

December 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, Councilman Epifanio, Councilman Reid.

Also Present- Solicitor, Stuart Platt, CFO, Alex Davidson, Chief of Police, Louis Bordi, Township Engineer / Public Works Director, Chuck Riebel.

Absent -Council President Bodanza, Councilman McHenry, Property Maintenance / Animal Control, Josh Shellenberger.

DEPARTMENTAL REPORTS

TOWNSHIP ENGINEER / PUBLIC WORKS DIRECTOR

Chuck Riebel, Township Engineer, Public Works Director gave his final report as he is retiring January 1, 2024. Chuck thanked the Governing Body for the last 30 years and wished everyone a happy Holiday.

SOLICITOR

Stuart Platt, Township Solicitor congratulated Chuck on his retirement and stated that Chuck is the best of the best, and will surely be missed.

POLICE REPORT

Louis Bordi, Chief of Police reported that Berlin Township is the first recipient to receive a federal grant for achieving accreditation. These funds will help start the processing of obtaining accreditation within the department.

Chief Bordi stated that he has been at Berlin Township for a short time but Chucks professionalism and expertise will be missed. Chief Bordi wished him well.

SECOND READING AND PUBLIC HEARING ORDINANCE 2023-12 AN ORDINANCE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, APPROPRIATING \$105,000 FOR THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT FOR THE POLICE DEPARTMENT.

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

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Section 1. There is hereby appropriated the sum of \$105,000 from the General Capital Improvement Fund for the acquisition of various pieces of capital: (i) \$105,000 for the acquisition of police equipment including but not limited to radios, vehicle K9 upfits and weapons 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 Councilman Epifanio second by Councilman Reid 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 2023-12

No comments were to be heard.

Motion by Councilman Epifanio second by Councilman Reid 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 2023-12

Motion by Councilman Epifanio seconded by Councilman Reid to adopt Ordinance 2023-13. Ordinance approved by call of the roll, all members present voting in the affirmative.

RESOLUTION 2023-203 CONFIRMING LIST OF UNCOLLECTIBLE TAXES

To the Mayor and Council to the Township of Berlin:

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

Dated: October 31, 2023
Dana O'Hara, CTC - Tax Collector

DESCRIPTION	YEAR	AMOUNT	REASON
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Block 827 Lot 2 2023 \$ 250.00 Veteran
328 Lincoln Avenue

Total Uncollectible
to November 2023

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

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-203. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2023-204 RESOLUTION REQUESTING THE RELEASE OF ENGINEERS ESCROW FOR 3 ASTOR AVENUE.

WHEREAS, 3 Astor Avenue, Block 1305 lot 7 of West Berlin NJ 008091 had applied for a variance application and has informed the Township of Berlin that they are withdrawing their variance application.; and

WHEREAS, the Township Engineer recommends that the Governing Body grant the request to release their engineers escrow monies in the amount of \$950.00.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, County of Camden, New Jersey that the request to release engineers escrow monies for 3 Astor Avenue in the amount of \$950.00 is hereby granted.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-204. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2023-205 GRANTING ARCADE AMUSEMENT GAMES LICENSES TO DIGGERLAND USA, LLC.

WHEREAS, Diggerland has filed an application with the Township of Berlin, County of Camden, New Jersey, for an Amusement Games License for January 1, 2024 and expiring on December 31, 2024;

**DIGGERLAND USA, LLC
Amusement Games
100 Pinedge Drive West Berlin N.J.**

**License # 36-2000-2-00041 (2023)
Tr. No 1878
Control No 00018**

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WHEREAS, the application of the above named has been examined by the Mayor and Council and has been found to be in proper order; and

WHEREAS, the proper fees have been paid to the Township of Berlin,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the license be and is hereby granted. The Township Clerk is hereby authorized and directed to issue a license from January 1, 2024 and ending December 31, 2024.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-205. Resolution adopted by call of the roll, three members present voting in the affirmative.

**RESOLUTION 2023- 206 GRANTING ARCADE AMUSEMENT GAMES
LICENSES TO APX PARK GROUP LLC (SAHARA SAM'S OASIS WATER
PARK).**

WHEREAS, APX Park Group LLC has filed an application with the Township of Berlin, County of Camden, New Jersey, for an Amusement Games License for January 1, 2024 and expiring on December 31, 2024; and

**APX Park Group, LLC (Sahara Sam's Water Park) License # 36-2000-1-00004
(2023)
Arcade Tr. No 2395
535 Route 73 North West Berlin NJ 08091 Control No 00017**

WHEREAS, the application of the above named has been examined by the Mayor and Council and has been found to be in proper order; and

WHEREAS, the proper fees have been paid to the Township of Berlin,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the license be and is hereby granted. The Township Clerk is hereby authorized and directed to issue a license from January 1, 2024 and ending December 31, 2024.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-206. Resolution adopted by call of the roll, three members present voting in the affirmative.

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RESOLUTION 2023-207 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED OR MUNICIPAL LIEN TRANSFER ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.

To the Mayor and Council to the Township of Berlin:

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

WHEREAS, the Tax Collector has confirmed receipt of payment or transfer to an open municipal tax sale lien for the liens against the following properties representing maintenance work performed; the maintenance liens against the following properties have been discharged, as follows:

Special Charge #	Property:	Amount:	Date Transferred To Municipal Lien
PM23-005	334 Magnolia Avenue	\$ 850.00	7/11/2023

Submitted for
December 11, 2023 Meeting
Dana O'Hara, CTC - Tax Collector

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

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

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-207. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2023-208 APPROVING AND AUTHORIZING A DISCHARGE OF LIEN AS A RESULT OF PAYMENT SATISFIED ON REAL PROPERTY FOR NECESSARY MAINTENANCE WORK PERFORMED.

To the Mayor and Council to the Township of Berlin:

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

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

Special Charge #:	Property:	AMOUNT	DATE PAID
PM22-005	330 Larch Avenue	\$ 80.00	6/6/2023
PM22-006	343 Magnolia Avenue	\$ 315.00	8/29/2023
PM22-008	330 Larch Avenue	\$ 60.00	6/6/2023
PM23-001	26 Oak Court	\$ 676.25	8/31/2023
PM23-003	250 Fairview Avenue	\$ 75.00	7/5/2023
PM23-008	26 Oak Court	\$ 65.00	8/31/2023
PM23-009	26 Oak Court	\$ 1230.00	11/30/2023

Submitted for December 11, 2023 Meeting
Dana O’Hara, CTC - Tax Collector

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

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

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-208. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2023-209 RESOLUTION CONFIRMING OF OFFICIAL TAX SALE.

PURSUANT to New Jersey State Statute, N.J.S.A. 54:5-41 the following is a listing of the results of the official Berlin Township Tax Sale held on November 15, 2023 at 10:30 AM of that day in Berlin Township Court Room:

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<u>Property Description</u>	<u>Purchaser</u>	<u>%Bid/Premium Paid</u>	<u>Amount</u>
208-5 PRO CAP 8 FBO Firstrust Bank # 908		5%	\$ 179.58
613-5 PRO CAP 8 FBO Firstrust Bank # 908		1600.00	\$ 1663.92
804-9 PRO CAP 8 FBO Firstrust Bank # 908		1600.00	\$ 1171.58
1302-7 PRO CAP 8 FBO Firstrust Bank # 908		1000.00	\$ 667.35
1413-7 PRO CAP 8 FBO Firstrust Bank # 908		1400.00	\$ 1141.30
1814-7 PRO CAP 8 FBO Firstrust Bank # 908		200.00	\$ 6982.51
1815-2 PRO CAP 8 FBO Firstrust Bank # 908		1100.00	\$ 371.87
1409-9 LORAMARK CAPITAL, LLC # 918		900.00	\$ 261.64
1806-18 LORAMARK CAPITAL, LLC # 918		800.00	\$ 290.87
601-29 DSHC Enterprises, LLC # 927		7000.00	\$ 89.12
110-5 Christiana T c/f CE1 Firstrust # 998		2600.00	\$ 9775.43
213-5 Christiana T c/f CE1 Firstrust # 998		8000.00	\$ 2752.69
1002-1.02 C202 Christiana T c/f CE1 Firstrust # 998		8600.00	\$ 4492.56

TOTAL COLLECTED FOR DELINQUENT CHARGES - \$ 29,840.42

TOTAL PREMIUM COLLECTED - \$ 34,800.00

Submitted and Prepared by Dana OHara, CTC for the December 11, 2023 Meeting

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-209. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2023-210 PAYMENT OF BILLS FOR DECEMBER 2023.

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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:

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-210. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2023-211 RESOLUTION ACCEPTING CASH MAINTENANCE ESCROW IN LIEU OF A MAINTENANCE GAURANTEE AND AUTHORIZING THE MAYOR TO SIGN INDEMNIFICATION AGREEMENT BY AND BETWEEN THE TOWNSHIP OF BERLIN AND PETER J. HOVNANIAN.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor is hereby authorized to sign and execute the Indemnification Agreement by and between the Township of Berlin and Peter J. Hovnanian. (see attachments)

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-211. Resolution adopted by call of the roll, three members present voting in the affirmative.

RESOLUTION 2023-212 CHANGE ORDER NUMBER 1 FOR THE IMPROVEMENTS TO LESTER AVENUE STORM DRAINAGE PROJECT.

WHEREAS, it is necessary to make changes in the scope of the work for the Improvements to Lester Avenue Storm Drainage project in the Township of Berlin, Camden County, New Jersey; and

WHEREAS, the changes reflect an increase for the amendments to the storm piping, due to the conflict with the gas main along Lester Avenue, and related items and the extension of concrete curb along the frontage of #194 Lester Avenue; and

WHEREAS, the owner of #194 Lester Avenue has agreed to pay for one-half of the cost for the curb extension, and related improvements, up to a maximum of \$2,100.00; and

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WHEREAS, the total increase for the change in the scope of the work is \$13,061.00, a 7.42% increase in the contract amount, adjusting the contract amount to \$189,177.00; and

WHEREAS, the Township Chief Financial Officer has certified that a sufficient amount of funds has to be allocated for this change order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that Change Order No. 1 is hereby authorized and approval is hereby granted to amend the contract amount from \$176,116.00 to \$189,177.00.

Motion by Councilman Epifanio second by Councilman Reid to adopt resolution 2023-212. Resolution adopted by call of the roll, three members present voting in the affirmative.

Mercantile Approvals

1) Daniel Conti, Spacye Integrated LLC. 245 Old Egg Harbor Road, West Berlin NJ 08091. Manufacture Doors for Kitchen Cabinets.

2) Deryal Mustafa, BRT Naturals LLC, 409 Bloomfield Drive, Unit #1, West Berlin NJ 08091. Warehouse Storage of vegetable oils.

Motion by Councilman Epifanio second by Councilman Reid to approve the Mercantile above Mercantile approved by call of the roll, three members present voting in the affirmative.

Approval of Meeting Minutes from November 20, 2023

Motion by Councilman Reid, second by Councilman Epifanio to approve the Meeting Minutes for November 20, 2023. Motion carried by voice vote, three members present voting in the affirmative.

Consent Agenda for November 2023

Motion by Councilman Reid, second by Councilman Epifanio to approve the Consent Agenda for November 2023 Motion carried by voice vote, three members present voting in the affirmative.

Correspondence Calendar for November 2023

Motion by Councilman Reid, second by Councilman Epifanio to approve the Correspondence Calendar for November 2023. Motion carried by voice vote, all

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members present voting in the affirmative.

All Other Business

- 1) Berlin Township FREE Rabies Clinic will be held Saturday January 20, 2024 from 9:00 am to noon.**
- 2) Montebello Development food drive collection will be this Saturday and our final food drive collection with Shoprite will be Sunday December 17, 2023.**

Public Portion

Motion by Councilman Reid 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.

Montebello Resident on Genova Drive asked for clarification on resolution 2023-211. Township Solicitor, Stuart Platt responded that an agreement has been made for a cash maintenance escrow be in place instead of a maintenance bonds.

No more comments were to be heard.

Motion by Councilman Epifanio second by Councilman Reid 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 5:37 pm. Motion carried by voice vote, all members voting in the affirmative.

Meeting adjourned 5:37:pm

Catherine Underwood
Berlin Township RMC