable and reserve balance of \$700.00 titled Camden County Regionalized DWI Enforcement/Sobriety Checkpoint Grant remains on the balance sheet at 10/31/18; and

**WHEREAS**, the grant is complete and it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the receivable and reserve balance of \$700.00 titled Camden County Regionalized DWI Enforcement/Sobriety Checkpoint Grant is hereby canceled.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-204. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-205 AUTHORIZING TRANSFERS BETWEEN CY2018 BUDGET APPROPRIATIONS.**

**WHEREAS**, transfers are permitted between budget appropriations during the last two months of the fiscal year;

**BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, County of Camden, New Jersey, that transfers between CY2018 Budget Appropriations be made as follows:

<b>Account</b>	<b>Description</b>	<b>Transfer In</b>	<b>Transfer Out</b>
20-130-1	Finance - S & W	\$6,000.00	
26-510-1	NJPDES Streets S & W	\$14,000.00	
29-390-1	Municipal Library S & W	\$1,200.00	
26-305-1	Solid Waste Collection - S & W	\$1,600.00	

**NOVEMBER 26, 2018**

	Temps		
	Buildings & Grounds S & W		
26-310-1	Temps	\$5,200.00	
27-330-1	Public Health S & W	\$99.00	
28-370-1	Recreation S & W		\$5,200.00
26-300-2	Traffic Signal Maintenance		\$52,000.00
28-370-2	Recreation Other Expenses		\$5,200.00
31-435-2	Electricity & Natural Gas	\$36,000.00	
31-440-2	Telephone	\$5,000.00	
31-447-2	Petroleum Products (Gas & Fuel)	\$23,000.00	
31-455-2	Sewerage	\$200.00	
36-472-2	Social Security	\$9,500.00	
23-210-2	Liability Insurance		\$15,400.00
45-930-2	Interest on Bonds	1.00	
43-490-2	Municipal Court -- Gas & Electric		\$11,900.00
43-490-2	Municipal Court -- Telephone		\$2,600.00
43-490-2	Municipal Court -- Social Security		\$9,500.00
	<b>Total for Current Fund</b>	<b>\$101,800.00</b>	<b>\$101,800.00</b>
55-501-1	Sewer S & W FT	\$1,000.00	
55-501-1	Sewer S & W OT	\$1,000.00	
55-501-2	Sewer OE Maint of Vehicles		\$2,000.00
	<b>Total for Sewer Operating</b>	<b>\$2,000.00</b>	<b>\$2,000.00</b>

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-205. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-206 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) – DRUNK DRIVING ENFORCEMENT 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;

**NOVEMBER 26, 2018**

**WHEREAS**, the Chief Financial Officer has certified that the Township has received a Drunk Driving Enforcement Grant from the NJ Division of Motor Vehicles for \$2,500.00;

**BE IT FURTHER RESOLVED** that a like sum of \$2,500.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"

Drunk Driving Enforcement Grant                      \$2,500.00

**BE IT FURTHER RESOLVED** that the Township Clerk forward two certified copies of this resolution to the Director of the Division of Local Government Services for approval.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-206. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-207 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," AND CHAPTER 289, ENTITLED "STREETS & SIDEWALKS AND SECTION 303 OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE BOOK ENTILED SWIMMING POOLS, SPAS AND HOT TUBS".**

**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 and 289 of the Code of the Township of Berlin and 303.1 of the IPM Code Book 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:

<b><u>Property: Block/Lot</u></b>	<b><u>REASON</u></b>
4 Astor Ave. B-1306 L-4	Lawn care
248 Powell Ave. B-1811 L-19	Lawn care
Haddon Ave./ Veterans Ave. B-625 L-8.01	Lawn care

**WHEREAS**, pursuant to Chapter 249 and Article III of 289, 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

**NOVEMBER 26, 2018**

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>
4 Astor Ave. B-1306 L-4	11/26/18	\$75.00	Lawn care
248 Powell Ave. B-1811 L-19	11/26/18	\$55.00	Lawn care
Haddon Ave./ Veterans Ave.	11/26/18	\$60.00	Lawn care

**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 payment of the full amount of said municipal charges and/or liens, plus any accumulated penalties and/or interest thereon, has been tendered to the Tax Collector regarding certain of the aforementioned liens and therefore the Tax Collector is further authorized and instructed to discharge and remove same of record with respect to said properties as follows:

**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.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-207. Resolution adopted by call of the roll, four members present voting in the affirmative

NOVEMBER 26, 2018

**RESOLUTION 2018-208 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>
148 North Avenue	\$ 150.00	10/11/18
4 Astor Avenue	75.00	10/22/18
4 Astor Avenue	75.00	10/22/18
231 Briarwood Road	85.00	10/22/18

Submitted for November 26, 2018 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.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-208. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-209 CHANGE ORDER NUMBER 2 AND FINAL PAYMENT FOR BASKETBALL COURT RESURFACE AT THE SPRUCE AVENUE RECREATION COMPLEX FUNDED BY THE CAMDEN COUNTY RECREATIONAL ENHANCEMENT FUNDING ROUND 12.**

**WHEREAS**, it is necessary to make changes in the scope of the work to be done in the resurfacing of the basketball court at the Spruce Avenue Recreational Complex; and

**WHEREAS**, Change Order Number 2 and final payment was developed to itemize and authorize those changes for milling 3” thick:

**NOVEMBER 26, 2018**

**WHEREAS**, the Change reflects an adjustment in the Contract amount from \$37,198.00 to \$36,586.00, a decrease amount of \$612.00; and

**WHEREAS**, said change order shall reduce certification of Capital Bond appropriation account (C-04-15-860-160505) to \$4,356.00 as certified by the Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Berlin Mayor and Council that Change Order Number 2 and final payment is hereby authorized and approved for the change in the Contract amount from \$37, 198.00 to \$36,586.00, a decrease in the amount of \$612.00.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-209. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-210 RESOLUTION AUTHORIZING FINAL PAYMENT TO DIMEGLIO CONSTRUCTION FOR THE SPRUCE AVENUE BASKETBALL COURT IMPROVEMENTS AND THE POSTING OF A MAINTENANCE BOND.**

**WHEREAS**, Di Meglio Construction, located at 594 White Horse Pike, Atco N.J. 08004 has completed the Improvements to the Basketball Courts at the Spruce Avenue Recreation Complex; and

**WHEREAS** the Township Engineer has recommended that final payment be made contingent upon the posting of a two year maintenance bond in the amount of \$3,658.60.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin hereby authorizes, final payment be made, conditional upon the posting of a two year maintenance bond.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-210. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-211 AUTHORIZING REFUND OF SEWER FUNDS ERRONEOUSLY PAID BY OWNERS BRIAN AND LAURA KELLER BLOCK 610 LOT 1.**

**WHEREAS**, the owners above were responsible for making sewer payments for Keller's Auto Repair, Block 610 Lot 1, property located at 210 Haddon Avenue in the Township of Berlin, and;

**WHEREAS**, owner, Brian Keller issued a check with intention to pay the next quarter sewer payment in the amount of \$ 81.25 and it was processed as such. Owner issued the actual check incorrectly and the bank processed the check for the written words as Eight Hundred One Dollar and .25 cents.

**NOVEMBER 26, 2018**

**WHEREAS**, an excessive overpayment has been created in the amount of \$ 801.25 and must be refunded, so;

**THEREFORE, BE IT RESOLVED** that a refund be made in the amount of Eight Hundred and one dollar and twenty five cents to:

KELLER'S AUTO REPAIR  
210 Haddon Avenue  
West Berlin, NJ 08091

These funds are in the Sewer Operating Account.

Submitted for the November 26<sup>th</sup>, 2018 meeting

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-211. Resolution adopted by call of the roll, four members present voting in the affirmative

**RESOLUTION 2018-212 CHANGE ORDER NUMBER 2 AND FINAL PAYMENT FOR IMPROVEMENTS TO HAZEL AVENUE –FROM CHESTNUT AVENUE TO CUSHMAN AVENUE.**

**WHEREAS**, it is necessary to make changes in the scope of the work to be done in the improvements to Hazel – from Chestnut Avenue to Cushman Avenue; and

**WHEREAS**, Change Order Number 2 and final payment was developed to itemize and authorize those changes for as-built quantities and adjustment to items No. 23 Fuel Price adjustment and Item No.24 Asphalt Price adjustment: and

**WHEREAS**, the Change reflects an adjustment in the Contract amount from \$213,188.02 to \$215,481.58, an increase in the amount of \$2293.56; and

**WHEREAS**, said Change Order Number shall be charged to General Capital Bond Ordinance 2016-5 section A (C-04-15-860-160501) for \$2293.56 as certified by the Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Berlin Mayor and Council that Change Order Number 2 and Final Payment is hereby authorized and approved for the change in the Contract amount from \$213,188.02 to \$215,481.58, an increase of \$2293.56.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-212. Resolution adopted by call of the roll, four members present voting in the affirmative

NOVEMBER 26, 2018

**RESOLUTION 2018-213 RESOLUTION AUTHORIZING FINAL PAYMENT TO DIMEGLIO CONSTRUCTION FOR THE IMPROVEMENTS TO HAZEL AVENUE – FROM CHESTNUT AVENUE TO CUSHMAN AVENUE, AND THE POSTING OF A MAINTENANCE BOND.**

**WHEREAS**, Di Meglio Construction, located at 594 White Horse Pike, Atco N.J. 08004 has completed the Improvements to the street improvements to Hazel Avenue from Chestnut Avenue to Cushman Avenue: and

**WHEREAS** the Township Engineer has recommended that final payment be made contingent upon the posting of a one year maintenance bond in the amount of \$2,154.82.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin hereby authorizes, final payment be made, conditional upon the posting of a one year maintenance bond.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt Resolution 2018-213. Resolution adopted by call of the roll, four members present voting in the affirmative

**Business Approvals**

**Business Registration**

**1) Nikki Huynh T/A Happy Mani Pedi, 301 North Route 73, Suite 3. Nail Salon.**

**2) Deborah A. Ubele T/A Jefferson Health, 301 North Route 73, Medical Office**

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve Business Registration above. Registrations approved by call of the roll, four members present voting in the affirmative.

**Mercantile License**

**1) Samuel Doria Jr. T/A Premier Shipping & Fulfillment LLC, 154 Cooper Road , Suite 1601. Office Warehouse and Storage**

**2) Chris Bea T/A Gaetano's of West Berlin. 437 North Route 73. Restaurant, Sandwiches & Pizza**

**3) Gloria Mayr-King T/A Mini UStorage. 565 North Route 73. A Self Storage Facility.**

**4) Mustafa S. Deryal T/A BRT Natural , LLC. 401 Bloomfield Drive,**

## NOVEMBER 26, 2018

Unit 1. Office, Storage Warehouse for various natural oils.

**5) Migdalia Morales T/A Sally Beauty Supply.** 200 Route 73, Suite 3C. Retail Beauty Supplies.

**6) Christopher Taylor T/A NJSP Associates LLC.** 411 Bloomfield Drive. Wholesaler for Flooring, Floor covering, Kitchen/Cabinetry and Plumbing Products

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve the Mercantile License above. Mercantile License approved by call of the roll, four members present voting in the affirmative.

### **Approval of October 15, 2018 Meeting Minutes**

Motion by Councilwoman Bodanza, second by Councilman Epifanio to approve the Meeting Minutes for October 15, 2018. Motion carried by voice vote, four members present voting in the affirmative.

### **Consent Agenda for October 2018**

Motion by Councilman McIntosh, second by Councilwoman Bodanza to approve the Consent Agenda for October 2018. Motion carried by voice vote, four members present voting in the affirmative.

### **Correspondence Calendar for October 2018**

Motion by Council President, second by Councilwoman to approve the Correspondence Calendar for October 2018. Motion carried by voice vote, four members present voting in the affirmative.

### **All Other Business**

- 1) Best Practice 2018 / 2019 was completed and submitted on November 13, 2018, with no penalty.

**Joyce Tinnes, CFO stated that the Township will receive full State Aid with no reductions after completing the Best Practice Checklist.**

- 2) Tree Lighting Event will be December 7, 2018, Mark your Calendars.

### **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.

**NOVEMBER 26, 2018**

Mr. Desmond Butler, 1 Seville Court, Montebello asked when the new trash updates and regulations will be available to the public.

Chuck replied in a few weeks

Voorhees resident, who resides at 2001 Lafayette Avenue asked the Governing Body for sewer connection due to hardship.

The owners purchased this Bank Owned property in the Winter of 2018. The sellers misrepresented the property as being tied into the public sewer system. Our current seller updated the property and put in on the market for sale. This house is now under contract to be purchased by a willing buyer. At the home inspection it has been determined there is in fact an existing cesspool and not public sewer. The owner is not able to convey the property to this buyer or any other willing buyer in its current condition. We request a Hardship Exemption in this emergency situation to hook this petite 600 square foot house up to public sewer.

Chuck replied that he will review his records and the municipal agreement to see what the allocations are at. But the option of an onsite septic system can be an option as well.

No more comments were to 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

**Adjourn**

Motion by Councilwoman Bodanza, second by, Councilman Epifanio to adjourn the meeting at 6:13 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 6:20 pm

---

Catherine Underwood  
Berlin Township RMC