

MARCH 14, 2022

**MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN,  
CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL  
MARCH 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.

**Mayor Magazzu Introduced Councilman Frank McHenry to the Meeting.**

**ROLL CALL**

**Present-** Mayor Magazzu, Council President Bodanza, Councilman Epifanio, Councilman Reid, Councilman McHenry.

**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, Resident L. Laska, Business Owner, W. Alexander, L.

**Departmental Reports**

**ENGINEER'S AND DIRECTOR'S REPORT**

**A. CHANGE ORDERS AND VOUCHERS**

**1. IMPROVEMENTS TO SPRUCE AVENUE- CHESTNUT AVENUE TO  
CUSHMAN AVENUE  
(NJDOT FY 2019 MUNICIPAL AID FUNDING)**

I recommend that the Governing Body consider approving Change Order No. 2- Final, decreasing the contract from the adjusted contract amount of \$166,730.00 to the final amount of \$158,496.00, which reflects the as-built quantities. After the change order is approved, we recommend final payment to the contractor, in the amount of \$6,484.28, be approved by the Governing Body.

**B. ORDINANCES AND RESOLUTIONS**

**1. AMENDING ORDINANCE FOR THE REVISED PINELANDS  
STORMWATER MANAGEMENT REGULATIONS**

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

**2. 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 for the release of these guarantees. Therefore, at this time I continue to recommend that the performance guarantees not be released.

**3. 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.

**4. CAMDEN COUNTY 2022 CDBG APPLICATION**

I recommend that the Governing Body consider passing a resolution, supporting the application and authorizing the Mayor to submit the application for the improvements and expansion of the playground at the Luke Avenue Recreation Complex.

**5. CAMDEN COUNTY OPEN SPACE AND RECREATION ENHANCEMENT APPLICATION**

I recommend that the Governing Body consider selecting a project, passing the resolution of support and authorization for the Mayor to submit the application at the Council Meeting on March 14, 2022 as the application submission deadline is March 31, 2022.

**C. ENGINEER'S REPORT**

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

I have received correspondence from the NJDOT that they have closed out the project. Therefore, the Township should be receiving the final grant reimbursement payment, shortly.

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

The corrective work has been completed by the contractor. I recommend that the Governing Body consider approving Change Order No. 2- Final, reducing the contract amount to \$158,496.00 and final payment in the amount of \$6,484.28. Once the Township has received the cancelled check for final payment to the contractor, we will submit the necessary documents to the

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NJDOT for their review and hopeful acceptance, release of the final grant reimbursement and project closeout.

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

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 in the near future 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)**

The purchase orders, authorizing the consulting project engineer to perform the necessary surveying and CAD work and the asphalt testing company to perform the street pavement core extractions, have been issued to the respective contractors. 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 selection.

**6. CAMDEN COUNTY COMMUNITY DEVELOPMENT 2022 BLOCK GRANT (C.D.B.G.) FUNDS**

The application package for the improvements to and expansion of the playground at the Luke Avenue Recreation Complex was submitted to the Camden County CDBG. This is the same application, which was submitted for the last two rounds of funding.

**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. 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**

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The final design of the sign and supporting structure are being discussed with the sign designer. Once finalized, quotes will be obtained and submitted to the Governing Body for review and consideration for an award of contract

**c. Seasonal and Holiday Banners for Haddon Avenue and Walker Avenues**

The new banners have been delivered to the Township.

**d. 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.

**e. Improvements to Irrigation Well at Luke Avenue Recreation Complex**

The project has been closed out.

**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 submitting an application for this grant. I would be glad to submit a list of possible projects for review and selection by the Governing Body. I recommend that the Governing Body consider re-applying for the improvements and expansion of the playground at the Luke Avenue Recreation Complex.

Another 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. Generally, the terms of the amendment to the agreement would be

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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 fee and receive the annual sewer fee 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.

**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 be granted by the N.J.D.E.P. I 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 approximately \$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.

The completed form, noting that the Township wishes to participate in the County Recycling Cooperative, for the upcoming contract, has been submitted to the County representative.

**14. CHERRY HILL TOWNSHIP COOPERATIVE PRICING SYSTEM**

Ms. Underwood has submitted the documentation to the Cherry Hill Township Clerk, requesting their approval for participation in their cooperative contracts. It is expected to take a couple of months for Cherry Hill and the NJDCA to include Berlin Township as a participating member in this cooperative.

**15. ENVIRONMENTAL CLEANUP OF COMMERCIAL SITES**

**a. C&M Motors Site, 152 Haddon Avenue**

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It is my understanding, that the current property owner has, again, requested the Governing Body consider that the Township take 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 piles of 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 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 time period. The N.J.D.E.P has visited the site but was unable to access the tanks to determine if there is any product within the underground tanks. They recommend that, due to potential liability issues, the Township not backfill over the exposed tanks and supply lines.

**16. MONTEBELLO AGE-RESTRICTED RESIDENTIAL DEVELOPMENT**

**a. Corrective Work and Completion of Various Improvements**

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, in the near future. I will, also, be inspecting the perimeter buffer area 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. They have informed me that they have discussed various corrective work with the developer. 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**

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The Township Professional Planner will be working with the Township 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 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 regulations 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**

I recommend that the necessary improvements be performed on this stormwater management facility, in the immediate future.

**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.

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**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.

**D. 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.

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

It is my understanding that the two parties have agreed to the terms for the new contract with the Public Works Employees Association.

**2. UPDATING THE VEHICLE FLEET AND EQUIPMENT**

Due to the current 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.

**3. REQUEST FOR CAPITAL IMPROVEMENTS AND PURCHASES**

I believe that the Governing Body and Chief Financial Officer have reviewed our request for the capital improvements and purchases for the high 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**

We are preparing the specifications for bids to replace the roof shingles for the garage building.



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**SOLICITOR REPORT**- Nothing new to report since last meeting

**POLICE REPORT**

Dear Mayor and Council,

1. The following businesses applied for a mercantile license within the Township of Berlin and after a background check, the Berlin Twp. Police Department would recommend approving the applications:
  - a. Live Wire Productions LLC
  - b. H&O International Inc
  - c. Apple Auto Service LLC
  - d. Hot Runner Technology
2. Berlin Township Police wrote more traffic summons during the month of February 2022 than any other month in the calendar year of 2021. I believe there are many different factors for this spike in summons.
3. Ptl. Vince Forte received a Letter of Commendation for his outstanding proactive police work in the arrest of a subject Possessing a large quantity of CDS therefore making our community a safer place to live.
4. I am excited to announce a project taken on by the Overbrook Regional High School Art Program. The Berlin Twp. Police possesses an older metal mailbox used to collect used any unwanted American Flags from citizens so they can be disposed of properly. The Art Program, led by teacher Stephanie Williams, and her students will be refurbishing and painting the flag box with a Patriotic American theme. Once the flag box is complete, it will be unveiled to the public for use and the students and Art Program will be recognized.
5. The Berlin Township Police would also like to announce to the public an Assembly and Seminar given by the Camden County High Tech Crimes Unit and hosted at the Dwight D. Eisenhower School. The date is April 4<sup>th</sup> 2022 with the Assembly in the morning for students only and the evening at 6:30pm for parents. The content provided by the High-Tech Unit will reference cyber bullying, sending inappropriate material, and safe web practices. A flyer will soon be sent home to parents from the school district.

Respectfully Submitted,

OIC Lt. Ronald Silvestro #22

**PROPERTY MAINTENACE / ANIMAL CONTROL**- Nothing new to report

**SECOND READING AND PUBLIC HEARING ORDINANCE 2022-1 AN  
ORDINANCE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW  
JERSEY, APPROPRIATING \$1,400,000 FOR THE ACQUISITION OF**

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**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 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.

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 on Ordinance 2022-1.

No comments were to be heard.

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 on Ordinance 2022-1.

Motion by Councilman Epifanio second by Councilman Reid to adopt Ordinance 2022-1. Ordinance approved by call of the roll, five members present voting in the affirmative.

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**SECOND READING AND PUBLIC HEARING 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,

**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.

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Motion by Councilman Epifanio, second by Council President 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 2022-2.

No comments were to be heard.

Motion by Council President Bodanza second by Councilman Epifanio 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 2022-2.

Motion by Council President Bodanza second by Councilman Reid to adopt Ordinance 2022-2. Ordinance approved by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-70 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INFORMATION TECHNOLOGY AGREEMENT WITH MCM TECH SOLUTIONS.**

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign a one year agreement with MCM Tech Solutions for the maintenance, support and services associated with its information technology infrastructure (IT).

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-70. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-71 FOR THE GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964".**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

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WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the **Mayor and Council** of the **Township of Berlin** , hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-71. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-72 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE BOND AND THE POSTING OF A MAINTENANCE BOND FOR PRIME CAR WASH LOCATED AT 240 ROUTE 73 NORTH, BLOCK 703 LOT 1.**

**WHEREAS**, a request has been made from Prime Car Wash located at 240 Route 73 North, West Berlin New Jersey, Block 703 Lot1 for the release of their Performance Bond # 016076082 in the amount of \$242,838.00; and

**WHEREAS**, the Engineer has recommended that the Township Grant the request for the release of the performance bond and any remaining escrow monies contingent upon outstanding vouchers be paid in full and the posting of a two year Maintenance Bond in the amount of \$30,354.75.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Bond # 016076082 in the amount of \$242,838 is hereby granted with the conditions stated above.

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-72. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-73 RESOLUTION REQUESTING THE RELEASE OF PERFORMANCE BOND AND THE POSTING OF A MAINTENANCE BOND FOR CHICK-FIL-A RESTAURANT LOCATED AT 240 ROUTE 73 NORTH, BLOCK 703 LOT 1.**

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**WHEREAS**, a request has been made from, Chick-Fil-A Restaurant located at 240 Route 73 North, West Berlin New Jersey, Block 703 Lot1 for the release of their Performance Bond # 016076038 in the amount of \$497,768.40; and

**WHEREAS**, the Engineer has recommended that the Township Grant the request for the release of the performance bond and any remaining escrow monies contingent upon, the applicant must plant shrubs in the open area along Route 73 frontage, at parking space #45, which cannot be performed until the Spring 2022, outstanding vouchers be paid in full and the posting of a two year Maintenance Bond in the amount of \$62,221.05.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, that the request for the release of Performance Bond # 016076038 in the amount of \$497,768.40 is hereby granted with the conditions stated above.

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-73. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-74 RESOLUTION CONFIRMING THE AUTHORIZATION  
IN SUBMITTING AN APPLICATION FOR PROGRAM YEAR 2022  
COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE TOWNSHIP OF  
BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY.**

**WHEREAS**, the Camden County Improvement Authority provides funding for certain infrastructure improvements or services under the Community Development Block Grant funding; and

**WHEREAS**, the Governing Body has chosen to submit an application for Program Year 2022;and

**WHEREAS**, the governing body has agreed to apply for funding for the following projects:

**Project: Conversion of playground equipment at the Luke Avenue  
Recreational Complex to Handicap Accessibility**

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of Berlin Township that the Mayor is hereby authorized to sign the Project Description Form for Program Year 2022 along with the Community Development Grant Agreement.

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-74. Resolution adopted by call of the roll, five members present voting in the affirmative.

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**RESOLUTION 2022-75 RESOLUTION TO GRANT THE RELEASE OF A CASH MAINTENANCE BOND FOR TRIPLE-T CUTTING TOOLS INC. LOCATED AT 135 EDGEWOOD AVENUE BLOCK 1701 LOT 1.**

**WHEREAS**, Triple-T Cutting Tools located at 135 Edgewood Avenue, Block 1701 Lot 1 has requested the release of their Cash Maintenance Bond in the amount of \$2,271.11; and

**WHEREAS**, the Engineer has recommended that the Township grant the release of Triple-T Cutting Tools their cash Maintenance Bond and any remaining escrow monies contingent upon all outstanding vouchers be paid in full

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the request for the release of their Cash Maintenance Bond for Triple-T Cutting Tools located at 135 Edgewood Avenue, West Berlin NJ 08091 is hereby granted.

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-75. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-76 RESOLUTION AUTHORIZING MAYOR TO SIGN AGREEMENT WITH VOORHEES ANIMAL ORPHANAGE FOR SHELTER SERVICES.**

**BE IT RESOLVED**, that the Mayor and Council of the Township of Berlin hereby authorizes the Mayor to execute an agreement between Voorhees Animal Orphanage and the Township of Berlin.

**BE IT FURTHER RESOLVED**, that the contract expires on December 31, 2022, and the contract amount is \$510.00 monthly.

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-76. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-77 CHANGE ORDER NUMBER 2 AND FINAL PAYMENT FOR IMPROVEMENTS TO SPRUCE AVENUE-CHESTNUT AVENUE TO CUSHMAN AVENUE THROUGH THE N.J. D.O.T. FY 2019 MUNICIPAL AID FUNDING.**

**WHEREAS**, it is necessary to make changes in the scope of the work to be done in the improvements to Spruce Avenue in the Township of Berlin, Camden County, New Jersey, through the N.J.D.O.T. FY 2019 Municipal Aid Funding; and

**WHEREAS**, Change Order Number 2 was developed to itemize and authorize those partial as-built quantities reduction, (see attachment): and

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**WHEREAS**, the Change orders 1 & 2 reflects an adjustment in the Contract amount from \$175,128.00 to \$158,496.00 a 9.5% decrease in the amount of \$16,632.00; and

**WHEREAS**, said Change Order Number 2 shall be charged to G-02-40-775-0996 NJDOT Grant as certified by the Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Berlin Mayor and Council that Change Order Number 2 is hereby authorized and approved for the change in the Contract amount from \$175,128.00 to \$158,496.00 in a 9.5% decrease for the amount of \$16,632.00; and

**FURTHER BE RESOLVED**, by the Mayor and Council of the Township of Berlin hereby authorizes and approves that a payment by resolution 2020-157 was made in the amount of \$152,011.72 leaving a final payment in the amount of \$6484.28 to be made to Marandino LLC, PO Box 20 Milmay, NJ 08332.

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-77. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-78 PAYMENT OF BILLS FOR MARCH.**

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>
Flex Claims Week of 02/11-02/17/2022	T-18-56-850-030208	\$10.00
Flex Claims Week of 02/18-02/24/2022	T-18-56-850-030208	\$3.00
Flex Claims Week of 02/25-03/03/2022	T-18-56-850-030208	\$33.91
Flex Claims Week of 03/04-03/10/2022	T-18-56-850-030208	\$307.00
Ameriflex (March 2022 - Administrative Fee)	T-18-56-850-030208	\$80.00
State of Jersey Health Benefits – March 2022 (A)	1-01-23-220-2092	\$62,256.01
	1-01-23-220-2092	\$11,436.15
State of Jersey Health Benefits – March 2022 (R)	1-01-23-220-2092	\$51,641.05
Payroll, Current Fund	2/25/2022	\$124,378.21
Payroll, Sewer Operating Fund	2/25/2022	\$7,670.23
Payroll, Open Space	2/25/2022	\$4,440.35
Payroll, Animal Control	2/25/2022	\$302.47
Payroll, Police Outside Employment Reserve	2/25/2022	\$808.12
Payroll, Current Fund	3/11/2022	\$127,927.37



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Payroll, Sewer Operating Fund	3/11/2022	\$7,211.97
Payroll, Open Space	3/11/2022	\$4,403.60
Payroll, Animal Control	3/11/2022	\$302.47
Payroll, K-9 Trust Reserve	3/11/2022	\$1,077.50
		<hr/> <b>\$404,289.41</b> <hr/>

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-78. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-79 RESOLUTION AUTHORIZING THE PURCHASE OF TWO POLICE VEHICLES THROUGH THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM AS PER N.J.S.A 40A;11-11(5).**

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

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

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

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-79. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-80 RESOLUTION REMOVING CERTAIN ITEMS FROM THE TOWNSHIP OF BERLIN FIXED ASSET INVENTORY AS OF DECEMBER 31, 2021**

**WHEREAS**, the Chief Financial Officer of the Township of Berlin maintains a fixed asset inventory system in accordance with N.J.A.C. 5:30-5.6; and

**WHEREAS**, the Mayor and Council of the Township of Berlin has adopted a capitalization threshold of \$500.00 for its fixed asset inventory; and

**WHEREAS**, it has been determined that certain fixed assets as listed below should be removed from the inventory as of December 31, 2021 for the reasons stated:

<b>Department</b>	<b>Item</b>	<b>Reason</b>
Police	Zenith VHS TV	Expired

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Police	Dell Tower Cone Duo Optiplex	Expired
Police	7 Ballistic Vests - Swat	Expired
Police	American Body Armor Shield	Expired
Police	Diamond back shield ser # 96919	Expired
Police	Phillips AED ser # 0091	Broken
Police	HP tower Prodesk	Expired
Police	HP tower Prodesk	Expired
Police	Dell Optiplex tower	Expired
Police	Canon scanner ser # 17846	Expired
Police	Barracuda Firewall old	Expired
Police	7 Panasonic Toughbook	Expired
Police	4 Panasonic cf53 laptop	Expired
Police	Panasonic cf52 laptop ser # 24412	Expired
Police	3 dell laptop	Expired
Police	Toshiba laptop ser # 8004q	Expired
Police	HP laptop ser # 84037	Expired

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin that the above mentioned fixed assets be removed from the inventory listing as of December 31, 2021.

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-80. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022- 81 RESOLUTION APPROVING THE CONTRACT AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT BETWEEN THE TOWNSHIP OF BERLIN AND THE BERLIN TOWNSHIP PUBLIC WORKS DEPARTMENT**

**WHEREAS**, there exists a need for a contractual understanding of employment services to be rendered to the Township of Berlin by the Berlin Township Public Works Department; and

**WHEREAS**, negotiations for such a contractual understanding were undertaken and completed between representatives from the Township of Berlin and the Berlin Township Public Works Department; and

**WHEREAS**, the terms and conditions of said contractual understanding are incorporated into a written document identified as the Contract between the Township of

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Berlin and the Berlin Township Public Works Department as herein above described, be approved subject to review by the Solicitor.

**BE IT FURTHER RESOLVED**, that the appropriate Township Officials be authorized to sign and execute said contract for the period retroactive as of January 1, 2022 to December 31, 2024.

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-81. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-82 AUTHORIZING MAYOR TO SIGN CONTRACT AGREEMENT BETWEEN TOWNSHIP OF BERLIN AND DIRECTOR OF PUBLIC WORKS/TOWNSHIP ENGINEER**

**BE IT RESOLVED**, by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign and execute the contract agreement with Township of Berlin with **Charles J. Riebel** as the Director of Public Works/ Township Engineer.

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-82. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-83 RESOLUTION AUTHORIZING THE PREVIOUS YEARS REMAINING CDBG FUNDS TO BE ALLOCATED TO THE PROPOSED SOLARIUM ADDITION TO THE SENIOR BUILDING, THROUGH THE YEARS PREVIOUS COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FUNDS.**

**WHEREAS** the Township of Berlin has remaining funds from CDBG projects; and

**WHEREAS** the Township of Berlin would like to utilize the remaining funds of \$42,298.57 to the Improvements and the addition of a 14 feet X 35 feet Solarium to the Senior Citizens Center Building located at 240 Pine Avenue, Block 527, Lot 6.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, in the County of Camden, State of New Jersey, formally supports the remaining CDBG funds in the amount of \$42,298.57 to be allocated to the Senior Center Solarium Addition and authorize the Township Engineer to prepare the bid documents and the Township Clerk to advertise bids for the project.

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-83. Resolution adopted by call of the roll, five members present voting in the affirmative.

**RESOLUTION 2022-84 RESOLUTION OF SUPPORT AND AUTHORIZATION FOR THE MAYOR TO SIGN THE APPLICATION FOR 2022 CAMDEN COUNTY RECREATION FACILITY ENHANCEMENT PROJECT FUNDING.**

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**WHEREAS**, the Mayor and Council desires to submit an application for funding the improvements and the Expansion of the Playground to ADA Handicap Accessibility at the Luke Avenue Recreation Complex; and

**WHEREAS**, the Playground is highly visible to motorists travelling along Haddon Avenue and serves as a focal point in welcoming motorists to Berlin Township; and

**WHEREAS**, the Playground serves as a gathering place for many events held by families, civic and religious organizations and also serves as a resting place for those individuals walking along Haddon Avenue and within the Luke Avenue Recreation Complex; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berlin, in the County of Camden, State of New Jersey, formally supports the application for 2022 Camden County Recreation Facility Enhancement Project funding for the improvements to the Playground for the Expansion to ADA Handicap accessibility at the Luke Avenue Recreation Complex; and

**BE IT FURTHER RESOLVED**, that the Mayor of the Township of Berlin is hereby authorized to sign the application and any other respective documents.

Motion by Council President Bodanza, second by Councilman Reid to adopt resolution 2022-84. Resolution adopted by call of the roll, five members present voting in the affirmative.

### **Mercantile Licenses**

**1) William Alexander JR, Hot Runner Technology.** 998 Taunton Avenue, West Berlin NJ. Cleaning and refurbish hot runner manifolds for the plastic industry.

**2) James LeLena Sr., Apple Auto Service LLC.** 250 Route 73 North, West Berlin NJ. Auto repair and service, retail sales.

**3) Hyeri Sung, H & O International Corporation.** 415 Bloomfield Drive West Berlin NJ. Office Warehouse for e-commerce operations of hair care products.

**4) Michael A. Cristella Jr., Live Wire Productions LLC** 403 Bloomfield Drive West Berlin NJ. Office and Warehouse for an audio video design company no recording or producing on-site.

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

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**Consent Agenda**

Motion by Council President Bodanza, second by Councilman Epifanio to approve the Consent Agenda for February 2022. Motion carried by voice vote, five members present voting in the affirmative.

**Correspondence Calendar February 2022**

Motion by Council President Bodanza, second by Councilman Reid to approve the Correspondence Calendar for February 2022. Motion carried by voice vote, four members present voting in the affirmative, Councilman McHenry abstained.

**Approval of February 14<sup>th</sup> Meeting Minutes**

Motion by Councilman Epifanio second by Councilwoman Bodanza to approve the Meeting Minutes for February 14, 2022. Motion carried by voice vote, four members present voting in the affirmative, Councilman McHenry abstained.

**All Other Business**

Mayor Magazzu stated that starting April 1, 2022 will open up the buildings and get the Senior bus up and running.

**Public Portion**

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

No comments were to be heard

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

**Adjourn**

Motion by Councilman Epifanio, second by Councilman Reid to adjourn the meeting at 6:05 pm. Motion carried by voice vote, all members voting in the affirmative.  
Meeting adjourned 6:05 pm

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**Catherine Underwood  
Berlin Township RMC**

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