

SEPTEMBER 11, 2023

**MEETING OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BERLIN,
CAMDEN COUNTY, NEW JERSEY AT BERLIN TOWNSHIP MUNICIPAL HALL
SEPTEMBER 11, 2023.**

Mayor Magazzu opened the meeting and stated that pursuant to the requirements of the Open Public Meetings Law, notice of this meeting was advertised in the Courier Post, Record Breeze and posted on the bulletin board.

All in attendance joined in the Salute to the Flag.

ROLL CALL

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

Also Present- Solicitor, Christopher Norman, CFO, Alex Davidson, Chief of Police, Louis Bordi Property Maintenance / Animal Control, Josh Shellenberger, Township Engineer / Public Works Director, Chuck Riebel

Absent

Mayor Magazzu asked for a moment of silence on the anniversary of 9/11.

Lt. Gramley spoke about the Youth Academy Recruits receiving Proclamation this evening. Mayor Magazzu present a proclamation to Johnnie McDonald.

Proclamation: Youth Academy Recruits

Johnnie McDonald
Kayla Muff
Jessica Gramley

Departmental Reports

**SECOND READING AND PUBLIC HEARING ORDINANCE 2023-10 OF THE
TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW
JERSEY, AMENDING CHAPTER 239 OF THE TOWNSHIP CODE ENTITLED
“PEDDLING AND SOLICITING”.**

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

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WHEREAS, Chapter 239 of the Code of the Township of Berlin sets forth licensing requirements and standards for peddling and soliciting within the Township; and

WHEREAS, the Township wishes increase the maximum penalties associated with violations of the Township's restrictions on peddling and soliciting.; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Mayor and Council are authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law.

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

SECTION 1: Section 239, Article II of the Code of the Township of Berlin entitled "Licenses" is hereby amended as follows:

§ 239-15 Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$2,000 or by imprisonment for a term not to exceed 90 days, or both, in the discretion of the court. Each successive day a violation continues shall be deemed a separate offense hereunder.

SECTION 2: Except as set forth in Section 1 above, the balance of Chapter 239 of the Code of the Township of Berlin shall not be affected by this Ordinance.

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

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

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

Introduced: August 14, 2023

Adopted: September 11, 2023

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 2023-10

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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 2023-10

Motion by Councilman Epifanio, second by Council President Bodanza to adopt Ordinance 2023-10. Ordinance approved by call of the roll, all members present voting in the affirmative.

**FIRST READING ORDINANCE 2023-11 AMENDING CHAPTER 285,
STORMWATER MANAGEMENT OF THE TOWNSHIP CODE TO ESTABLISH
NJDEP-MANDATED REGULATIONS FOR PRIVATELY OWNED SALT AND
OTHER SOLID DE-ICING MATERIALS STORAGE.**

WHEREAS, as part of the stormwater requirements of the MS4 Tier A permit, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP-mandated regulations for privately owned salt and other solid de-icing materials storage; and

WHEREAS, The Township Solicitor and Engineer have reviewed the NJDEP model ordinance and recommend that the Mayor and Council consider adoption; and

WHEREAS, the Mayor and Council desires to adopt the NJDEP model ordinance with some minor amendments.

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

SECTION 1. Chapter 285. Stormwater Management, of the Township Code is hereby amended to establish Article V, Privately Owned Salt Storage, to read as follows:

Article 5 **Privately Owned Salt Storage**

§ 285-20 **Purpose.**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately owned), including residences, in Berlin Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 285-21 **Definitions.**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the content, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

(1) Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

(2) The design shall prevent stormwater run-on and run through, and the fabric cannot leak;

(3) The structure shall be erected on an impermeable slab;

(4) The structure cannot be open sided; and

(5) The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

- E. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. “Resident” means a person who resides on a residential property where de-icing material is stored.

§ 285-22 **Deicing Material Storage Requirements.**

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- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
- (1) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - (2) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 - (3) Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 - (4) Loose materials shall be covered as follows:
 - (a) The cover shall be waterproof, impermeable, and flexible;
 - (b) The cover shall extend to the base of the pile(s);
 - (c) The cover shall be free from holes or tears;
 - (d) The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - (e) Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

[1] Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 - (5) Containers must be sealed when not in use; and
 - (6) The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15- April 15.
- C. All such temporary and/or permanent structures must also comply with all Township ordinances, and building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance

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are met. Inspection records shall be kept on site and made available to the municipality upon request.

(1) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§285-23 Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section 285-22, above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§285-24 Enforcement.

This ordinance shall be enforced by the Police Department of Berlin Township during the course of ordinary enforcement duties.

§285-25 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall subject such person(s) to fines and penalties in accordance with N.J.S.A. 40:49-5.

SECTION 2. Except as set forth in Section 1 above, the balance of Chapter 285 of the Code of the Township of Berlin shall not be affected by this Ordinance.

SECTION 3. Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

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SECTION 5. This ordinance shall be in full force and take effect twenty (20) days after its adoption and publication as required by law.

Motion by Councilman Epifanio, second by Councilman Reid to adopt Ordinance 2023-11 on first reading by title. Ordinance adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-154 RESOLUTION OF THE TOWNSHIP OF BERLIN TO AMEND POLICIES AND PROCEDURES REGULATING THE PRIVATE USE OF PUBLIC BUILDINGS, ENTITLED "POLICY AND PROCEDURES FOR RENTAL OF MUNICIPAL FACILITIES" AND "RULES GOVERNING USE OF MUNICIPAL FACILITIES".

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, that the "Policy and Procedures for the Municipal Facilities" and the "Rules Governing use of the Municipal Facilities" is hereby amended.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-154. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-155 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT.

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

WHEREAS, the Annual Report of Audit for the year **2022** has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

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

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

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

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

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

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

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

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

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-155. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-156 RESOLUTION TO RENEW THE SOUTHERN NEW JERSEY REGIONAL EMPLOYEE BENEFITS FUND.

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **Southern New Jersey Regional Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

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WHEREAS, the governing body of _ hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Health Insurance and/or Prescription Insurance and/or Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-156. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-157 AUTHORIZING THE RE-APPOINTMENT OF WILLIAM FRAMPTON AND JOSEPH KELLY AS SPECIAL LAW ENFORCEMENT OFFICER (SLEO) TO PROVIDE SCHOOL SECURITY FOR BERLIN TOWNSHIP PUBLIC SCHOOLS AND TO PERFORM DUTIES FOR BERLIN TOWNSHIP POLICE DEPARTMENT.

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WHEREAS the Township of Berlin and Berlin Township Board of Education have agreed to enter into a shared service agreement to provide School Security Officers to the Berlin Township public school and to perform duties for the Berlin Township Police Department; and

WHEREAS, that the Mayor and Council of the Township of Berlin authorizes the re-appointment of **William Frampton as a SLEO II**, School Security Officer and **Joseph Kelly SLEO Class II** Duties for Berlin Township Police Department; and

WHEREAS, the Special Law Enforcement Officers (SLEO) will be appointed for the months of **October, November and December** in increments of 90 days throughout the school year as suggested by school security best practice.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, that the above, **William Frampton as a SLEO II and Joseph Kelly as a SLEO Class II** is hereby appointed for another 90 days.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-157. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-158 RESOLUTION TO AWARD A CONTRACT TO DIMEGLIO CONSTRUCTION FOR IMPROVEMENTS TO LESTER AVENUE STORM DRAINAGE.

WHEREAS, the Township of Berlin desires to enter into a contract for Improvements to Lester Avenue Storm Drainage; and

WHEREAS it is the Township Engineer's recommendation to consider awarding a contract to the lowest bidder to DiMeglio Construction, located at 594 White Horse Pike Atco, NJ 08004 for the amount of \$176,116.00; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey, that a contract for Improvements is hereby awarded to DiMeglio Construction, conditional upon the following:

1. Certification of the allocation of sufficient funds by the Township Chief Financial Officer.
2. Review and approval of the bidding process and bid proposal documents by the Township Solicitor
3. All other conditions, which have been determined necessary by the Governing Body.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution

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2023-158. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-159 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:

<u>Property: Block/Lot</u>	<u>LIEN NUMBER</u>	<u>REASON</u>
26 Oak Ct. B-1409 L-9	PM23-009	clean up

WHEREAS, pursuant to Chapter 249 the Code Enforcement Officer issued Violation Notices to the property owner(s) or responsible party(ies) relating to the above-referenced conditions which were found to be health and safety hazards; and

WHEREAS, the property owner(s) or responsible party(ies) failed to take appropriate action as required in said Violation Notices and the Code Enforcement Officer placed a work order with outside vendors to have such work performed as necessary to protect the health, safety and welfare of the Township; and

WHEREAS, the Code Enforcement Officer provided invoices as certification of all costs associated with the above-described work performed in order that the monies expended to pay outside vendors to perform the services at these properties could be charged against the respective properties as more fully set forth below;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that it hereby authorizes, approves and ratifies the assessment of municipal charges and/or liens on the following properties as of the date first noted below in accordance with the certified costs provided by the Code Enforcement Officer as described above, and further resolves that these amounts shall forthwith become a lien on such lands as provided for herein:

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<u>Property: Block/Lot</u>	<u>Date Charged</u>	<u>Amount</u>	<u>Reason</u>
26 Oak Ct. B-1409 L-9	9/11/23	\$1,230.00	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 2023-159. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-160 RESOLUTION AUTHORIZING THE ENGINEER TO PREPARE BID, ADVERTISE AND OPENING OF BIDS FOR AN ALTERNATE FACILITY FOR THE DISPOSAL OF SOLID WASTE.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Township Engineer, Charles J. Riebel is hereby authorized to prepare bid, advertise and opening of bids for an alternate facility for the disposal of solid waste.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-160. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-161 RESOLUTION AUTHORIZING THE TOWNSHIP OF BERLIN TO ENTER INTO AND EXECUTE A SHARED SERVICES AGREEMENT WITH CUMBERLAND COUNTY IMPROVEMENT AUTHORITY (CCIA) FOR VARIOUS SERVICES.

WHEREAS, Berlin Township and the Authority both have the legal authority under the Uniform Shared Service and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.* (the “**Act**”) to enter into a shared service agreement with any other local unit to provide or receive any service that each local unit could perform on its own; and

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WHEREAS, each entity seeks to lower costs of services to their respective residents and each desires to seek ways to share and/or consolidate services where possible; and

WHEREAS, for purposes of expertise, efficiencies, and cost savings, the Township of Berlin and the Authority have negotiated this Agreement between the Township of Berlin and the Authority with respect to the Services; and

WHEREAS, the Governing Body of the LGE and the Commissioners of the Authority are desirous of entering into an Agreement to allow the entities to work cooperatively in the development of the Work through the Authority’s Services (the “**Scope of Services**” and together with the Work, the “**Project**”); and

WHEREAS, in an effort to accomplish the foregoing the Township of Berlin and Authority are desirous of entering into a shared services agreement in an effort to foster and promote the foregoing purpose.

NOW, THEREFORE, by the Mayor and Council of the Township of Berlin, County of Camden and State of New Jersey, that the Mayor is hereby authorized to sign the agreement for shared services by and between the Township of Berlin and Cumberland County Improvement Authority for various services, contingent upon solicitors review.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-161. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-162 PAYMENT OF BILLS FOR SEPTEMBER.

WHEREAS, the Code of the Township of Berlin, Chapter 7-1 et seq., provides for the payment of claims after certification by the Treasurer and consideration by Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, that the following claims detailed below and attached are hereby approved and the bills to be paid.

CONFIRMING:

Check #	Check Date	Vendor	Vendor Name	PO #	Item Description	Charge Account	Amount
				23-		3-01-20-	\$
10574	9/6/2023	MCAGC010	MCAGC	00888	Clerk Conference	120-2042	50.00
							\$ 50.00

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-162. Resolution adopted by call of the roll, all members present voting in the affirmative.

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RESOLUTION 2023-163 AUTHORIZING RESCINING OF PETTY CASH FUND.

WHEREAS, it is the desire of the Mayor and Council, of the Township of Berlin, County of Camden that the petty cash fund for the Police Department Investigation be rescinded.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin, County of Camden hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-163. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-164 AUTHORIZING CHANGE IN PETTY CASH CUSTODIAN.

WHEREAS, Leonard Check was custodian of the Police Administration Petty Cash Fund; and,

WHEREAS, in accordance with NJSA 40:5-21 the Township of Berlin is changing custodians to Lou Bordi; and,

WHEREAS, Lou Bordi is bonded in the amount of \$1,000,000 by virtue of a surety bond.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin, County of Camden hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-164. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-165 AUTHORIZING CHANGE IN PETTY CASH MONETARY AMOUNT.

WHEREAS, NJSA 40A:5-21 authorizes the establishment of a Petty Cash Fund; and,

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WHEREAS, it is the desire of the Mayor and Council, of the Township of Berlin, County of Camden that the petty cash fund for the Police Department Administration be increased from \$100 to \$500.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin, County of Camden hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-165. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-166 AUTHORIZING THE SALE OF SURPLUS PROPERTY.

WHEREAS, Township of Berlin, County of Camden is the owner of certain lands within the Township; and

WHEREAS, the Mayor and Council of the Township of Berlin, County of Camden does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, Township of Berlin, County of Camden desires to make available for public sale said lands in accordance with NJSA 40A:12-13(a).

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin, County of Camden hereby authorizes such action as follows:

SECTION 1. The Municipal Council hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey and ordinances of the Township of Alexandria.

SECTION 2. The Township of Berlin hereby authorizes Max Spann Real Estate & Auction Co. (hereinafter "Auctioneer"), to offer for sale to the highest bidder by open public sale at auction, the property described in Schedule A attached hereto and made a part hereof.

SECTION 3. The public sale shall take place online at MaxxSpann.Com on a date that will be published or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled.

SECTION 4. The public sale, if not canceled, shall take place by open public sale at auction to the highest bidder.

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SECTION 5. All bidders at the time of sale must present a certified check, money wire or money order in the amount of 10% of purchase price payable to themselves (to be endorsed to the escrow holder or its designee if successful). In addition, the successful bidder shall submit a personal check or money order for the balance of the deposit of 10% of the minimum bid plus Buyer's Premium at the conclusion of the auction, and shall execute an Agreement of Sale. Said Agreement of Sale shall be binding upon the high bidder until such time that the municipal council either 1) does not accept the bid in which case bidders deposit will be returned, or, 2) accepts the bid whereupon the municipality shall execute the Agreement of Sale and both parties shall be held bound by the terms and conditions contained therein. The balance of the purchase price shall be paid at closing which shall occur not later than 45 days following the acceptance of the bid by the Township. The purchaser shall be entitled to possession immediately following closing of title.

SECTION 6. At closing of title, purchaser shall also pay a buyer's premium in the amount of ten (10%) percent of the bid amount to Auctioneer to conduct the sale.

SECTION 7. In the event the Township of Berlin is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Township of Berlin will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims that said purchaser may have against the Township of Berlin in connection with the quality of title conveyed.

SECTION 8. The property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. Neither the Township of Berlin nor the Auctioneer make no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is."

SECTION 9. All conveyances by the Township of Berlin shall be made by Bargain and Sale Deed with Covenants Against Grantor's Acts.

SECTION 10. The Township of Berlin reserves the right to waive any and all defects and informalities in any bid and to accept or reject any and all bids at the public sale and to not award to the highest bidder. No bid shall be considered finally accepted until passage of a resolution by the Municipal Council as set forth in Paragraph 12 hereof.

SECTION 11. Acceptable bids shall be confirmed by resolution of the Municipal Council no later than the first regular meeting of the Municipal Council following the date of such sale.

SECTION 12. This resolution shall constitute and serve as the public notice to be published in a newspaper circulating in the Township at least once a week for two (2) consecutive weeks, the last publication being not earlier than seven (7) days prior to the date set forth for the public sale.

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SECTION 13. In the event the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.

SECTION 14. This resolution shall take effect immediately.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-166. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-167 RESOLUTION OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF BERLIN TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH UL PARTNERS (“UL PARTNERS”)

WHEREAS, UL Partners is the owner and potential redeveloper of the commercial property located at 114-120 Cushman Avenue and designated as Block 1502, Lot 1 on the Berlin Township Tax Map (“Property”);

WHEREAS, the Parties desire to jointly explore the feasibility of redevelopment of the Property and potentially negotiate an agreement or agreements to provide for the redevelopment thereof (“Redevelopment Agreement”);

WHEREAS, in accordance with the terms set forth herein, the Township is willing to undertake a redevelopment study to determine whether the Property qualifies as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*;

WHEREAS, the Parties acknowledge and agree that additional adjoining properties owned by others may be considered as part of the Township’s redevelopment study in furtherance of the redevelopment of any one or more of said lots, to include but not necessarily be limited to Block 1502, Lot 1.01 (now or formerly owned by 107 Edgewood Properties, LLC), Block 1502, Lot 1.02 (now or formerly owned by 110 Cushman Avenue LLC), Block 1702, Lot 1 (now or

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formerly owned by Thomas Murakami, LLC) and Block 1502, Lot 1 (now or formerly owned by UL Partners, LLC) (collectively, the “Additional Properties”);

WHEREAS, if the Parties agree to move forward with the Redevelopment Agreement, UL Partners may form a limited liability company or limited partnership whose managing member or general partner, as the case may be, will be solely owned by UL Partners and/or its principals to develop, own and operate the Project (as defined below), and UL Partners may assign all of its rights and obligations under the Redevelopment Agreement and any financial agreement to any such limited liability company or limited partnership;

WHEREAS, in order to so, it is necessary for the Township and UL Partners to enter into a Memorandum of Understanding (“MOU”) for this purpose; and

WHEREAS, entering into the MOU will promote the public health, safety and general welfare of the residents of Berlin Township.

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

(1) The recitations of the preamble hereto are incorporated by reference as though same were set forth fully herein at length;

(2) Berlin Township is hereby authorized to enter into the Memorandum of Understanding with UL Partners (Exhibit “A”);

(3) The Mayor is hereby authorized and directed to execute the Memorandum of Understanding on behalf of the Township of Berlin; and

(4) A copy of this Resolution shall be published in the official newspapers as required by law within ten (10) days of its passage.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution

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2023-167. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-168 RESOLUTION OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF BERLIN TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH GREEN GROVE BAPTIST CHURCH, LLC (“GREEN GROVE”) AND EASTERN PACIFIC DEVELOPMENT, LLC (“EASTERN PACIFIC”)

WHEREAS, Green Grove is the owner of certain property designated as Block 1702, Lots 2, 3.01, 4.01 and 5.01 on the Berlin Township Tax Map (“Property”);

WHEREAS, Eastern Pacific is the potential redeveloper of the Property and potentially one of the Additional Properties described below;

WHEREAS, the Parties desire to jointly explore the feasibility of the Redevelopment and negotiate an agreement or agreements to provide for the redevelopment of the Property (“Redevelopment Agreement”);

WHEREAS, the Parties acknowledge and agree that additional adjoining properties owned by others may be considered as part of the Township’s redevelopment study in furtherance of the redevelopment of any one or more of said lots, to include but not necessarily be limited to Block 1502, Lot 1.01 (now or formerly owned by 107 Edgewood Properties, LLC), Block 1502, Lot 1.02 (now or formerly owned by 110 Cushman Avenue LLC), Block 1702, Lot 1 (now or formerly owned by Thomas Murakami, LLC) and Block 1502, Lot 1 (now or formerly owned by UL Partners, LLC) (collectively, the “Additional Properties”);

WHEREAS, if the Parties agree to move forward with the Redevelopment Agreement, Eastern Pacific will form a limited liability company or limited partnership whose managing member or general partner, as the case may be, will be solely owned by Eastern Pacific to develop, own and operate the Project (as defined below), and Eastern Pacific will assign all of its rights and

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obligations under the Redevelopment Agreement and any financial agreement to any such limited liability company or limited partnership;

WHEREAS, in order to so, it is necessary for the Township, Green Grove and Eastern Pacific to enter into a Memorandum of Understanding (“MOU”) for this purpose; and

WHEREAS, entering into the MOU will promote the public health, safety and general welfare of the residents of Berlin Township.

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

(1) The recitations of the preamble hereto are incorporated by reference as though same were set forth fully herein at length;

(2) Berlin Township is hereby authorized to enter into the Memorandum of Understanding with Green Grove and Eastern Pacific (Exhibit “A”);

(3) The Mayor is hereby authorized and directed to execute the Memorandum of Understanding on behalf of the Township of Berlin; and

(4) A copy of this Resolution shall be published in the official newspapers as required by law within ten (10) days of its passage.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-168. Resolution adopted by call of the roll, all members present voting in the affirmative.

Business Approvals

1) Gregory Parkhill, Brush Masters XP LLC, 150 Cooper Road Suite G19. Residential, Commercial Painting Company Meeting Space, Office and Storage.

2) Wayne Dorrell, Philadelphia Ballet, 401-404 Bloomfield Drive. Office and Warehouse for Ballet Company.

3) Mordchay Dirnfeld, Toner Buzz Inc. 436 Commerce Lane Unit A.

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Distributor of printing supplies, we sell toners.

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

Approval of August 14, 2023 Meeting Minutes.

Motion by Councilman Reid, second by Council President Bodanza to approve the Meeting Minutes for August 14, 2023. Motion carried by voice vote, all members present voting in the affirmative.

Approval of Correspondence Calendar for August 2023.

Motion by Councilman Epifanio, second by Councilman Reid to approve the Correspondence Calendar for August 2023. Motion carried by voice vote, five members present voting in the affirmative.

Approval of the Consent Agenda for August 2023.

Motion by Councilman Reid, second by Council President Bodanza to approve the Consent Agenda for August 2023 Motion carried by voice vote, five members present voting in the affirmative.

All other Business

Council President Bodanza asked if a date was decided for the Fall festival and is the community yard sale still on for September 16, 2023. Mayor replied we are waiting for the food trucks to get back to us to decide on a date. For the community yard sale no one has reached out to pick up the permit. We did the resolution for the community yard sale.

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.

Montebello Resident asked what is the amount for the Petty cash. Township Clerk responded clerks' petty cash is \$100.00, CFO, Alex Davidson responded the police petty cash is \$500.00.

No more 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 comment.

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Adjourn

Motion by Councilman Reid, second by Councilman Epifanio to adjourn the meeting at 5:53 pm. Motion carried by voice vote, all members voting in the affirmative.
Meeting adjourned 5:53:pm