

**BI-MONTHLY MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN, CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL October 25, 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, Chief of Police Wayne Bonfiglio, Lt. Ron Silvestro, Key Engineer, Greg Fusco

**Absent-** Township Engineer / Public Works Director, Chuck Riebel, Property Maintenance / Animal Control, Josh Shellenberger.

Public Attendances- C. Picciotti, G. Petersen, J. Payne, S. Carlino

**DEPARTMENTAL REPORTS**

**ENGINEERS REPORT**

Key Engineer, Gregory Fusco reported that we had received 6 bids for the Improvements to Day Avenue Project which will be funded by the NJDOT Municipal Aid Program. Mr. Fusco recommends that we award the contract to Gerald Barret in the amount of \$145,804.92 contingent to the solicitor review and approval.

**SOLICITOR REPORT**

Report submitted, Solicitor remarked, nothing new to report at this time

## **POLICE DEPARTMENT**

Chief of Police Wayne Bonfiglio stated that Lt Ron Silvestro will giving the report this evening.

### **RE: October 25<sup>th</sup> 2021 Council Meeting**

1. I, along with members of the Berlin Township Police Department, would like to congratulate Chief Wayne Bonfiglio and Sgt. Bernie Davis on their retirements from the Department. Chief Wayne Bonfiglio served over 26 years in law enforcement and Sgt. Bernie Davis served 25 years in Law Enforcement. They both had their official last in person day from the Police Department and their retirements will follow shortly after taking their accumulated contractual vacation days. Their “walk outs” from the building as we call them, were during the week of October 10<sup>th</sup> , where many members of Law Enforcement, Fire, EMS, Council, and family attended the celebration. Thank you to all that attended and I know both the Chief and Sergeant appreciated the turn out. I would like to wish the both of them well in the next stage of their lives in hopefully what is a stress-free environment.
2. Statistics for the month of September were forwarded in the report. Calls for Services, Arrests, and summons rose for the month of September compared to August. There were few things that stood out however as far as statistics go. The first were DWI’s for the month of September. As a reminder, there are always options before operating a Motor Vehicle while impaired. There are several resources out there ie: Lyft, Uber, a taxi, or phoning a friend before operating a Motor Vehicle impaired. The other statistic was thefts from automobiles. These thefts occurred from unlocked motor vehicles through the evening hours. This is a crime that happens everywhere and not just in Berlin Twp. but there are a few things we can do to help ourselves from becoming victims. As a reminder, get into a routine in the evening before going to sleep to lock all doors, set alarms, turn on exterior lights, and make sure any video recording systems are operational. This will help reduce crime and prevent our residents from becoming victimized.
3. The Berlin Township Police Department has an updated Face Book page with many newer capabilities than the previous page. We are trying to take a more active role with the new page to keep the community in touch with events and activities involving the Police Department. I am asking everyone to please like the new page to keep informed.

4. Community Policing events- Several businesses have invited the Police Department to join there events recently. We participated in a “Touch a Truck” event at Diggerland where Ptl. Kevin Short attended with the Berlin Twp. Humvee. The kids loved it and was a huge success. This past weekend also we attended a trunk or treat event at a local business of “Rev it Up” and we also will be in attendance for a trunk or treat at the Greater Mt. Carmel Church on Oct 29<sup>th</sup>.
5. This past weekend we held a DEA drug take back program for unwanted or unused medicines. The medicine is collected and burned by the DEA at a future date. This was held in the Berlin Circle Plaza. As a reminder, there is also a drop-off box in the foyer at police headquarters for any unwanted or unused medicines. This is open for anyone in the public.
6. School started again in the month of September. Hopefully we turned the corner with COVID-19 and have a somewhat “normal” school year. Our SRO’s of Officer Annacone and Officer are again familiar faces at our schools. We were also in communication with the school administration in regards to TikTok dares for students while in attendance at school. These dares resulted in criminal activities. Emails were sent to parents asking them to make the children aware these dares will not be tolerated by the school or the PD.
7. The four new Officers hired in the last few months are doing well and are continuing in the FTO program. Three out of the four Officers are riding solo inside patrol cars and the fourth, SLEO II Ryan Donnelly who will be Sgt. Davis’ replacement once he officially retires, will be very shortly.
8. Body Worn Cameras- The body warn cameras that were purchased have arrived. The hardware is installed and the company of AXON will be at headquarters in November to provide training and install the software. The BWC (Body Worn Cameras) will be operational in the near future hopefully before years end. We will announce to the public, via our website, to be in compliance with the Attorney General’s Policy before they are operational and on the street recording with each Officer.
9. Uniforms-Berlin Twp. Police would like to thank Mayor and Council in working towards an agreement with the outer carrier vests in an effort to improve Officer Wellness. Once we find the perfect match in regards to look and functionality, we will transition to a different uniform look.
10. Halloween- Berlin Township has passed a Proclamation for children to Trick or Treat on October 31<sup>st</sup> 2021 for Halloween between the hours of 3:00PM-7:00PM. We ask

motorists to be extra careful due to the increased pedestrian traffic. Also, for children under the age of 18, on Oct 29<sup>th</sup> and Oct 30<sup>th</sup>, there is a curfew in effect at 9:00PM.

**Respectfully Submitted,  
Lt. Ronald Silvestro #22  
Officer in Charge**



### **HALLOWEEN PROCLAMATION**

**WHEREAS**, celebration of Halloween provides an opportunity for merry making and good fellowship for all residents and particularly “Trick or Treat” for our children; and

**WHEREAS** the Trick or Treat hours for the Township of Berlin will be from 3:00 pm to 7:00 pm on Halloween, Sunday October 31, 2021: and

**WHEREAS**, the safety and well being of all our residents and particularly for our children at this season, is of the utmost concern to the parents, Governing Body and Law Enforcement agency of the Township necessitating Emergency Curfew Regulations after 9:00 pm, on the following days Friday October 29, 2021, till Sunday October 31, 2021, Halloween.

It will be **unlawful for any child 17 years of age and under** to remain on or upon any public place or establishment after these times as stated above, unless accompanied by parents or guardian. Emergency Curfew will be strictly enforced.

**NOW, THEREFORE, I, PHYLLIS MAGAZZU, MAYOR OF THE TOWNSHIP OF BERLIN** proclaim Thursday October 31, 2021 from 3:00 pm to 7:00 pm to be the official celebration of Halloween

**SECOND READING AND PUBLIC HEARING 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**

**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 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 on Ordinance 2021-7.

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 2021-7

Motion by Council President Morris second by Councilwoman Bodanza to adopt Ordinance 2021-7. Ordinance approved by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-160 AUTHORIZATION TO SIGN CONTRACT  
AGREEMENT FOR SHARED SERVICES BY AND BETWEEN THE TOWNSHIP  
OF EVESHAM AND THE TOWNSHIP OF BERLIN FOR CHIEF FINANCIAL  
OFFICER SERVICES.**

**WHEREAS**, the Township of Berlin wishes to enter into a Shared Service agreement with, the Township of Evesham to share services and reduce costs by working together to provide Chief Financial Officer services; and

**WHEREAS**, the Township of Berlin has determined that proceeding a shared service agreement would be beneficial to Berlin Township; and

**WHEREAS**, the Township of Berlin shall pay the Township of Evesham for the provision of Chief Financial Officer services as defined in the Shared Services Agreement, attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the shared services by and between the Township of Berlin and the Township of Evesham is hereby authorized to move forward.

**FURTHER, BE IT RESOLVED** by the Mayor and Governing Body of the Township of Berlin, County of Camden and State of New Jersey, that the Mayor is hereby authorized to sign the contract for shared services by and between the Township of Berlin and the Township of Evesham for the services of Chief Financial Officer.

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-160. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-161 RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF BERLIN REGARDING REVIEW AND AMENDMENT OF THE PERSONNEL POLICY MANUAL.**

**WHEREAS**, the Township has a Currently Approved Risk Control Plan for the Camden County Municipal Joint Insurance Fund; and

**WHEREAS**, the Township desires to maintain its status as a Member with an approved plan, so as to continue to receive preferential insurance benefits; and

**WHEREAS**, in order to maintain its Member status, the Governing Body is required to review and update the Township's Personnel Policy Manual.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Township of Berlin, that the Personnel Policy Manual be reviewed and amended as recommended by the Township Solicitor to include provisions which are required to be set forth to maintain the Township's status as a Member with an Approved Risk Control Plan, and that the updated manual be distributed to all employees of the Township.

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-161. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-162 RESOLUTION OF APPOINTMENTS FOR DEPUTY REGISTRAR AND ALTERNATE REGISTRAR OF VITAL STATISTICS.**

**WHEREAS**, N.J.S.A. 40-69a-124 provides that the Mayor with the advice and consent of the Council, shall appoint such other officers and employees not otherwise provided for in this Title or by general law:

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, in the County of Camden, State of New Jersey, hereby appoints

**Deputy Registrar: Vicki Taylor CMR 4965**  
**Alternate Registrar: Kelley Shendock CMR 3347**

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-162. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-163 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 2022 for professional service contracts, in the November 18, 2021 issue of the Courier Post.

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-163. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-164 RESOLUTION REQUESTING THE ISSUANCE OF A OFF PREMISE RAFFLE LICENSES FOR WEST BERLIN LIONS CLUB FOUNDATION.**

**WHEREAS**, West Berlin Lions Club, has requested the issuances of an off- premise raffle license by the Township of Berlin for;

**Date: December 11, 2021,**  
**Location: 357 Cleveland Avenue, West Berlin NJ 08091**  
**Type Raffle: Off- Premises Draw Raffle**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that it hereby authorizes the issuances of an Off Premise Raffle licenses to West Berlin Lions Club Foundation.

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-164. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-165 PAYMENT OF BILLS FOR OCTOBER 2021.**

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:**

| <b>TO</b>  | <b>ACCOUNT</b>     | <b>AMOUNT</b> |
|--|--------------------|---------------|
| State of Jersey Health Benefits – September 2021 (A) | 1-01-23-220-2092   | \$61,079.56   |
|  | 1-01-23-220-2092   | \$11,126.29   |
| State of Jersey Health Benefits – September 2021 (R) | 1-01-23-220-2092   | \$35,026.20   |
| Flex Claims Week of 09/10-09/16/2021                 | T-18-56-850-030208 | \$47.00       |
| Flex Claims Week of 09/17-09/23/2021                 | T-18-56-850-030208 | \$30.00       |
| Flex Claims Week of 09/24-09/30/2021                 | T-18-56-850-030208 | \$10.00       |
| Ameriflex (October 2021 - Administrative Fee)        | T-18-56-850-030208 | \$75.00       |
| State of Jersey Health Benefits – October 2021 (A)   | 1-01-23-220-2092   | \$68,876.24   |
|  | 1-01-23-220-2092   | \$12,489.74   |
| State of Jersey Health Benefits – October 2021 (R)   | 1-01-23-220-2092   | \$35,388.33   |
| Flex Claims Week of 10/01-10/07/2021                 | T-18-56-850-030208 | \$4.43        |
| Flex Claims Week of 10/08-09/14/2021                 | T-18-56-850-030208 | \$10.00       |
| Flex Claims Week of 10/15-10/21/2021                 | T-18-56-850-030208 | \$23.00       |
| Payroll, Current Fund                                | 9/24/2021          | \$126,908.64  |
| Payroll, Sewer Operating Fund                        | 9/24/2021          | \$6,733.07    |
| Payroll, Open Space                                  | 9/24/2021          | \$3,956.26    |
| Payroll, Animal Control                              | 9/24/2021          | \$285.56      |
| Payroll, Current Fund                                | 10/8/2021          | \$133,794.49  |
| Payroll, Sewer Operating Fund                        | 10/8/2021          | \$7,196.53    |
| Payroll, Open Space                                  | 10/8/2021          | \$4,110.91    |
| Payroll, Animal Control                              | 10/8/2021          | \$285.56      |



|                               |            |                     |
|-------------------------------|------------|---------------------|
| Payroll, Current Fund         | 10/22/2021 | \$127,490.46        |
| Payroll, Sewer Operating Fund | 10/22/2021 | \$6,893.07          |
| Payroll, Open Space           | 10/22/2021 | \$4,053.58          |
| Payroll, Animal Control       | 10/22/2021 | \$285.56            |
|                               |            | <b>\$646,179.48</b> |

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-165. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-166 RESOLUTION OF THE TOWNSHIP OF BERLIN AUTHORIZING, THE IMPOSITION OF LIENS IN ACCORDANCE WITH CHAPTER 249 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED, "PROPERTY MAINTENANCE."**

**WHEREAS**, N.J.S.A. 40:48-2.12(f) authorizes a municipality to perform certain acts of property maintenance and to charge the costs thereof as a lien against the real property on which such maintenance is performed; and

**WHEREAS**, Chapters 249 of the Code of the Township of Berlin establish, *inter alia*, the procedure by which such property maintenance shall be performed and the process through which the costs thereof shall be established as municipal charges and/or liens against the real property upon which such maintenance is performed; and

**WHEREAS**, the Code Enforcement Officer for the Township of Berlin was notified and became aware that property maintenance was necessary for certain real properties located in the Township of Berlin listed as follows:

| <b><u>Property: Block/Lot</u></b> | <b><u>REASON</u></b> |
|-----------------------------------|----------------------|
| 250 Fairview Ave.                 | lawn care            |
| 6 Pine Terrace                    | lawn care            |
| 319 Hazel Ave.                    | lawn care            |

**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> |
|----------------------------|---------------------|---------------|---------------|
| 250 Fairview Ave.          | October 25, 2021    | \$150.00      | lawn care     |
| 6 Pine Terr.               | October 25, 2021    | \$210.00      | lawn care     |
| 319 Hazel Ave.             | October 25, 2021    | \$65.00       | 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 a copy of this Resolution shall be provided to the Township Tax Collector and said Resolution, together with all invoices evidencing certification of costs expended for said work, shall be filed with and/or shall remain on file with the Township Tax Collector until said charges are paid the lien is released in the matter required by law.

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-166. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-167 RESOLUTION REJECTING BID RECEIVED FOR DOUBLE- SIDED BANNERS WITH SPRING-LOADED FIBERGLASS POLE BRACKETS AND THE AUTHORIZATION TO RE-BID.**

**WHEREAS**, the Township of Berlin has advertised for, and received a bid for Double-sided Banners with Spring-loaded Fiberglass Pole Brackets; and

**WHEREAS**, there was only one bid received; and

**WHEREAS**, the Township has determined that pursuant to N.J.S.A. 40A:11-1 et seq., there was a lack of open competition due to an inadequate number of bids received:  
and

**WHEREAS**, it is recommended by the Engineer that the Governing Body re-bid this project.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that the bid received is hereby rejected and the Mayor and Council authorize to rebid.

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-167. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-168 TAX SALE PREMIUM ESCHEATS TO THE  
MUNICIPALITY DUE TO NON REDEMPTION AND FINAL JUDGEMENT  
FORECLOSURE N.J.S.A. 54:5-33**

**WHEREAS**, the Township of Berlin had previously sold said tax sale certificate numbered 18-00015 comprising a lien for property location known as 3 Fern Circle, located in the County of Camden, Township of Berlin, assessed to PHAL Chheth & MAO San at tax sale on June 6, 2018 **and;**

**WHEREAS** said tax sale certificate numbered 18-00015 purchased by US Bank Cust for PC7 Firstrust Bank (lienholder) for the delinquent amount due at the date of sale, plus premium, in the amount of \$5,900.00 on the above-mentioned parcel on June 6, 2018,  
**and;**

**WHEREAS** said statute states that “Any premium payment shall be held by the collector and returned to the purchaser of the fee, if and when redemption is made” and;

**WHEREAS** said certificate was not redeemed and the lienholder instituted foreclosure and Final Judgement was granted May 18, 2021 and;

**WHEREAS** said foreclosure proceeding has resulted the premium being turned over to the municipality as unanticipated revenue to the Township of Berlin.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Township of Berlin, County of Camden, State of New Jersey, as follows:

1. That the governing body does hereby authorize the tax collector to release the premium in the amount of Five Thousand Nine Hundred Dollars and Zero Cents (\$ 5,900.00) to be turned over to the treasurer of the municipality as unanticipated income and become a part of the funds of the municipality.

1. That a certified copy of this resolution be forwarded to the Tax Collector and Township Attorney.

Submitted by Dana OHara, CTC for the October 25, 2021 meeting.

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-168. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-169 RESOLUTION TO AWARD A CONTRACT FOR THE IMPROVEMENTS TO DAY AVENUE FROM N.J.S.H. 73 TO CLOVER AVENUE (PARTIALLY FUNDED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID PROGRAM FY 2020)**

**BE IT RESOLVED**, that the Township of Berlin hereby recommends to the New Jersey Department of Transportation that the Contract for the Improvements to Day Avenue from N.J.S.H. 73 to Clover Avenue (Partially funded by the New Jersey Department of Transportation Municipal Aid Program, FY2020) in the Township of Berlin, County of Camden, be awarded to Gerald A. Barrett, LLC of Berlin, New Jersey, whose bid amounted to \$145,804.92 (combined amount of \$140,299.52 for the Base Bid and \$5,505.40 for Alternate No. 1), subject to the approval of the Department.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that a Contract in the combined amount of \$145,804.92 (\$140,299.52 for the Base Bid and \$5,505.40 for Alternate No. 1) for the Improvements to Day Avenue from N.J.S.H. 73 to Clover Avenue (Partially funded by the New Jersey Department of Transportation Municipal Aid Program, FY2020), in the Township of Berlin, County of Camden, State of New Jersey, is hereby awarded to Gerald A. Barrett, LLC of Berlin, New Jersey, conditional upon the following:

1. That a certificate has been received from the Municipal Treasurer stating that funds are available for this Contract.
2. That all funds expended for this Contract shall be charged to (Budget Account Number or Ordinance Number).
3. That the bid documents and bidding procedures have been reviewed and approved by the Municipal Solicitor.
4. That the bid documents and bidding procedures have been reviewed and approved by the New Jersey Department of Transportation.
5. That the presiding officer of this body be and is hereby directed to sign for and on its behalf the Contract in the prescribed form for said construction.
6. That the clerk of this body be and is hereby directed to seal said Contract with the corporate seal of this body and attest to the same.

7. This Resolution hereby authorizes the Mayor and Clerk to endorse the Contract document.

8. All other conditions determined to be necessary by the Governing Body.

Motion by Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-169. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-170 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) DAY 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 FY 2020 NJDOT – Day Ave \$150,000 grant;

BE IT FURTHER RESOLVED that a like sum of \$150,000.00 and the same is hereby appropriated under the caption of:

Operation “Excluded From CAP”  
NJDOT – Day Ave                      \$150,000.00

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 Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-170. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2021-171 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) KRUMM 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 FY 2021 NJDOT – Krumm Ave \$235,000 grant;

BE IT FURTHER RESOLVED that a like sum of \$235,000.00 and the same is hereby appropriated under the caption of:

|                               |              |
|-------------------------------|--------------|
| Operation "Excluded From CAP" |              |
| NJDOT – Krumm Ave             | \$235,000.00 |

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 Councilman Epifanio second by Councilwoman Bodanza to adopt resolution 2021-171. Resolution adopted by call of the roll, five members present voting in the affirmative.

### **Mercantile Business Approval**

**1) Kelly Ann Meyers, Champion Window Company of Delaware Valley LLC**, 414 Bloomfield Drive. Unit 1 & 2 to 420 Commerce Lane, Suite 5 & 6.

**2) Lindsay Simone, Innovative Fastpitch**. 545 Route 73. Sport Training Facility.

**3) John R. Bowling, Jiffy Lube**. 500 North Route 73. Vehicle Check-up and maintenance center.

**4) Lawrence Williams, OSNS World LLC**, 424 Commerce Lane. Warehouse and Digital Editing Company.

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

### **Approval of September 13, 2021 Meeting Minutes.**

Motion by Councilwoman Bodanza second by Councilman Epifanio to approve the Meeting Minutes for September 13, 2021. Motion carried by voice vote, five members present voting in the affirmative.

### **Approval of Consent Agenda for September 2021.**

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

### **All Other Business.**

#### **1) Best Practice Submission for 2021**

CFO, Alex Davidson commented that he is happy to report that Berlin Township has completed the Best Practice Checklist for 2021. Each municipality must receive a minimum score of 15 on the Inventory to receive its full Final Aid payment. Berlin Township has qualified to receive the full amount of their Aid.

Mayor and Council Thanked the CFO and all the departments for a job well done.

### **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 for you the residents to address the Governing Body, ask questions and make any comments. 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 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.

### **PUBLIC COMMENTS**

**S. Carlino**, 217 Clarence Avenue asked in the opinion of the Township are they considering removing the Chief of Police position and hiring a Public Safety Director and defunding the department to go into a countywide operation.

Mrs. Carlino inquired what the Township position is on Daniel Law, on the removal of names from public websites. She also reported that a homeless woman has been seen at the Shoprite Plaza.

**G. Petersen**, 424 Oak Avenue asked when is the Township going to replace the broken light bulbs at the library, when are you going to replace the library sign. were the police vest cancelled, were they ever ordered, or why were they cancelled and I still waiting on an incomplete OPRA for the posting of Gianni position.

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 Magazzu closed the meeting to the public for questions or comments.

## **RESPONSES**

### **S. Carlino, responses from her questions**

**Mayor Magazzu** responded, no we are not replacing the Chief of Police position with a Public Safety Officer or defunding the police department.

**Solicitor Stuart Platt** stated that the Daniel Law which protects the home addresses and telephone numbers of judges, prosecutors, and law enforcement officers from public disclosure. The bill, known as "Daniel's Law," is named in honor of Daniel Anderl, the late son of U.S. District Court Judge Esther Salas. This law is state mandated.

**Lt. Ron Silvestro** commented that the department is aware of the homeless woman and they have reached out to organization who can help her. But, unfortunately most of the time they decline the help. We just hope that eventually they will accept the help.

### **G. Petersen responses from his questions**

Mayor responded, the light bulbs at the library will be replaced by the public works department, we are waiting for a part on the digital sign at Luke Avenue, the Library sign has been ordered and paid for, now just waiting for it to come in.

Township Clerk, Catherine Underwood stated that a OPRA request had been submitted by Mr. Petersen requesting posting and advertisement on township positions. All records have been submitted to Mr. Petersen, his OPRA request has been fulfilled.

Stuart stated that Mr. Riebel was in a very serious accident and has a tough road of recovery ahead. Chuck would be the one handling the posting.

Lt. Ron Silvestro stated Berlin Twp. Police, Mayor and Council are working towards an agreement with the outer carrier vests in an effort to improve Officer Wellness. Once we find the perfect match in regards to look and functionality, we will move forward.

Motion by Council President Morris, second by Councilwoman Bodanza to open the meeting to the public for the **second time**. Motion carried by voice vote, all present



voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments.

S. Carlino stated that all names are not appearing on websites, shouldn't it only be certain names not all.

Solicitor Stuart Platt remarked that they are still trying to figure it out.

G. Petersen asked was Gianni position posted and if so I am asking for that document.

Mayor responded that this position was filled in the very beginning of covid. Mayor stated she will talk to Chuck.

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

**Township Solicitor, Stuart Platt stated that we do not need to go into executive session. Solicitor stated for the Mayor and Council to table the resolution.**

**RESOLUTION 2021-171 PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.**

**WHEREAS**, the Township of Berlin ("Township") is subject to the requirements of the Open Public Meetings Act, [N.J.S.A. 10:4-6](#), et seq.; and

**WHEREAS**, the Open Public Meetings Act, [N.J.S.A. 10:4-12](#), provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Mayor and Council of the Township of Berlin to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

**To discuss Personal Employment Matters**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, that an Executive Session closed to the public shall be held on October 25, 2021 at 5:30 P.M. by Teleconference at the Township of Berlin, 135 Route 73 South, West Berlin, New Jersey for the discussion of Personal Employment Matters.

Motion by Council President Morris second by Councilman Epifanio to table resolution 2021-172. Resolution tabled by call of the roll, five members present voting in the affirmative.

**Adjourn**

Motion by Councilman Epifanio, second by Councilwoman Bodanza to adjourn the meeting at 6:30 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 6:30 pm.

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Catherine Underwood, RMC