

OCTOBER 26, 2020

**MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN,
CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL
OCTOBER 26, 2020 AT 5:30 PM**

(Meeting done by telephone due to Coronavirus)

Mayor Magazzu opened the meeting by telephone 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, Council President, Morris, Councilman Epifanio, Councilwoman Bodanza, Councilman Sykes

Also Present- Solicitor, Justin Strausser, Acting Chief of Police Wayne Bonfiglio, Chief Financial Officer, Joyce Tinnes - Township Engineer / Public Works Director, Chuck Riebel, Property Maintenance / Animal Control, Josh Shellenberger

Public Present- Carolyn Picciotti,

Absent-

DEPARTMENTAL REPORTS

Engineer/ Public Works Department Report

Report is at the back of the minutes.

Solicitors Report

Nothing new to report at this time.

Property Maintenance / Animal Control

Nothing new to report at this time.

**SECONDING READING PUBLIC HEARING ORDINANCE 2020-4 OF THE
TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW
JERSEY, AMENDING CHAPTER 156 OF THE
TOWNSHIP CODE ENTITLED "FEES."**

WHEREAS, the Township of Berlin ("Township") is a municipal entity organized and existing under the law of the State of New Jersey and located in Camden County; and

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WHEREAS, Chapter 156 of the Code of the Township of Berlin establishes the fees to be charged for certain services to be rendered and/or records maintained by the Township; and

WHEREAS, Section 156-13 of the Code establishes the fees for police services for private persons or entities; and

WHEREAS, the Mayor and Council deem it advisable to amend the fee regarding police services for private persons or entities that involve the use of a patrol vehicle; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the Governing Body is authorized to enact and amend ordinances to fix the fees of any officer or employee of the municipality for any service rendered in connection with said office or position; and

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

SECTION 1: Section 156-13 of the Code of the Township of Berlin entitled “Fees for Police Services for Private Persons or Entities from §40-10,” is hereby revised and amended to provide as follows:

§ 156-13 Fees for police services for private persons or entities from § 40-10.

The rate of payment for such police services shall be at the following rates:

- A. Traffic control: \$75 per hour base rate, plus \$15 per hour for an administrative fee;
- B. Other police services: \$75 per hour base rate, plus \$15 per hour for an administrative fee;
- C. Traffic control for Township bid and funded projects: \$45 per hour base rate, without administrative fees;
- D. Patrol vehicle: \$10 per hour.

SECTION 2: Except as set forth in Section 1 above, the balance of Chapter 156 of the Code of the Township of Berlin 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.

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SECTION 5: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Motion by Council President Morris, second by Councilman Sykes 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 2020-4.

No comments were to be heard.

Motion by Councilman Epifanio 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 on Ordinance 2020-4

Motion by Council President Morris second by Councilman Epifanio to adopt Ordinance 2020-4. Ordinance approved by call of the roll, five members present voting in the affirmative.

SECONDING READING PUBLIC HEARING ORDINANCE 2020-5 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, APPROVING AN EASEMENT RELATIVE TO THE PROPERTY DESIGNATED AS BLOCK 1820, LOTS 10, 11, 12, AND 13, TOWNSHIP OF BERLIN, NEW JERSEY, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID EASEMENT.

WHEREAS, the Township of Berlin (“Township”) is a municipal entity organized and existing under the law of the State of New Jersey and located in Camden County; and

WHEREAS, N.J.S.A. Title 40A (“Local Lands and Buildings Law”) authorizes a municipality to acquire easements; and

WHEREAS, Title 40A requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, the Township of Berlin (the “Township”) has received a Municipal Aid grant from the New Jersey Department of Transportation for improvements to the existing roadway of Spruce Avenue from Chestnut Avenue and Division Street;

WHEREAS, the Municipal Aid grant also includes funding for the construction of a 20-foot-wide roadway between Division Street and Cushman Avenue;

WHEREAS, in order to construct the 20-foot-wide roadway between Division Street and Cushman Avenue and to complete the aforementioned improvements to the existing roadway of Spruce Avenue from Chestnut Avenue and Division Street, the Township requires a Roadway Easement on the property known as Block 1820, Lots 10, 11, 12, and 13 (the “Property”) owned by Samuel D. Sykes (the “Grantor”);

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WHEREAS, the Mayor and Council of the Township of Berlin have determined that it is in the public interest and welfare that the Township acquire a roadway easement in order to construct the 20-foot-wide roadway and to complete the improvements; and

WHEREAS, Township and Grantor have agreed to the terms and conditions of this easement as so stated in the document attached hereto as Exhibit “A”; and

WHEREAS, it is the intention of the Mayor and Council of the Township of Berlin to authorize the proper municipal officials to execute the attached Easement Agreement on behalf of the Township of Berlin; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary and proper for the good government, order and 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 Council of the Township of Berlin, as follows:

SECTION 1: The Easement Agreement attached hereto as Exhibit “A” by and between the Township of Berlin and the Grantor is hereby approved.

SECTION 2: The Mayor of the Township of Berlin is hereby authorized to execute the Easement Agreement and all other documents necessary to implement said Easement on behalf of the Township of Berlin.

SECTION 3: All Ordinances or parts of Ordinances inconsistent herewith 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 immediately upon final passage and publication in accordance with law.

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 on Ordinance 2020-5.

No comments were to be heard.

Motion by Council President Morris second by Councilman Epifanio to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor

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Magazzu closed the meeting to the public for questions or comments on Ordinance 2020-5

Motion by Councilman Epifanio second by Council President Morris to adopt Ordinance 2020-5. Ordinance approved by call of the roll, four members present voting in the affirmative. Councilman Sykes abstained.

SECONDING READING PUBLIC HEARING ORDINANCE 2020-6 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, APPROVING AN EASEMENT RELATIVE TO THE PROPERTY DESIGNATED AS BLOCK 1820, LOTS 14, 15, AND 16, TOWNSHIP OF BERLIN, NEW JERSEY, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID EASEMENT.

WHEREAS, the Township of Berlin (“Township”) is a municipal entity organized and existing under the law of the State of New Jersey and located in Camden County; and

WHEREAS, N.J.S.A. Title 40A (“Local Lands and Buildings Law”) authorizes a municipality to acquire easements; and

WHEREAS, Title 40A requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, the Township of Berlin (the “Township”) has received a Municipal Aid grant from the New Jersey Department of Transportation for improvements to the existing roadway of Spruce Avenue from Chestnut Avenue and Division Street;

WHEREAS, the Municipal Aid grant also includes funding for the construction of a 20-foot-wide roadway between Division Street and Cushman Avenue;

WHEREAS, in order to construct the 20-foot-wide roadway between Division Street and Cushman Avenue and to complete the aforementioned improvements to the existing roadway of Spruce Avenue from Chestnut Avenue and Division Street, the Township requires a Roadway Easement on the property known as Block 1820, Lots 14, 15, and 16 (the “Property”) owned by Gerard E. Gareau and Jason Gareau (the “Grantors”);

WHEREAS, the Mayor and Council of the Township of Berlin have determined that it is in the public interest and welfare that the Township acquire a roadway easement in order to construct the 20-foot-wide roadway and to complete the improvements; and

WHEREAS, Township and Grantors have agreed to the terms and conditions of this easement as so stated in the document attached hereto as Exhibit “A”; and

WHEREAS, it is the intention of the Mayor and Council of the Township of Berlin to authorize the proper municipal officials to execute the attached Easement Agreement on behalf of the Township of Berlin.

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WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary and proper for the good government, order and 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 Council of the Township of Berlin, as follows:

SECTION 1: The Easement Agreement attached hereto as Exhibit “A” by and between the Township of Berlin and the Grantors is hereby approved.

SECTION 2: The Mayor of the Township of Berlin is hereby authorized to execute the Easement Agreement and all other documents necessary to implement said Easement on behalf of the Township of Berlin.

SECTION 3: All Ordinances or parts of Ordinances inconsistent herewith 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 immediately upon final passage and publication in accordance with law.

Motion by Council President Morris, second by Councilman Sykes 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 2020-6.

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 on Ordinance 2020-6

Motion by Councilman Sykes second by Councilman Epifanio to adopt Ordinance 2020-6. Ordinance approved by call of the roll, five members present voting in the affirmative.

FIRST READING ORDINANCE 2020-7 AN ORDINANCE ESTABLISHING A TAX ABATEMENT FOR THE FIRST \$15,000 OF IMPROVEMENTS PER UNIT ON HOUSING 20 YEARS OR OLDER IN THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY.

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WHEREAS, the Township of Berlin previously adopted an Ordinance #78:3 establishing a tax abatement program for the first \$10,000 of home improvements for each unit of housing 20 years or older for a period of five years, pursuant to N.J.S.A. 54:4-3.72 to 3.74; and

WHEREAS, the Township subsequently adopted Ordinance #1993-21 reaffirming and continuing the tax abatement program and once again reaffirmed and continued the tax abatement program in 2005; and

WHEREAS, under State law all municipalities in New Jersey are authorized to readopt Tax Abatement Ordinances every ten years if they so choose; and

WHEREAS, the Township wishes to affirm all tax abatements granted under this Ordinance from the expiration of the 2005 Ordinance to the present; and

WHEREAS, the Township seeks to amend its prior Ordinance to be consistent with authorized state legislation in accordance with N.J.S.A. 40A:21-1 et. seq., known as the “Five-Year Exemption and Abatement Law” and codify said Ordinance in the Code of the Township of Berlin; and

WHEREAS, the Township Council, in conjunction with its efforts to assist in the economic development of the municipality, has deemed it in the best interest of the public health, safety and welfare to amend the Code of the Township of Berlin to include a new Chapter 61, entitled Tax Abatement and include certain provisions thereof.

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

SECTION 1: The Code of the Township of Berlin is hereby amended, revised, and supplemented to include a new Chapter 61, entitled “Tax Abatement” in the following manner:

§ 61-1. Residential Tax Abatement.

A. For the purpose of taxation, the first \$15,000 in assessor’s full and true value of improvements for each dwelling unit primarily and directly affected by home

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improvement in any single or multiple-dwelling property more than 20 years old, shall not increase the value of such property for a period of five (5) years, notwithstanding that the value of the dwelling to which such improvements are made has increased thereby.

B. In no event, however, shall the assessment during that period be less than the assessment thereof existing immediately prior to such home improvements unless there shall be damage to the dwelling through action of the elements sufficient to warrant a reduction.

C. The above amounts up to \$15,000 may be deducted from the amount determined by the assessor on October 1 of any year following the determination of the completion of the improvements and shall continue to be treated as such for each of the five (5) tax years subsequent to the original determination by the assessor.

D. Additional improvements completed during a period in which the improved property is subject to the previously granted exemption in an amount less than the maximum deduction permissible shall be qualified for additional deduction privileges under terms and conditions, however, that in no tax year shall total deduction for any single property exceed \$15,000.

E. Any person or entity desiring to seek the exemption to the above shall file a written application with the Tax Assessor of Berlin Township pursuant to the directions of N.J.S.A. 40A:21-9.

F. For the purposes of this Ordinance, the definitions as set forth in N.J.S.A. 40A:21-3 shall apply.

SECTION 2: All tax abatements granted under the provisions of the Township of Berlin's residential tax abatement Ordinance between the expiration of the 2005 re-adoption of the Ordinance and the herein adoption of this Ordinance are hereby affirmed.

SECTION 3: All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency only.

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SECTION 4: If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5: This Ordinance shall take effect twenty (20) days following adoption and publication as required by law.

Motion by Councilman Epifanio, second by Councilman Sykes to adopt Ordinance 2020-7 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2020- 170 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) – NJ DEPARTMENT OF TRANSPORTATION – IMPROVEMENTS TO SPRUCE AVE.

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 grant from the NJ Department of Transportation for Improvements to Spruce Avenue in the amount of \$128,866.50.

BE IT FURTHER RESOLVED that a like sum of \$128,866.50 and the same is hereby appropriated under the caption of:

Operation “Excluded From CAP”
NJ Department of Transportation \$ 128,866.50
Improvements to Spruce Ave

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

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution

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2020-170. Resolution adopted by call of the roll, five members present voting in affirmative.

RESOLUTION 2020-171 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) – NJ DEPARTMENT OF TRANSPORTATION – IMPROVEMENTS TO CLARENCE AVENUE.

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 grant from the NJ Department of Transportation for Improvements to Clarence Avenue in the amount of \$157,500.00.

BE IT FURTHER RESOLVED that a like sum of \$157,500.00 and the same is hereby appropriated under the caption of:

Operation "Excluded From CAP"
NJ Department of Transportation \$ 157,500.00
Improvements to Spruce Ave

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

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-171. Resolution adopted by call of the roll, five members present voting in affirmative.

RESOLUTION 2020-172 AUTHORIZING TRANSFER OF CREDITS FROM 2020 CURRENT TAX TO 2021 PREPAID TAX-VARIOUS LOTS.

WHEREAS, there were successful County Appeals Judgment Stipulations which overall reduced the amount due for the calendar year of 2020 and after adjustments reducing the 4th quarter specifically, and

WHEREAS, payments for real estate taxes of the original billed amounts were made on parcels and paid prior to the issuance of the adjusted bills, due to these successful appeals, and these payments made were in excess of the amount actually due, and;

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WHEREAS, the owners of said properties have deliberately created an overpayment to be credited to the next year taxes, so;

WHEREAS, block 601 lot 4 owned by Martin Estate, LLC needs a transfer of credit in the amount of \$ 299.09 and;

WHEREAS, block 601 lot 8 owned by Alain Fongang-Fosso needs a transfer of credit in the amount of \$ 511.11 and;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the credits totaling **\$ 810.20** be transferred from the overpaid Aug/Nov 2020 current tax to the 2021 prepaid tax.

Submitted for the October 26, 2020 meeting by Dana OHara, CTC Tax Collector

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-172. Resolution adopted by call of the roll, five members present voting in affirmative.

RESOLUTION 2020-173 CONFIRMING AUTHORIZING TRANSFER OF OVERPAYMENTS FROM 2020 CURRENT YEAR TAX TO PRELIMINARY 2021.

WHEREAS, several monthly payments for real estate taxes were made on the following parcel by the owner of said property that was deliberately creating an overpayment, and;

WHEREAS, the following property has an overpayment for the current year and it has been requested by the owner responsible for payment of said taxes that the overpayment be transferred and applied to the first half of 2021 to offset the preliminary 2021 billing in said quarters and;

WHEREAS, the following is the details of the credit amount to be transferred:

Block/Lot	Name	Amount
2505/8	LOVALLO, JOSEPH	\$ 2,427.84

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the credits totaling two thousand four hundred twenty-seven dollars and eighty-four cents

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be transferred from the 2020 current year tax 4th quarter to the first half of the preliminary year 2021 for the purposes of offsetting preliminary billing on the above mentioned property.

Submitted for the October 26, 2020 meeting.
Dana O'Hara, CTC – Tax Collector

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-173. Resolution adopted by call of the roll, five members present voting in affirmative.

RESOLUTION 2020-174 RESOLUTION APPROVING SUBMISSION OF APPLICATION FOR NPP - COVID 19 RELIEF PROGRAM FOR TOWNSHIP OF BERLIN.

WHEREAS, the Township of Berlin desires to apply for and obtain a grant from the State of New Jersey Department of Community Affairs for \$55,000 to carry out a rent/mortgage relief program and provide personal protective equipment to help promote the continued recovery and revitalization of the NPP Haddon Avenue Business District in the wake of the COVID-19 Crisis.

BE IT THEREFORE RESOLVED that the Township of Berlin does hereby authorize the application for such a grant; and upon receipt of the grant agreement from State of New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also, upon receipt of the full executed agreement from the Department of Community Affairs, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Berlin and the State of New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the application, the agreement, and any other documents in connection therewith.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-174. Resolution adopted by call of the roll, five members present voting in affirmative.

RESOLUTION 2020-175 RESOLUTION TO WAIVE MAINTENANCE BOND FOR REPUBLIC BANK BLOCK 703 LOT 12.

WHEREAS, Republic Bank had requested and was granted by resolution 2016-184 the release of their Performance Guarantee #420417 in the amount of \$442,147.80 contingent upon posting a maintenance bond in the amount of \$55,268.49: and

WHEREAS the maintenance bond was never posted therefore the performance bond was never released; and

WHEREAS Republic bank has requested in light of the years that have passed if the Township could consider waiving the maintenance bond; and

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WHEREAS, the Township Engineer has recommends waiving the Maintenance Bond since this project has been completed for more than two years.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the request to waive the maintenance bond for Republic Bank Block 703 Lot 12 is hereby granted.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-175. Resolution adopted by call of the roll, five members present voting in affirmative.

RESOLUTION 2020-176 GRANTING ARCADE AMUSEMENT GAMES LICENSES TO APX SAHARA SAM'S OASIS, LLC.

WHEREAS, APX Sahara Sam's Oasis has filed applications with the Township of Berlin, County of Camden, New Jersey, for Amusement Games License for October 26, 2020 and expiring on December 31, 2020;

**APX Sahara Sam's Oasis, LLC
Amusement Game License
583 North Route 73 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 October 26, 2020 and ending December 31, 2020.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-176. Resolution adopted by call of the roll, four members present voting in affirmative. Council President Morris abstained.

RESOLUTION 2020-177 CHANGE ORDER NUMBER 2 AND PAYMENT #1 FOR IMPROVEMENTS TO CLARENCE AVENUE-VETERANS AVENUE THROUGH THE N.J. D.O.T. FY 2018 MUNICIPAL AID FUNDING.

WHEREAS, it is necessary to make changes in the scope of the work to be done in the improvements to Clarence Avenue in the Township of Berlin, Camden County, New Jersey, through the N.J.D.O.T. FY 2018 Municipal Aid Funding; and

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WHEREAS, Change Order Number 2 was developed for the adjustments in the contract amount of \$217,398.63 to 226,665.63, an increase of \$9,267.00 for as built quantities; and

WHEREAS, said Change Order Number 2 shall be charged to C-04-19-860-190104 Capital Fund for \$9,267.00 as certified by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin Mayor and Council that Gambale Concrete, LLC of Clementon New Jersey Change Order Number 2 is hereby authorized and approved to the change order in the Contract amount from \$217,938.63 to \$226,665,398.63, an increase in the amount of \$9,267.00; and

FURTHER BE RESOLVED, by the Township of Berlin Mayor and Council that payment #1 to Gambale Concrete LLC, Clementon New Jersey for the amount of \$100,284.51 is hereby authorized and approved.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-177. Resolution adopted by call of the roll, five members present voting in affirmative.

**RESOLUTION 2020-178 RESOLUTION TO GRANT THE RELEASE OF
OUTSIDE POLICE SERVICE MONIES TO AMERICAN ASPHALT COMPANY.**

WHEREAS, American Asphalt Company, 100 Main Street, West Collingwood NJ 08059 had an agreement with Berlin Township Police Department for Police Related Services; and

WHEREAS, American Asphalt had placed \$3600.00 in a trust account for the expenditures for these Police Services; and

WHEREAS the job has been completed by American Asphalt Company and a balance of \$800.00 remains in the trust account and needs to be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that a refund of \$800.00 for American Asphalt is hereby granted.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-178. Resolution adopted by call of the roll, five members present voting in affirmative.

**RESOLUTION 2020-179 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:

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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:

Special Charge #:	Property:	AMOUNT	DATE PAID
PM19-034	248 Powell Ave (1811-19)	\$ 170.00	10/5/2020
PM20-006	103 Walker Ave (702-4)	\$ 80.00	8/27/2020

**Submitted for October 26, 2020 Meeting
Collector**

Dana O'Hara, CTC - Tax

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 Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-179. Resolution adopted by call of the roll, five members present voting in affirmative.

**RESOLUTION 2020-180 AWARDING A CONTRACT, THROUGH THE
CAMDEN COUNTY COOPERATIVE PRICING SYSTEM, FOR THE
FURNISHING AND DELIVERY OF SODIUM CHLORIDE AND PRETREATED
LIQUID ENHANCED SODIUM CHLORIDE.**

WHEREAS, The Camden County Board of Chosen Freeholders have awarded a contract for the furnishing and delivery of sodium chloride, under the Camden County Cooperative Pricing System, Identifier # 57-CCCPS, Bid B-14/2020 to Atlantic Salt, Inc. of Lowell, Massachusetts for a one-year term for 2020/2021 and an option to extend the contract for an additional year 2021/2022; and

WHEREAS, Camden County has authorized municipalities that desire to participate in the County contract to enter into a contract, directly, with Atlantic Salt, Inc., pursuant to the terms and conditions of the County Bid B-14/2020; and

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WHEREAS, the Mayor and Council of the Township of Berlin desires to award and enter into a contract with Atlantic Salt, Inc. of Lowell, Massachusetts for the furnishing and delivery of sodium chloride, on an as-needed basis, through the Camden County Cooperative Pricing System, Identifier #57-CCCPS, Bid B-14/2020 for Item No. 1, Furnish & Delivery Sodium Chloride, at the unit price of \$48.00 per ton for Year #1, the period through November 2021, and \$48.85 per ton for Year #2, the subsequent period through November 2022, if the option year is renewed by the County and for Item No. 2, Furnish & Delivery Pre-Treated Liquid Enhanced Sodium Chloride, at the unit price of \$62.00 per ton for Year #1, the period through November, 2021 and \$62.85 per ton for Year #2, the subsequent period through November, 2022, if the option year is renewed by the County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, in the County of Camden, State of New Jersey, that the Mayor and Council hereby awards a contract for the furnishing and delivery of Sodium Chloride and Pretreated Liquid Enhanced Sodium Chloride to Atlantic Salt, Inc. of Lowell, Massachusetts, pursuant to the terms and conditions of the Camden County Cooperative Pricing System Identifier # 57- CCCPS, Bid B-19/2020.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-180. Resolution adopted by call of the roll, five members present voting in affirmative.

RESOLUTION 2020-181- PAYMENT OF BILLS FOR OCTOBER 2020.

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:

TO	ACCOUNT	AMOUNT
Ameriflex (August 2020 Admin Fee)	T-18-56-850-030208	\$75.00
Ameriflex (August 2020)		
Flex Claims Week of 08/21-08/27/2020	T-18-56-850-030208	\$20.00
Ameriflex (August & September 2020)		
Flex Claims Week of 08/22-09/03/2020	T-18-56-850-030208	\$35.82
Ameriflex (September 2020 Admin Fee)	T-18-56-850-030208	\$75.00
Ameriflex (September 2020)		
Flex Claims Week of 09/04-09/10/2020	T-18-56-850-030208	\$90.58
Ameriflex (September 2020)		
Flex Claims Week of 09/11-09/17/2020	T-18-56-850-030208	\$3.00
Ameriflex (September 2020)		
Flex Claims Week of 09/18-09/24/2020	T-18-56-850-030208	\$20.00
Ameriflex (October 2020 Admin Fee)	T-18-56-850-030208	\$75.00
State of Jersey Health Benefits – October	0-01-23-220-2092	\$61,929.79
2020 (A)	0-01-23-220-2092	\$12,202.73

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State of Jersey Health Benefits – October 2020 (R)	0-01-23-220-2092	\$33,971.83
Payroll, Current Fund	10/09/2020	\$135,700.05
Payroll, Sewer Operating Fund	10/09/2020	\$7,266.36
Payroll, Open Space	10/09/2020	\$4,196.82
Payroll, Animal Control	10/09/2020	\$290.72
Payroll, Reserve for Outside Employment Trust Fund	10/09/2020	\$4,565.93
Payroll, Current Fund	10/23/2020	\$153,209.86
Payroll, Sewer Operating Fund	10/23/2020	\$6,989.26
Payroll, Open Space	10/23/2020	\$4,196.14
Payroll, Animal Control	10/23/2020	\$290.72

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-181. Resolution adopted by call of the roll, five members present voting in affirmative.

RESOLUTION 2020-182 RESOLUTION AUTHORIZING PURCHASES BASED UPON THE AWARD OF CONTRACT (BID A-48/2020) BY THE COUNTY OF CAMDEN TO WB MASON AND PAPER MART FOR THE PURCHASE OF COPY PAPER, COMPUTER PAPER AND ENVELOPES IN ACCORDANCE WITH THE CAMDEN COUNTY COOPERATIVE PRICING SYSTEM ID #57-CCCPS.

WHEREAS, the County of Camden, as the lead agency for the Camden County Cooperative Pricing System, in which Berlin Township is a member, system identifier #57-CCCPS (Cooperative), received and opened bids at its Division of Purchasing on September 11, 2020, at 11:00 a.m., Prevailing Time, for Bid A-48/2020 Purchase of Copy Paper, Computer Paper and Envelopes Under the Camden County Cooperative Pricing System, System Identifier #57-CCCPS, the receipt of which bids were duly advertised in accordance with law: and

WHEREAS, bids were received from W.B. Mason Co., and Paper Mart; and

WHEREAS, WB Mason and Paper Mart were the lowest responsible bidders, submitted pricing for each category, for both the County and participating municipalities in the Cooperative, as follows:

Copy paper, Computer Paper, and envelopes per schedule

WHEREAS, WB Mason and Paper Mart are the responsible bidders who complied with the specifications for bidding on behalf of the County of Camden and participating municipalities in the Cooperative; and

WHEREAS, by resolution adopted on September 17, 2020, the Camden County Board of Chosen Freeholders awarded contracts for Camden County's needs and participating

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municipalities in the Cooperative, under the aforementioned Bid to WB Mason and Paper Mart; and

WHEREAS, the term of the contract awarded shall be for six (6) months commencing October 1, 2020 through March 31, 2021; and

WHEREAS, funding for this purpose shall not exceed the maximum budgeted line items for office supplies in each department line item budget in the Township's temporary and/or permanent budgets of CY 2020, and 2021 and shall be encumbered in accordance with N.J.A.C. 5:30-5.5(b)(2); and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that department heads are hereby authorized to purchase office supplies pursuant to Camden County Bid A-41/2019, Purchase of Copy paper, Computer paper and envelopes for a term of six (6) months commencing on or about October 1, 2020.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-182. Resolution adopted by call of the roll, five members present voting in affirmative.

RESOLUTION 2020-183 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 2021 for professional service contracts, in the **November 19, 2020** issue of the Record Breeze.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-183. Resolution adopted by call of the roll, five members present voting in affirmative.

RESOLUTION 2020-184 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

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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>
Haddon & Veterans B-625 L-8.01	maintenance

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>
Haddon & Veterans Ave. B-625 L-8.01	10/26/20	\$1,796.66	maintenance

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 Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2020-184. Resolution adopted by call of the roll, five members present voting in affirmative.

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Mercantile Business Approvals

1) Timothy R. Marker, Millennial Pool Management LLC, 401-404 Bloomfield Drive. Commercial pool maintenance for apartments, condo, public pools, lifeguard provider and instructor.

2) Xudong Yuan, Halo Science LLC, 1004 Industrial Drive suite #9. A small research lab for cosmetics, eye drops, syrups ect. and providing consulting services.

3) Navarro Rolado Jr. Body Fit Berlin, 84 Haddon Avenue. Fitness Gym.

4) Michael Newbert, Atmostemp Service Expert, 215 B Old Egg Harbor Road. Installation and Repair of HVAC equipment.

5) Gabrielle Seeds, Meats R Us LLC. 1040 Industrial Drive Suite #5. Office and warehouse to store refrigerated meats for delivery service.

6) Eric Adili, Fat Tomatoe, 175 Route 73. Restaurant dining takeout and delivery.

7) April Monetti, Altec Industries, 342 Chestnut Avenue. Service Center.

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

Animal Permit- New Application

1) Joshua Shellenberger, 25 Oak Court, West Berlin NJ 08091. Permit for 4 chickens.

Motion by Councilwoman Bodanza second by Council President Morris to approve the Animal Permit above. Animal Permit approved by call of the roll, four members present voting in affirmative. Mayor Magazzu abstained.

Approval of September 28, 2020 Meeting Minutes.

Motion by Council President Morris second by Councilman Sykes to approve the Meeting Minutes for September 28, 2020. Motion carried by voice vote, five members present voting in the affirmative.

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Approval of Consent Agenda for September 2020

Motion by Councilwoman Bodanza, second by Councilman Sykes to approve the Consent Agenda for September 2020. Motion carried by voice vote, five members present voting in the affirmative.

Correspondence Calendar for September 2020

Motion by Councilman Epifanio, second by Councilman Sykes to approve the Correspondence Calendar for September 2020. Motion carried by voice vote, five members present voting in the affirmative.

All Other Business

Mayor Magazzu commented that the food drive collection at Shoprite went really well.

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.

No comments were to be heard.

Motion by Councilman Sykes, second by Councilman Epifanio 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 Councilman Sykes, second by Councilwoman Bodanza to adjourn the meeting at 6:25 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 6:25 pm

**Catherine Underwood
Berlin Township RMC**