

SEPTEMBER 13, 2021

BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL SEPTEMBER 13, 2021 AT 5:30 P.M.

(Meeting was held by telephone due to Coronavirus)

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, Council President Morris, Councilwoman Bodanza, Councilman Epifanio, Councilman Reid,

Also Present- Solicitor, Stuart Platt, CFO, Alex Davidson, Property Maintenance / Animal Control, Josh Shellenberger.

Absent- Chief of Police Wayne Bonfiglio, Township Engineer / Public Works Director, Chuck Riebe

Public Attendances- C. Picciotti, G. Petersen, J. Payne, B. Ketchum, N. Golden, S. Golden, L. Fabrico.

Mayor Magazzu asked for a moment of silence in honor of the 20th Year Anniversary of 9/11 attacks.

DEPARTMENTAL REPORTS

SOLICITORS REPORT

Stuart Platt reported that he has submitted his written report and has nothing new to add.

PROPERTY MAINTENANCE / ANIMAL CONTROL

Josh Schellenberger commented we had an inspection for the Right To Know last week and passed with no issues.

FIRST READING ORDINANCE 2021-7 AN ORDINANCE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, APPROPRIATING \$500,000 FOR THE ACQUISITION OF VARIOUS VEHICLES AND PIECES OF CAPITAL EQUIPMENT.

SEPTEMBER 13, 2021

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$500,000.00 from the General Capital Improvement Fund for the acquisition of vehicles and various pieces of capital: (i) \$100,000 for the acquisition of police vehicles and equipment including but not limited to patrol vehicles and vehicle upfits; (ii) \$400,000 for various public works vehicles and various pieces of capital equipment including but not limited to 4X4 pickup trucks and snow plowing equipment together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto (collectively, the "Project").

Section 2. It is hereby determined and stated that the Project set forth in Section 1 is a general improvement and is not a current expense of the Township.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with Township Clerk and available for inspection.

Section 4. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

Motion by Councilwoman Bodanza, second by Councilwoman Bodanza to adopt Ordinance 2021-7 on first reading by title. Ordinance adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2021-153 AUTHORIZING JACK GRAVLIN, Jr., P.E. TO ACT AS EMERGENCY CONFLICT ENGINEER FOR THE BERLIN TOWNSHIP JOINT PLANNING AND ZONING LAND USE BOARD.

WHEREAS, there exists an immediate need for the appointment of a Planning Board Engineer to serve as a result of a conflict of interest arising with the existing Engineer for the Township of Berlin, County of Camden, for the purpose of providing the Township Joint Land Use Board with engineering advice, plan reviews, reports and services for a certain application to be heard at the September, 2021 Joint Land Use Board Meeting; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.5, the Township Mayor and Council has determined to award said emergency services as a fair and open contract; and

WHEREAS, the services are only necessary for applications that result in a conflict of interest; and

SEPTEMBER 13, 2021

WHEREAS, funds in the form of review escrow are or will be available for this purpose; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that Mr. Jack Gravlin, Jr., PE, P.O. Box 221, West Berlin, New Jersey 08091, be and is hereby appointed as Emergency Conflict Engineer to provide advice, planning board reviews/reports, inspections and related services to the Township Mayor and Council for the Joint Land Use Board.

AND BE IT FURTHER RESOLVED that the appropriate officers of the Township of Berlin are hereby authorized to enter into a contract with Mr. Jack Gravlin, Jr., PE for the engineering services specified above.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2021-153. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2021-154 RESOLUTION AUTHORIZING THE PURCHASE OF TWO POLICE VEHICLES THROUGH THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM AS PER N.J.S.A 40A;11-11(5).

WHEREAS, the Township of Berlin has been a participating member of the Cranford Police Cooperative Pricing System since December 2016:and

WHEREAS, the Berlin Township Police Department is in need of purchasing two police vehicles.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby approves the purchase of two police vehicle through the Cranford Police Cooperative Pricing System.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2021-154. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2021-155 AUTHORIZING THE TOWSHIP OF BERLIN TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH H-GAC COOPERATIVE PURCHASING PROGRAM.

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, H-GAC is a regional planning commission and political subdivision of the

SEPTEMBER 13, 2021

State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

WHEREAS, End User has represented that it is an eligible entity under the Act, that its governing body has authorized this Contract on September 13, 2021, and that it desires to contract with H-GAC on the terms set forth.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the mayor is hereby authorized to sign the agreement to enter into a cooperative pricing agreement with H-GAC Cooperative Purchasing Program.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2021-155. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-156 AUTHORIZING REFUND OF TAX PAYMENT
N.J.S.A. 54:49-16 BLOCK 824 LOT 5, BRIAN LACINSKI 376 WASHINGTON
AVENUE.**

WHEREAS, an online payment was voluntarily paid by the owner, received and automatically posted on the above property in the total amount of \$ 2,903.93 through the Township website via the online WIPP payment system, and;

WHEREAS, the customer originally intended payment for the real estate taxes for the quarter billed for August in the amount of \$ 1451.97 and November in the amount of \$ 1451.96 which was received and posted on July 19, 2021 and;

WHEREAS, the owner was unaware that his mortgage company would be issuing payment for real estate taxes through his escrow account for the installments which he erroneously paid, so has requested a refund for the amount paid by him for the August quarter ONLY. Freedom Mortgage did not issue him a refund for the August quarter but instead paid the Township of Berlin for the August quarter, received and posted on August 6, 2021, creating an overpayment on the account so;

THEREFORE, BE IT RESOLVED that a refund be made in the amount of One Thousand Four Hundred Fifty-One dollars and ninety-seven cents (\$ 1451.97) to:

BRIAN LACINSKI
376 Washington Avenue

SEPTEMBER 13, 2021

West Berlin, NJ 08091

These funds are in the Current Fund/General Account.
Submitted for the September 13, 2021 meeting by Dana O'Hara, CTC

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2021-156. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2021-157 PAYMENT OF BILLS FOR SEPTEMBER.

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
Flex Claims Week of 08/06-08/12/2021	T-18-56-850-030208	\$289.00
State of Jersey Health Benefits – August 2021 (A)	1-01-23-220-2092	\$59,105.38
	1-01-23-220-2092	\$10,781.05
State of Jersey Health Benefits – August 2021 (R)	1-01-23-220-2092	\$35,750.46
Flex Claims Week of 08/20-08/26/2021	T-18-56-850-030208	\$2.74
Flex Claims Week of 08/27-09/02/2021	T-18-56-850-030208	\$10.81
Flex Claims Week of 09/03-09/09/2021	T-18-56-850-030208	\$53.00
Ameriflex (September 2021 - Administrative Fee)	T-18-56-850-030208	\$75.00
Payroll, Current Fund	8/13/2021	\$117,913.19
Payroll, Sewer Operating Fund	8/13/2021	\$7,246.35
Payroll, Open Space	8/13/2021	\$4,305.22
Payroll, Animal Control	8/13/2021	\$285.56
Payroll, Current Fund	8/27/2021	\$119,298.70
Payroll, Sewer Operating Fund	8/27/2021	\$7,103.32
Payroll, Open Space	8/27/2021	\$3,877.01
Payroll, Animal Control	8/27/2021	\$285.56
Payroll, Current Fund	9/10/2021	\$123,270.27
Payroll, Sewer Operating Fund	9/10/2021	\$6,578.48
Payroll, Open Space	9/10/2021	\$3,801.68
Payroll, Animal Control	9/10/2021	\$285.56

\$500,318.34

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2021-157. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2021-158 RESOLUTION AUTHORIZING THE PURCHASE OF A LED DOUBLE SIDED ELECTRONIC SIGN THROUGH THE HUNTERDON COUNTY EDUCATIONAL COOPERATIVE PURCHASING AS PER N.J.S.A 40A:11-11.

WHEREAS, the Township of Berlin is a participating member of the Hunterdon County Educational Cooperative Purchasing; and

WHEREAS, the Berlin Township wishes to purchase a LED Double Sided Electronic Sign; and.

WHEREAS, and whereas this sign project is being fully funded through the New Jersey Neighborhood Preservation Grant Program; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby approves the purchase of a LED Double Sided Electronic Sign through the Hunterdon County Educational Cooperative Purchasing.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2021-158. Resolution adopted by call of the roll, five members present voting in the affirmative.

RESOLUTION 2021-159 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT.

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year **2020** has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and

SEPTEMBER 13, 2021

Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Township of Berlin hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion by Councilwoman Bodanza second by Councilman Epifanio to adopt resolution 2021-159. Resolution adopted by call of the roll, five members present voting in the affirmative.

Business Approvals

1) Marshalls #620, Lillian Jenkins, 116 Walker Avenue, West Berlin NJ. Retail, Family Apparel, Domestic / Home Furnishing.

2) Nana's Pizza, Syrien Maceno, 200 Route 73 North, West Berlin NJ. Pizza Restaurant.

SEPTEMBER 13, 2021

3) Van Sciver Studios, Ethan Van Sciver, 415-417 Bloomfield Drive, West Berlin. Store and Warehouse for Comic Books, T-shirts and Action Figures.

4) GSU Lawn Fertilization, Russell Nardi, 309 Pinedge West Berlin, Lawn Fertilization Service, 12 Service vehicles.

5) H & M Of South Jersey LLC, Scott Hampton, 403 Bloomfield Drive. West Berlin, Office & Warehouse for a real Estate Development and Leasing Company.

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

Approval for Meeting Minutes for August 9, 2021

Motion by Council President Morris second by Councilwoman Bodanza to approve the Meeting Minutes for August 9, 2021. Motion carried by voice vote, five members present voting in the affirmative.

Approval of the correspondence Calendar for August 2021

Motion by Councilwoman Bodanza, second by Council President Morris to approve the Correspondence Calendar for August 2021. Motion carried by voice vote, five members present voting in the affirmative.

Approval of Consent for August 2021

Motion by Council President Morris, second by Councilman Epifanio to approve the Consent Agenda for August 2021. Motion carried by voice vote, five members present voting in the affirmative.

All other Business

Nothing new to report at this time.

Public Portion

Township Solicitor, Stuart Platt commented before we open up to the public portion of the meeting, I would like to explain the procedures for the public. This is the opportunity that you have to address the Governing Body, ask questions and make any comments.

SEPTEMBER 13, 2021

Once everyone has the opportunity to speak the Governing Body will close the meeting to the public and they will respond and answer your questions and or comments.

Motion by Council President Morris, 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.

Comments

G. Petersen asked the Mayor Magazzu about the posting for a public works position that Gianni was hired for.

Mr. Petersen second question was of concern why Mayor and Council were not mentioned in a 9/11 Ceremony when other municipalities had been.

N. Golden stated that she understands the covid challenges and restrictions but asked why the Township Meetings are not in person.

L. Fabrico talked about our freedom of Rights and the violation of our rights such as mandating masks, vaccines and social distancing. She stated that the Governing Body took an oath of offices to defend the United States Constitution. Mrs. Fabrico stated that these Executive orders are not law and cannot be lawfully enforced and asked the Mayor and Council what they plan to do to restore and defend the publics own personal choices.

S. Golden thanked the Mayor and Council for following the CDC guideline and for the safety of the employees and residents.

No more comments were to be heard

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

Responses

Mayor Magazzu addressed Mr. Petersen questions and stated that she had spoken with the Public Works Director who was recently in a bad accident. She stated that she will get the documents that are needed. As for the second question. Mayor stated that we did not go to be recognized we went to support the Fireman, Policeman, EMS and the victims of 9/11 the 20th year anni. After the ceremony they Mayor did come up later and apologize for not mentioning the Governing Body..

Mayor Magazzu responded to N. Golden question and said we have been doing virtual meeting since the beginning of covid for the safety of our employees and our residents just as other surrounding towns. Mayor noted that our building my be locked but they

SEPTEMBER 13, 2021

are still working and conducting business at the door and remember that a lot of our offices have one person so if they get covid that shut that office/ department down. She commented that we have had 3 cases of covid within our building in the last 2 weeks. Mayor Magazzu commented to L. Fabrico statement and said that we going to abide by the CDC guidelines because if we do not, we could cause a liability to the town.

Township Solicitor, Stuart Platt stated that he was very much appreciative of Linda comments but emergency executive orders such as public health from the Governor of the State of New Jersey are treated as laws.

Adjourn

Motion by Council President Morris, second by Councilwoman Bodanza to adjourn the meeting at 6:10 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 6:10 pm.

Catherine Underwood, RMC