

FEBRUARY 14, 2022

**MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN,
CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL
FEBRUARY 14, 2022 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, Councilman Epifanio, Councilman Reid, Councilwoman Bodanza.

Also Present- Solicitor, Stuart Platt, CFO, Alex Davidson, Officer In Charge, Lt. Ron Silvestro, Township Engineer / Public Works Director, Chuck Riebel, Property Maintenance / Animal Control, Josh Shellenberger

Absent-

Public Attendances- Resident C. Picciotti, Emon Powell Voorhees
Resident Donald Sturgis, R. Mor Enterprises Representative

DEPARTMENTAL REPORTS

ENGINEER'S AND DIRECTOR'S REPORT

1. CHANGE ORDERS AND VOUCHERS

1. DEMOLITION OF BUILDINGS AT 176 BATE AVENUE AND 191 MCCLELLAN AVENUE

We recommend that the Governing Body consider approving the change order, increasing the contract by \$1,500.00 for the emptying, removal and disposal of the heating oil tank, which was located in the basement of 191 McClellan Avenue. The adjusted contract amount is \$43,300.00. After the change order is approved, we recommend full payment to the contractor be approved by the Governing Body.

2. ORDINANCES AND RESOLUTIONS

1. SHARED SERVICES AGREEMENT WITH CHERRY HILL TOWNSHIP

I recommend that the Governing Body consider passing a resolution authoring the participation into the Cherry Hill Township Cooperative Pricing System. If accepted by

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Cherry Hill Township and New Jersey, the Township will be able to use the prices, received by Cherry Hill Township for traffic signal services and roadway repair services.

2. SOLID WASTE DISPOSAL SERVICES THROUGH THE CAMDEN COUNTY CO-OP

The County has authorized the extension of the contract with Covanta Energy for the option year 2022 for the solid waste disposal at the unit price of \$86.47/ton. I recommend that the Governing Body consider passing a resolution and taking all necessary action to authorize the participation in the extension of the contract with Covanta for 2022.

3. IMPROVEMENTS TO McCLELLAN AVENUE AND KRUMM AVENUE- SURVEYING AND CAD SERVICES

I recommend that the Governing Body consider authorizing Key Engineers, Inc to perform the surveying services and CAD for these projects so that I can perform the design and prepare the construction documents. The construction for these projects is being funded by the N.J.D.O.T. Municipal Aid Program.

4. AMENDING ORDINANCE FOR THE REVISED PINELANDS STORMWATER MANAGEMENT REGULATIONS

In the near future, I recommend that the Governing Body consider introducing the amending ordinance for the amended Pinelands Area Stormwater Management regulations.

5. REQUEST FOR THE RELEASE OF THE PERFORMANCE GUARANTEES FOR ROADWAY AND SITE IMPROVEMENTS FOR THE MONTBELLO DEVELOPMENT, SECTIONS 5 AND 6

The Township consulting inspector has emailed me a listing of corrective work, which must be performed to allow for the release of these guarantees. Therefore, I recommend that the performance guarantees not be released, at this time.

6. REQUEST TO RELEASE PERFORMANCE BOND FOR WALMART SUPERSTORE

Due to the unsatisfactory conditions I continue to recommend that the bond not be released to Walmart.

3. ENGINEER'S REPORT

1. IMPROVEMENTS TO CLARENCE AVENUE, N.J.D.O.T FY18 MUNICIPAL AID FUNDING

The paperwork for the closeout of the project and final reimbursement of N.J.D.O.T funds have been submitted to the N.J.D.O.T Local Aid Office. I am hopeful that the paperwork will be accepted by the N.J.D.O.T and the final reimbursement check is sent to the Township.

2. IMPROVEMENTS TO SPRUCE AVENUE, N.J.D.O.T FY19 MUNICIPAL AID FUNDING- \$150,000

The N.J.D.O.T has requested that the Township closeout this project. I have been informed by the Township Consulting Inspector that the Contractor will be completing the remaining corrective work in early Spring, 2022. Therefore, the project cannot be closed out with the N.J.D.O.T until the corrective work is satisfactorily completed and final payment is made to the contractor.

3. IMPROVEMENTS TO DAY AVENUE- ROUTE 73 TO CLOVER AVENUE, N.J.D.O.T. FY20 MUNICIPAL AID FUNDING

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On October 25, 2021, the Governing Body awarded a contract to Gerald A. Barrett, LLC of Berlin, N.J. for \$145,804.92 for the Base Bid and Alternate No. 1. A preconstruction meeting will be scheduled, soon, and construction is anticipated to commence in the Spring, 2022. This project is being handled by the consulting project engineer.

4. IMPROVEMENTS TO MCCLELLAN AVENUE- HADDON AVENUE TO KRUMM AVENUE (N.J.D.O.T FY 2021 MUNICIPAL AID FUNDING- \$235,000) AND IMPROVEMENTS TO KRUMM AVENUE- MCCLELLAN AVENUE TO FRANKLIN AVENUE (N.J.D.O.T FY 2022 MUNICIPAL AID FUNDING- \$275,000)

I recommend that these projects be bid and awarded as one project since they are connected to each other. I strongly recommend that the Governing Body consider authorizing the consulting project engineer to perform the necessary surveying and CAD work so I can perform the design and prepare the bid documents for an award of contract and, hopefully, construction in 2022. A contract for the improvements to McClellan Avenue must be awarded by November 2022 and for Krumm Avenue by November, 2023.

5. N.J.D.O.T FY 2023 MUNICIPAL AID GRANT PROGRAM

Typically, applications must be submitted by the end of June, each year. I recommend that the Governing Body begin to consider possible projects for submission of an application. I would be glad to submit a list of streets to the Governing Body for review for selection.

6. CAMDEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (C.D.B.G.) FUNDS

The Camden County Office of Community Development has informed the Township that there are \$42,298.57 of remaining funds, which must be expended immediately. The past C.D.B.G. funds have been utilized to improve the Senior Citizens Building on Pine Avenue. A request has been submitted to the County to use the remaining C.D.B.G funds, which will be supplemented with Township funds, for the construction of a solarium addition to the Senior Citizens Building. If approved by the County, the solarium will be ordered and erected by the Township Public Works staff.

7. NEIGHBORHOOD PRESERVATION PROGRAM

a. Welcome Sign at Haddon and Luke Avenues

It is anticipated that KC Signs & Awnings will be installing the LED and sandblasted signs once they receive the necessary components.

The extension of the irrigation system and installation of the landscaping, around the base of the sign, will be performed in the Spring, 2022.

b. LED Sign at Holiday Island

We have requested a proposal from the sign vendor for this work.

c. Demolition of Buildings at 176 Bate Avenue and 191 McClellan Avenue

The buildings at 176 Bate Avenue and 191 McClellan Avenue have been demolished and removed from the respective sites. The former basement areas have been filled and leveled off. I recommend that the Governing Body consider approving Change Order Number 1 for the emptying, removal and disposal of the heating oil tank from the basement of 191 McClellan Avenue for an additional \$1,500.00.

d. Seasonal and Holiday Banners for Haddon Avenue and Walker Avenues

The new banners have been delivered to the Township. The Spring banners will be

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installed, along with new brackets, in the beginning of Spring, 2022.

e. Decorative Poles and Over-the-Street Holiday Decorations

We are in the process of finalizing the pole height and necessary electrical work as the work must be performed by the Township with a master meter provided by Atlantic City Electric.

f. Improvements to Irrigation Well at Luke Avenue Recreation Complex

All work has been completed.

8. CAMDEN COUNTY OPEN SPACE AND RECREATION ENHANCEMENT GRANT PROGRAM

Typically, the submission deadline for applications is March 31 of each year. This is a competitive grant program, based on the merit of the project and, typically, limited to a maximum grant amount of \$25,000.00. As part of the application, the Governing Body must adopt a resolution of support. It is, also, beneficial if letters of support for the project are obtained from residents and local civic groups and organizations. I recommend that the Governing Body consider applying for this grant. I would be glad to submit a list of possible projects for review and selection by the Governing Body.

One possible project for consideration, which was pointed out by the N.J. Green Acres Inspector, in 2020, is the reconstruction of the surface of the basketball courts at Luke Avenue Recreation Complex.

9. NEW JERSEY I-BANK FINANCING PROGRAM

This program provides low-interest loans for transportation and water/sewer/stormwater infrastructure project. I-Bank is partnering with the N.J.D.O.T for transportation projects and N.J.D.E.P for the water, sewer and stormwater projects. The I-Bank loan is available to supplement any shortfall in funding, for eligible projects, from the N.J.D.O.T and N.J.D.E.P. It is expected that The Federal Infrastructure Investment and Jobs Act funding will be administered through the I-Bank.

10. POSSIBLE AMENDMENT TO THE INTER-MUNICIPAL SEWER AGREEMENT WITH VOORHEES TOWNSHIP

In mid-2020, a tele-meeting was held with representatives of the Camden County Municipal Utilities Authority (CCMUA), Berlin Township and Voorhees Township to discuss the possible amendment to the current sewer agreement. Generally, the terms of the amendment to the agreement would be that Berlin Township would permit approximately 13,200 gallons/day of sanitary sewer flow from those vacant lots and lots with septic systems within a designated portion of Southwestern Voorhees Township to connect to the Berlin Township sewer collection system with the actual sewer flow allocation being assessed against the Voorhees Township sanitary sewer allocation. Berlin Township will collect the sewer connection fees and receive the annual sewer fees for these Voorhees connections. The Governing Body was acceptable to this proposal since the collection system has adequate capacity to handle the anticipated, additional flow from these lots.

11. REQUEST FOR INCREASE IN SANITARY SEWER ALLOCATION

The Township requested that the CCMUA consider endorsing the request to increase the sewer allocation to cover the flows for future development within the Township. The approval of the increase in the allocation must, eventually, be granted by the N.J.D.E.P. I

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believe that the CCMUA has determined that there is sufficient remaining allocation to handle the immediate future development. This matter may need to be revisited after the anticipated development, in the immediate future, has been constructed.

12. SOLID WASTE DISPOSAL

The Township will be participating in the 2022 option year of the County Co-Op contract with Covanta Energy at \$86.47/ton. The County will be receiving bids in 2022 for participating municipalities for the upcoming five years. Everyone is hopeful that these bids will result in the most cost-effective disposal costs for the participating municipalities.

13. CAMDEN COUNTY RECYCLABLES PROCESSING CONTRACT

The current County Co-Op contract expires the end of April 2022. It is expected that the unit price for processing recyclables will increase from the current price of \$5.00/ton to \$85 to \$140/ton. This increase in cost must be considered for the budgets for 2022 and future years. I believe that the County is currently soliciting bids for these services and will be informing the municipalities of the bid results, once received.

14. CHERRY HILL TOWNSHIP COOPERATIVE PRICING SYSTEM

Cherry Hill Township is offering participating in their Co-op to municipalities and other governmental entities for the purchase of various items through their cooperative. In the past, Berlin Township has participated, and wishes to continue to do so, in the services for traffic signal maintenance and emergency repairs. Cherry Hill is, now, contracted for emergency road work. I recommend that the Governing Body consider adopting the resolution to participate in the Cherry Hill Co-Op. Once approved by the Chery Hill Township Governing Body for participation in this Co-Op, the NJDCA must approve participation by Berlin Township. There is no requirement, but just the option if needed, for Berlin Township to use the services through this Co-Op.

15. ENVIRONMENTAL CLEANUP OF COMMERCIAL SITES

a. C&M Motors Site, 152 Haddon Avenue

It is my understanding, that the current property owner has, again, requested that the Governing Body consider the Township taking ownership of the property and request funds for the environmental testing and cleanup of the site. I believe Mr. Platt has responded to the property owner.

b. US Gas Service Station Site, 170 N. Route 73

The site has been excavated, leaving the fuel supply lines and underground tanks exposed with the excavated soil and broken concrete piled on the ground surface. Mr. Shellenberger has contacted the owner and contractor to complete this work.

I have been informed by the N.J.D.E.P representative that they are dealing with the owner, regarding this and other sites, within the State. They expect to issue an Administrative Order and Notice of Penalty Assessment, which will order the owner to complete the removal under a specified period. The N.J.D.E.P representative will be visiting the site, soon, to determine if there is any product within the underground tanks.

16. MONTEBELLO AGE-RESTRICTED RESIDENTIAL DEVELOPMENT

a. Corrective Work and Completion of Various Improvements

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I have met with representatives of the developer, on January 13, 2022, to discuss the performance of the corrective and remaining roadwork and site improvements, throughout the development.

I will be performing an inspection of the concrete sidewalk driveway aprons, granite curbing and other roadway improvements and updating my report, soon. I will, also, be inspecting the perimeter buffer area with the developer, along Voorhees Township to determine the placement of infill evergreen plantings.

The developer will, also, be submitting a letter to the Township to address the matter of the landscape plantings along the commercial lot.

b. Meeting with Representatives of the Homeowners Association

I have met with representatives of the Homeowners Association to discuss the findings from their consulting engineers, regarding corrective work throughout the development. They have informed me that they have discussed various corrective work with the developer and working towards an agreement. I will be reviewing their consultant's reports against the design documents and will respond to the Homeowner's representatives.

c. Request for the Release of the Site Improvements Bonds for Sections 5 and 6

The Township consulting inspector has informed me that corrective work must be performed for several of the improvements, which are covered by these bonds.

Therefore, at this time, I recommend that the bonds not be released by the Township.

17. REVIEW OF TOWNSHIP ZONING AND LAND DEVELOPMENT CODES

The Township Professional Planner will be working with the Township officials and staff to review and update the zoning and land development codes. The Planner and I participated in a zoom conference with representatives of the Pinelands Staff to discuss the possible redesignation of Pinelands areas, within the Township. The Planner will be reviewing other areas and zoning districts, within the Township, and submitting the recommendations in the future. I have met with the Planning Board Chairperson and Zoning Officer to discuss possible updates to the zoning and land development standards. Once completed, we will submit our recommendations to the Planner for review and consideration before submitting them to the Planning Board for their review and consideration for recommendations to the Governing Body. The Zoning Map will, also, be reviewed for updates. I have recommended that zoning district lines be adjusted to follow lot lines to eliminate split zoning on lots, where possible.

18. AMENDED PINELANDS STORMWATER MANAGEMENT REGULATIONS

The Governing Body adopted an ordinance to amend the stormwater management requirements for the non-Pinelands area within the Township to be consistent with the recently amended NJDEP stormwater regulations. The Pinelands Commission has, recently, amended their stormwater rules for the areas within the Pinelands Area, to be more consistent with the recently amended NJDEP regulations. It is my understanding that the Pinelands amended rules became effective on January 18, 2022 and the Township has one year to incorporate the new rules into the master plan and land use ordinances. I recommend that the Governing Body consider authorizing the necessary work to address this matter.

19. STORM DRAINAGE IMPROVEMENTS

a. Lester Avenue Drainage and Stormwater Management Facility at the Low Point

We have not completed the design for this project.

I intend to complete the design for a reduced scope of work, based on the amount of the funds for this project.

b. Kelley Drive Basin Improvements

No update to report.

c. Mt. Vernon Avenue at the Elementary School

No update to report.

d. Storm Drainage Improvements, Southwest Portion of the Township

No update to report.

20. STUDY FOR DESIGNATED TRUCK ROUTES THROUGHOUT THE TOWNSHIP

This work remains to be completed and the recommendations submitted to the Governing Body for consideration for adoption.

21. AMENDMENTS TO CHAPTER 280, SOLID WASTE

I recommend that the Governing Body consider amending this code to be consistent with current policies and practices. I will submit my recommendations to the Governing Body for your consideration.

22. IMPROVEMENTS TO THE PUBLIC WATER DISTRIBUTION SYSTEM WITHIN THE TOWNSHIP

I continue to recommend that the Borough consider interconnecting/looping all dead end and upgrading all undersized water mains throughout the Township. At this time, I am not aware of the Borough proposing any improvements to the system, within the Township.

A. PUBLIC WORKS DEPARTMENT

1. OPERATIONS AND STAFFING

The staff continues to perform the winter season tasks and will be preparing the necessary equipment for the Spring and Summer seasons.

The staff continues to practice safe COVID-related practices.

If determined to be necessary, the Department will attempt to hire seasonal employees for the upcoming Spring, Summer and Fall Seasons.

The Mayor and Chief Financial Officer are finalizing the negotiations of the contract with the Public Works Employees Association representatives.

2. UPDATING THE VEHICLE FLEET AND EQUIPMENT

Due to the current nationwide shortage of trucks available for purchase, the delivery of the new pick-up truck is delayed. Mr. Simone has been working with vendors to purchase a new rear load trash truck, small dump trucks and leaf collection machine.

It will be necessary to begin performing repairs and replacement of components of the automated arms on the side-load trash trucks, in the immediate future.

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3. REQUEST FOR CAPITAL IMPROVEMENTS AND PURCHASES

The Governing Body and Chief Financial Officer are reviewing our request for the capital improvements and purchases for the highest priority items. We would be glad to discuss these requests with the Governing Body and Mr. Davidson, in further detail.

4. IMPROVEMENTS AT THE PUBLIC WORKS COMPLEX

Last year, sliding gates were installed to replace the original gates and the fuel dispensing system was upgraded. There is an immediate need to replace the roof shingles for the garage building, which must be performed in 2022.

SOLICITORS REPORT

Stuart Platt commented that he has submitted his report to the Governing body.

POLICE REPORT

Dear Mayor and Council,

1. Beginning January 1st 2022 Berlin Township Police Officers began wearing the newly purchased Body Worn Cameras. A policy was set into place and notification was posted via the website and social media as per the AG Guidelines. Feedback thus far has been all positive. Police interactions with the public will now be recorded both audio and video. This will assist our department in many facets of law enforcement and also further enhance transparency with the public as a Police Department.
2. Berlin Township Police have recently changed uniforms. The shirt color was changed from a French blue to a dark navy blue. Also, patrol officers are now equipped with body armor outer carriers. The feedback from residents and citizens has been overwhelming supportive commenting how sharp our new look Officers appear. The vest carriers also allow for a weight distribution transfer for Officers thus supporting long term Officer Wellness. I wanted to give a special thank you to Mayor and Council for supporting our new look and helping us find the right fit our Officers and what is best for our community here in Berlin Township.
3. Catalytic Converter thefts from a motor vehicle continues to be a problem throughout not just the town but also the State of NJ. Most of these thefts are occurring while vehicles are parked in business districts during the evening hours. Businesses can assist the police by turning on exterior lights at night

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especially when the business is closed. Also, please make sure camera systems are functioning properly to assist with identifying suspects and their vehicles. We have made prior arrests in regards to catalytic converter thefts in town but the scrap metal material is in high demand causing multiple people to commit the act.

4. Berlin Township Police arrested 2 adults for DWI during the month of January and one involved a crash. We have applied for grant money through the County for extra roving patrols specifically to seek motorists who are driving while impaired. We implore drivers to use other means of transportation if consuming alcohol such as an Uber, Lyft, Taxi, or simply phoning a friend or relative. As a reminder, a crash involving an impaired driver causing injury to another, not just injures an innocent motorist but also results in a criminal offense as assault with a Motor Vehicle.

5. A new business owner applied for a mercantile License in Berlin Township. The business is located at 231 First Avenue under the name of Ermilio Plumbing. A background check was completed and the police department would recommend to the governing body to approve the license.

Respectfully Submitted,

OIC Lt. Ronald Silvestro #22
02/11/2022

PROPRTY MAINTENANCE / ANIMAL CONTROL

Josh Schellenberger commented that the Rabies Drive Through Clinic was held on Saturday January 22, 2022 and that we had administered 109 Vaccinations.

FIRST READING ORDINANCE 2022-1 AN ORDINANCE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, APPROPRIATING \$1,400,000 FOR THE ACQUISITION OF VARIOUS VEHICLES AND PIECES OF CAPITAL EQUIPMENT AND TOWNSHIP IMPROVEMENTS.

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 \$1,400,000 from the General Capital Improvement Fund for the acquisition of vehicles and various pieces of

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capital: (i) \$150,000 for the acquisition of police vehicles and equipment including but not limited to patrol vehicles and vehicle upfits; (ii) \$750,000 for various public works vehicles and various pieces of capital equipment including but not limited to 4X4 pickup trucks and snow plowing equipment; (iii) \$500,000 for Various Township improvements including but not limited to municipal building sign improvements and senior center improvements 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.

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on February 14, 2022 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on March 14, 2022 at 5:30 p.m. prevailing time in the Municipal Building, 135 Route 73 South, West Berlin, NJ or by virtual teleconference.

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Ordinance 2022-1 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

FIRST READING ORDINANCE 2022-2 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

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WHEREAS, the Mayor and Council of the Township of Berlin in the County of Camden finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$81,413.81 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Township of Berlin, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Berlin shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$284,948.34, and that the CY 2022 municipal budget for the Township of Berlin be approved and adopted in accordance with this ordinance; and,

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

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

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

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adopt Ordinance 2022-2 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2022-51 RESOLUTION IN SUPPORTING R. MOR
ENTERPRISES INC. NJ MEDICAL WASTE PROCESSING FACILITY
LOCATED AT 245 OLD EGG HARBOR ROAD WEST BERLIN NEW JERSEY
08091.**

WHEREAS the management of regulated medical waste is regulated by the State of New Jersey and;

WHEREAS the New Jersey Department of Environmental Protection and the New Jersey Department of Health have strict regulations concerning the management of regulated medical waste and;

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WHEREAS it is the vital interests of the public that there be sufficient capacity to process regulated medical waste in a safe and appropriate manner and;

WHEREAS it is a requirement of such processing facilities to be located in areas zoned and appropriate for such a project and;

WHEREAS R. Mor Enterprises Inc. DBA NJ Medical Waste applied for and received a Zoning Permit on June 3, 2021 according to the rules and regulations of the Township of Berlin and;

WHEREAS R. Mor Enterprises Inc. DBA NJ Medical Waste applied for and received the required Mercantile License to perform such services in the Township of Berlin.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby supports the proposed project by R. Mor Enterprises Inc. DBA NJ Medical Waste and encourages their continued efforts to obtain subsequent required permits from both Camden County and the State of New Jersey as required by regulations in the State of New Jersey in the County of Camden contingent upon approval from Berlin Township Planning and Zoning Board.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-51. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2022-52 RESOLUTION AUTHORIZING THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN THROUGH THE TOWNSHIP OF BERLIN POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE TOWNSHIP OF BERLIN POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT.

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department personal property by making the personal property available to municipal, county and state law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipality and county LEA's to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEA's, these entities are responsible for the cost associated with delivery, maintenance, fueling and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A.40A:5-30.2 requires that the governing body of the municipality or county approve, by majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Berlin Township Police department is hereby authorized to enroll in the

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1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from February 8th, 2021 to December 31st 2021; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Berlin Township Police Department is hereby authorized to enroll and to acquire items of non-controlled property designated "DEMIL A" which include, office supplies, office furniture, computers, electronic equipment, generators, field packs, nonmilitary vehicles, clothing, traffic and transit signal system, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction material, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, manned and un-manned vehicle robots and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the need of the Township of Berlin without restriction.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-52. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2022-53 RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN TO AUTHORIZE THE ADOPTION OF THE 2021 CAMDEN COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE.

WHEREAS, all jurisdictions within Camden County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Camden County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Camden County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin:

- 1) Adopts in its entirety, the 2021 Camden County Hazard Mitigation Plan Update (the "Plan") as the jurisdiction's Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.

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- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-53. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2022-54 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED OR MUNICIPAL LIEN TRANSFER ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.

To the Mayor and Council to the Township of Berlin:

WHEREAS, the property owner or responsible party failed to take appropriate action as required in the Violation Notices; the Code Enforcement Officer placed a work order with outside vendors on the properties and provided an invoice as certification of all costs associated with the work performed pursuant to Chapter 280-6 and pursuant to Chapter 280-7 the monies expended to pay outside vendors to perform the services at these properties have been charged against the property; and pursuant to Chapter 280-8 forthwith became a lien on such lands and was filed with the Tax Office; said lien to be discharged by the Tax Collector upon payment.

WHEREAS, the Tax Collector has confirmed receipt of payment or transfer to an open municipal tax sale lien 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
PM20-016	170 Route 73 North (703-1.02)	\$ 428.17	

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PM21-004	6 Pine Terrace (1301-23)	\$	70.00	8/11/2021
PM21-005	6 Pine Terrace (1301-23)	\$	60.00	8/11/2021

Special Charge #:	Property:	AMOUNT	DATE TRANSFERRED TO MUNICIPAL LIEN
PM20-003	Haddon & Veterans (625-8.01)	\$ 65.00	12/31/2021
PM21-014	Haddon & Veterans (625-8.01)	\$ 65.00	12/31/2021
PM21-015	Haddon & Veterans (625-8.01)	\$ 65.00	12/31/2021
PM21-007	319 Hazel Avenue (1815-5)	\$ 65.00	12/31/2021
PM21-010	319 Hazel Avenue (1815-5)	\$ 65.00	12/31/2021
PM21-016	319 Hazel Avenue (1815-5)	\$ 65.00	12/31/2021

Submitted for February 14, 2022 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 Councilman Epifanio second by Councilman Reid to adopt resolution 2022-54. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2022-55 RESOLUTION CONFIRMING LIST OF UNCOLLECTIBLE TAXES.

To the Mayor and Council to the Township of Berlin:

I hereby submit to you a list of taxes, which in my opinion are uncollectible. I give the reasons why I deem them uncollectible, and I request that same be remitted and that I be relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4.

Dated: December 14, 2021
Dana O'Hara, CTC - Tax Collector

NAME	DESCRIPTION	YEAR	AMOUNT	REASON
Unknown	214-9	2021	1.88	No known owner

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2022 1.89
 \$3.77

**TOTAL to Final 2021
And Preliminary 2022**

By resolution of the Mayor and Council of the Township of Berlin, the taxes listed above have been ordered remitted and the Collector relieved thereof.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-55. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2022-56 CONFIRMING AUTHORIZING TRANSFER OF OVERPAYMENTS FROM 2021 CURRENT YEAR TAX TO PRELIMINARY 2022.

WHEREAS, a payment was received for real estate taxes from the title company at the time of settlement on the following parcel on behalf of the owner of said property for the purpose of applying to the upcoming preliminary year billing 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 title company or owner responsible for payment of said taxes that the overpayment be transferred and applied to the first half of 2022 to offset the preliminary billing to said quarters and;

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

Block/Lot	Property Location	Amount
2505/25	42 Ravenna Drive	\$ 2494.70

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the credit totaling two thousand four hundred ninety-four dollars and seventy cents be transferred from the 2020 current year tax 4th quarter to the first half of the preliminary year 2022 for the purposes of offsetting preliminary billing on the above mentioned property.

Submitted for the February 14th, 2022 meeting.
Dana O'Hara, CTC – Tax Collector

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-56. Resolution adopted by call of the roll, four members present voting in the affirmative.

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RESOLUTION 2022-57 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.

To the Mayor and Council to the Township of Berlin:

WHEREAS, the property owner or responsible party failed to take appropriate action as required in the Violation Notices; the Code Enforcement Officer placed a work order with outside vendors on the properties and provided an invoice as certification of all costs associated with the work performed pursuant to Chapter 280-6 and pursuant to Chapter 280-7 the monies expended to pay outside vendors to perform the services at these properties have been charged against the property; and pursuant to Chapter 280-8 forthwith became a lien on such lands and was filed with the Tax Office; said lien to be discharged by the Tax Collector upon payment.

WHEREAS, the Tax Collector has confirmed receipt of payment for the liens against the following properties representing maintenance work performed; the maintenance liens against the following properties have been discharged, as follows:

Special Charge #:	Property:	AMOUNT	DATE PAID
PM21-009	6 Pine Terrace	\$ 70.00	01/11/2022
PM21-012	6 Pine Terrace	\$ 70.00	01/11/2022
PM21-013	6 Pine Terrace	\$ 70.00	01/11/2022
PM21-019	6 Pine Terrace	\$ 70.00	01/11/2022
PM21-020	6 Pine Terrace	\$ 70.00	01/11/2022

Submitted for February 14, 2022 Meeting
Dana O'Hara, CTC - Tax Collector

By resolution of the Mayor and Council of the Township of Berlin, for the reasons set forth hereinabove, it hereby approves and authorizes said liens against said properties pursuant to Chapter 280-7 of the Code of the Township of Berlin hereby discharged.

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

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-57. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2022-58 RESOLUTION AUTHORIZING THE TOWNSHIP OF BERLIN TO ENTER INTO A COOPERATIVE PRICING AGREEMENT.

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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, the Township of Cherry Hill (Cherry Hill Cooperative Pricing System – ID # 37-CHCP), hereinafter referred to as the “Lead Agency ” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on February 14, 2022 the governing body of the Township of Berlin, County of Camden, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services to include, but not limited to, Paper/Cleaning Products, Highway Materials and Non-Commodity items of Solid Waste Collection and/or Disposal., Neighborhood (custom) signs and aluminum signs;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Berlin

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor of the Township of Berlin is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey in regards to this Agreement.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-58. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2022-59 RESOLUTION TO RELEASE PERFORMANCE BOND FOR JIFFY LUBE AND THE POSTING OF A MAINTENANCE BOND.

WHEREAS, Jiffy Lube-Berlin Multicare Services located at 500 Route 73 North, West

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Berlin NJ 08091 Block 903 Lot 19 & 20 has requested the release of their Performance Bond # GM205781 in the amount of \$85,848.00; and

WHEREAS, the Engineer has recommended that the Township grant the release of their Performance Bond, conditional upon the posting of a two- year Maintenance Bond in the amount of \$10, 371.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the request to release of the Performance Bond amount of \$85,848.00 and the posting of Maintenance Bond in the amount of \$10,371.00 for Jiffy Lube located at 500 Route 73 North is hereby granted.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-59. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2022-60 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:

Property: Block/Lot

250 Fairview Ave.
215 Fourth Ave.

REASON

clean up PM21-022
clean up PM21-021

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

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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.	2/14/22	\$250.00	clean up
215 Fourth Ave.	2/14/22	\$325.00	clean up

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 Councilman Reid to adopt resolution 2022-60. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2022-61 APPOINTMENT OF EMERGENCY MANAGEMENT 1ST DEPUTY COORDINATOR.

WHEREAS, N.J.S.A. 40:69A-122 provides that the Mayor with the advice and consent of Council, shall appoint such officers as may be provided by ordinance; and

WHEREAS, 3-2 of the Code of the Township of Berlin provides for the appointment of Emergency Management 1st Deputy;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that **Joseph Jackson**. be and hereby appointed Emergency Management 1st

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Deputy Coordinator for the Township of Berlin for a term commencing January, 2022 until December 31, 2022.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-61. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2022-62 RESOLUTION AUTHORIZING THE TOWNSHIP OF BERLIN TO EXTEND THE CONTRACT WITH COVANTA ENERGY FOR THE YEAR 2022.

WHEREAS, the Camden County CO-OP Solid Waste Disposal Services has authorized the extension of the contract with Covanta Energy for the option year 2022 for the solid waste disposal at the unit price of \$86.47/ ton; and

WHEREAS, the Engineer has recommended that the Township of Berlin participate in the extension of the contract with Covanta for year 2022.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin hereby authorizes to participate in the extension of the Camden County CO-OP Solid Waste Disposal Services with Covanta for the year 2022.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-62. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2022-63 CHANGE ORDER NUMBER 1 AND FINAL PAYMENT FOR THE DEMOLITION SERVICES FOR W. HARGROVE DEMOLITION.

WHEREAS, the Township of Berlin has a need to acquire demolition services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Change Order #1 was developed to authorize a change in the contract amount for an increase of \$1500.00 for the emptying, removal and disposal of the heating oil tank which is located in the basement of 191 McClellan Avenue; and

WHEREAS, the Change reflects an adjustment in the Contract amount from \$41,800.00 to \$43,300.00 an increase in the amount of \$1500.00.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Berlin hereby approves and authorizes Change order #1 and final payment for W. Hargrove Demolition Inc, located at 1507 State Street Camden New Jersey 08105.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-63. Resolution adopted by call of the roll, four members present voting in the affirmative.

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RESOLUTION 2022-64 RESOLUTION FOR PAYMENT OF BILLS FEBRUARY.

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.

TO	CONFIRMING:	ACCOUNT	AMOUNT
Mini Bill List (Current & Sewer Utilities, Taxes & JIF)		VARIOUS	\$1,719,254.73
Flex Claims Week of 12/10-12/16/2021		T-18-56-850-030208	\$1,125.23
Flex Claims Week of 12/24-12/30/2021		T-18-56-850-030208	\$59.94
Richard & Connie Doney (NPP- Award #39176)		G-02-40-786-1001	\$4,200.00
Flex Claims Week of 12/31-01/06/2022		T-18-56-850-030208	\$69.16
Flex Claims Week of 12/31-01/06/2022		T-18-56-850-030208	\$16.79
State of Jersey Health Benefits – January 2022(A)		1-01-23-220-2092	\$63,950.61
		1-01-23-220-2092	\$11,736.43
State of Jersey Health Benefits – January 2022 (R)		1-01-23-220-2092	\$48,792.41
Catherine Underwood (Petty Cash #39177)		2-01-20-120-2105	\$100.00
Lt. Ron Silvestro (Petty Cash #39178)		2-01-55-103-0103	\$300.00
Ameriflex (Annual Renewal Fee)		T-18-56-850-030208	\$185.00
Flex Claims Week of 01/21-01/27/2022		T-18-56-850-030208	\$68.26
Ameriflex (January 2022 - Administrative Fee)		T-18-56-850-030208	\$80.00
Flex Claims Week of 01/28-02/03/2022		T-18-56-850-030208	\$34.00
Ameriflex (February 2022 - Administrative Fee)		T-18-56-850-030208	\$80.00
Flex Claims Week of 02/04-02/10/2022		T-18-56-850-030208	\$30.00
State of Jersey Health Benefits – February 2022 (A)		1-01-23-220-2092	\$63,950.61
		1-01-23-220-2092	\$11,736.43
State of Jersey Health Benefits – February 2022 (R)		1-01-23-220-2092	\$48,983.09
Payroll, Current Fund		12/17/2021	\$128,382.25
Payroll, Sewer Operating Fund		12/17/2021	\$7,961.85
Payroll, Open Space		12/17/2021	\$4,672.72
Payroll, Animal Control		12/17/2021	\$285.56
Payroll, Police Outside Employment Reserve		12/17/2021	\$2,828.45
Payroll, Current Fund		12/31/2021	\$125,365.04
Payroll, Sewer Operating Fund		12/31/2021	\$7,723.51
Payroll, Open Space		12/31/2021	\$4,427.34
Payroll, Animal Control		12/31/2021	\$285.56
Payroll, Police Outside Employment Reserve		12/31/2021	\$3,030.48
Payroll, Current Fund		1/14/2022	\$137,018.90

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Payroll, Sewer Operating Fund	1/14/2022	\$8,531.31
Payroll, Open Space	1/14/2022	\$5,658.32
Payroll, Animal Control	1/14/2022	\$302.47
Payroll, Police Outside Employment Reserve	1/14/2022	\$1,858.69
Payroll, Current Fund	1/28/2022	\$124,017.36
Payroll, Sewer Operating Fund	1/28/2022	\$7,328.44
Payroll, Open Space	1/28/2022	\$4,401.92
Payroll, Animal Control	1/28/2022	\$302.47
Payroll, Current Fund	2/11/2022	\$127,277.72
Payroll, Sewer Operating Fund	2/11/2022	\$8,592.76
Payroll, Open Space	2/11/2022	\$5,153.81
Payroll, Animal Control	2/11/2022	\$302.47
Payroll, Police Outside Employment Reserve	2/11/2022	\$646.50
		<u>\$2,691,108.59</u>

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-64. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2022-65 AUTHORIZING REFUND TO SELLER OF
ERRONEOUSLY PAID SEWER PAYMENT.**

WHEREAS, the tax collector received a check from the title company, for Block 1805 Lot 14, property located at 227 Briarwood Road in the Township of Berlin, and;

WHEREAS, said property was scheduled for a closing and ultimately sold on December 13, 2021. The sewer account at that time of closing was paid in full for 2021. Unfortunately, the check for payment was issued on behalf of the seller, received on January 7, 2022, processed and posted, in error, on behalf of the buyer for the installment due on January 1st and:

WHEREAS the tax collector confirmed with the title company that this payment was indeed not the responsibility of the seller and a request from Dream Home Abstract for refund has been received and has requested to be refunded directly to the seller at this time.

THEREFORE, BE IT RESOLVED that a refund be made in the amount of Eighty-One Dollars and twenty-five cents to:

Deborah Green
204 Briarwood Road
West Berlin, NJ 08091

These funds are in the Sewer Operating Account.
Submitted for the February 14th, 2022 meeting.

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Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-65. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2022-66 RESOLUTION AUTHORIZING EMERGENCY
TEMPORARY 2022 BUDGET APPROPRIATIONS.**

Whereas, an emergency condition has arisen with respect to various budget accounts since the 2022 budget has not been adopted. The temporary budget included appropriations for the first three months of 2022 and NJSA 40A-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

Whereas, the local emergency temporary resolutions adopted in the year 2022 pursuant to the provisions of NJSA 40A-20 (Chapter 96, P.L. 1951 as amended) including this resolution totaling \$5,513,851.59 for the Current Fund, \$762,581.50 for the Sewer Utility Fund and \$117,265.03 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin in accordance with NJSA 40-20: an emergency temporary appropriation be and the same is hereby made to provide for operations of the Township of Berlin through May 31, 2022 in the total amount of \$5,513,851.59 for Current Fund, \$762,581.50 for Sewer Utility Fund and \$117,265.03 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2022-66. Resolution adopted by call of the roll, four members present voting in the affirmative.

Mercantile Licenses

1) Seymour's BBQ, Larry Lynch, 201 Haddon Avenue West Berlin NJ 08091. Restaurant specializing in smoked foods.

2) Ermillo Plumbing LLC, Christian J. Rees, 231 1st Avenue A & B West Berlin NJ 08091. Storage purpose only for materials.

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

Consent Agenda

Motion by Councilwoman Bodanza, second by Councilman Epifanio to approve the Consent Agenda for January 2022. Motion carried by voice vote, four members present voting in the affirmative.

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Correspondence Calendar for December 2021 and January 2022

Motion by Councilman Epifanio, second by Councilwoman Bodanza to approve the Correspondence Calendar for December 2021 and January 2022. Motion carried by voice vote, four members present voting in the affirmative.

Approval of Meeting Minutes for December 13, 2021

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

Approval of the Reorganization Meeting Minutes for January 3, 2022

Motion by Councilwoman Bodanza second by Councilman Reid to approve the Meeting Minutes for January 3, 2022. Motion carried by voice vote, four members present voting in the affirmative

All other Business

1) Letter of Resignation from Council President Christopher Morris.

As required by N.J.S.A.40A:16-5 that the appropriate political party of the member vacancy will nominate three candidates to the governing body. As such the Democratic Committee of Berlin Township has conferred and is hereby submitting the following names for consideration by the Governing Body to replace Council President Christopher Morris.

- 1) Jeanne Rodriguez
- 2) Lou DeMarco
- 3) Frank McHenry

Motion by Mayor Magazzu second by Councilwoman Bodanza to appoint Frank McHenry as Councilman for the Township of Berlin.

RESOLUTION 2022-67 RESOLUTION TO FILL BERLIN TOWNSHIP COUNCILMEMBER VACANCY

WHEREAS, Berlin Township Council President Christopher Morris has retired from his position as Council President as of February 1, 2022, causing a vacancy in his seat as a member of the Berlin Township Council; and

WHEREAS, the Township of Berlin Governing Body shall fill the current vacancy within 30 days of the effective vacancy date by selecting one of three candidates nominated by the appropriate political party in accordance of N.J.S.A.40A:16-5; and

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NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of Berlin, hereby appoints **Francis McHenry** as a Council Member for the Township of Berlin, County of Camden for the unexpired vacancy.

Motion by Mayor Magazzu second by Councilwoman Bodanza to appoint Frank McHenry as Councilman for the Township of Berlin, four members present voting in the affirmative.

Motion by Councilman Epifanio second by Councilman Reid to appoint Marion Bodanza as Council President for the Township of Berlin.

RESOLUTION 2022-68 PRESIDENT OF COUNCIL

WHEREAS, N.J.S.A. 40:69A-120 provides that the Council shall select from among its members a President of the Council who shall serve in place of the Mayor in the event of his absence disability or refusal to act;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Berlin that **MARION BODANZA**, having been selected by the Council, shall serve as President of the Council of the Township of Berlin from February 14, 2022 until December 31, 2022.

Motion by Councilman Epifanio second by Councilman Reid to appoint Marion Bodanza as Council President for the Township of Berlin, four members present voting in the affirmative.

All other Business continued

2) Request for Special Consideration for Connection to Sanitary Sewer Collection System. Located at 3 2nd Avenue, Voorhees NJ 08043.

Public Portion

Motion by Council President Bodanza, second by Councilman Epifanio to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments.

Donald Sturgis resident from Voorhees Township is asking for consideration to hook up to the sewer. Due to his septic tank caving and causing a health emergency.

Solicitor Stuart Platt remarked that the Governing Body needs to decide if they are going to grant the resident the connection without an agreement in place and if so then the resident will be responsible for all cost to either municipalities, Berlin Township or Voorhees Township.

Carolyn Picciotti asked to explain what resolution 2022-51 was about and on Resolution 2022-61 who was appointed OEM and First Deputy. She inquired about the Special Project Engineer and if they went out to bid for their services.

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Josh stated that on Resolution 2022-51 a resolution was required by the Township in supporting the business and that they had met all requirements for their business license.

Mayor Magazzu responded that Joseph Jackson Jr was appointed 1st Deputy and Andrew Simone is the Emergency Management Coordinator.

Chuck stated that the Special Project Engineers were appointed at our reorganization meeting and that they had gone out to bid for their services.

Motion by Councilman Epifanio, second by Council President 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.

RESOLUTION 2022-69 RESOLUTION AUTHORIZING CERTAIN REAL PROPERTY LOCATED IN THE TOWNSHIP OF VOORHEES TO CONNECT WITH AND DISCHARGE ITS SEWAGE INTO THE BERLIN TOWNSHIP SEWAGE SYSTEM

WHEREAS, properties located in Voorhees Township at Block 286, Lot 2 with an address of 3 Second Avenue, Voorhees, New Jersey and Block 287, Lot 8 with an address of 28 Lafayette Avenue, Voorhees, New Jersey are currently on septic systems which have failed and it is not feasible to be repaired or replaced (“Properties”); and

WHEREAS, the Properties are currently not connected to the Voorhees Township Sewage System and there is no portion of the Voorhees Township Sewage System which is proximate to the Properties; and

WHEREAS, the owners of the Properties have requested special consideration to allow them to discharge the sewage from the Properties and connect into the Berlin Township Sewage System because their septic systems have failed and are not feasible for repair or replacement; and

WHEREAS, the Township Engineer has reviewed this matter and due to the public health emergency being suffered by the owners of the Properties has recommended it

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would be appropriate to allow those Properties to discharge their sewage and connect into the Berlin Township Sewage System subject to the conditions set forth below.

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

1. The owners of the Properties are hereby authorized to discharge their sewage and connect into the Berlin Township Sewage System in accordance with the conditions set forth herein.

2. The owners of the Properties shall be responsible for all engineering and costs of installing and connecting into the Berlin Township Sewage System and Berlin Township shall have no responsibility or liability for any costs associated with same.

3. The owners of the Properties shall submit an application to the Township which shall review and consider the discharge of sewage from the Properties and connection into the Berlin Township Sewage System in accordance with Township regulations and all other regulations governing the discharge of sewage into a public sewage system.

4. In the event the Township approves the sewage connection from the Properties into the Berlin Township Sewage System, the owners of the Properties and their successors and assigns shall be responsible to permanently pay any and all sewer connection fees and sewer charges to Berlin Township at the then current rates as other Berlin Township property owners pay.

5. This Resolution is subject to approval by the Camden County Municipal Utilities Authority and all outside agencies.

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6. By making application to Berlin Township, the owners of the Properties do so at their own risk, cost and expenses and shall comply with Berlin Township's rates, rules and regulations for making said connection including, but not limited to application procedures, permitting, construction procedures and specifications, payment of escrow and inspection fees, connection fees and all other requirements of Berlin Township necessary to approve the connection into its sewage collection system. The responsibility of constructing these facilities shall be on the owners of the Properties.

7. At all times hereinafter, any sewer laterals that connect into the Berlin Township Sewage System shall remain the responsibility of the owners of the Properties.

8. The owners of the Properties shall be responsible for payment of any annual sewage charges as well as any other charges imposed by the Camden County Municipal Utilities Authority for treatment and disposal of sewage in connection herewith. The Township of Berlin has no responsibility and/or liability with regard to these charges which are billed separately and apart by the Camden County Municipal Utilities Authority.

9. It is agreed and understood that Berlin Township shall not be under any obligation to the Properties to alter, enlarge, extend or in any respect change the whole or any portion of its sewage collection system.

10. The owners of the Properties and their successors and assigns agree to indemnify, defend and hold harmless Berlin Township from and against any and all claims or damages to persons or properties including reasonable attorney's fees which Berlin Township may reasonably suffer, expend or incur as a result of this authorization and/or the construction of the sewage facilities described herein.

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Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2022-69. Resolution adopted by call of the roll, four members present voting in the affirmative.

Adjourn

Motion by Councilwoman Bodanza, second by Councilman Epifanio to adjourn the meeting at 6:40 pm. Motion carried by voice vote, all members voting in the affirmative. Meeting adjourned 6:40 pm.

Catherine Underwood, RMC