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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.

Court Recorder was not working.

ROLL CALL

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

Also Present- Solicitor, Justin Strasser, CFO, Alex Davidson, Chief of Police, Louis Bordi, Township Engineer, Greg Fusco, Property Maintenance / Animal Control, Josh Shellenberger.

Absent -

DEPARTMENTAL REPORTS

Engineers report is located in the back of the minutes

Proclamation: Parkinson Awareness Month

WHEREAS, Parkinson's disease is a chronic, progressive, neurological disease and is the second most common neurodegenerative disease in the United States;

WHEREAS, Parkinson's disease is estimated to affect approximately one million people in the United States and the prevalence will rise to 1.2 million by 2030;

WHEREAS, 90,000 new people are diagnosed each year in the United States with Parkinson's disease;

WHEREAS, Parkinson's disease is the 14th leading cause of death in the United States according to the Centers for Disease Control and Prevention;

WHEREAS, it is estimated that the economic burden of Parkinson's disease is at least \$52 billion annually, including direct and indirect costs, including treatment, social security payments and lost income, to patients and family members;

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WHEREAS, research suggests the cause of Parkinson’s disease is a combination of genetic and environmental factors, but the exact cause and progression of the disease is still unknown;

WHEREAS, there is no objective test or biomarker for Parkinson’s disease, and there is no cure or drug to slow or halt the progression of the disease;

WHEREAS, the symptoms of Parkinson’s disease vary from person to person and can include tremors; slowness of movement and rigidity; difficulty with balance, swallowing, chewing, and speaking; cognitive impairment and dementia; mood disorders; and a variety of other non-motor symptoms;

WHEREAS, volunteers, researchers, caregivers, and medical professionals are working to improve the quality of life of persons living with Parkinson’s disease and their families;

WHEREAS, increased research, education, and community support services such as those provided by the Parkinson’s Foundation and other organizations are needed to find more effective treatments and to provide access to quality care to those living with the disease today;

NOW, THEREFORE, I, PHYLLIS MAGAZZU, Mayor Berlin Township, in the State of New Jersey, do hereby proclaim the month of April in twenty twenty-four as PARKINSON'S AWARENESS MONTH in Berlin Township and encourage all residents to join in this observance.

WITNESS WHEREOF, I have hereunto set my hand and cause the seal of Berlin Township to be affixed this 22nd day of April, 2024.

Township resident thanked the Mayor and Council for recognizing the month of April as Parkinson Awareness Month

SECOND READING AND PUBLIC HEARING ORDINANCE 2024-3 AMENDING CHAPTER 340 ENTITLED ZONING, TO REPLACE ARTICLE XVIII IN ITS ENTIRETY TO REMOVE THE “SINGLE -FAMILY RESIDENTIAL OVERLAY ZONE R-4”, TO CREATE AND ADD THE “R-4 MIXED RESIDENTIAL ZONE”, AND TO ADD PARTICULAR LOTS TO THE NEW R-4 ZONE AS RECOMMENDED IN THE BERLIN TOWNSHIP MASTER PLAN REEXAMINATION AND AMENDMENT ADOPTED BY THE PLANNING BOARD ON OCTOBER 24, 2023.

WHEREAS, the Township of Berlin strives to adopt and implement land use regulations that advance the Township’s policies, goals, and objectives as set forth in the Master Plan and Master Plan Reexamination reports; and

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WHEREAS, the Berlin Township Planning Board prepared and adopted a Master Plan Reexamination and Amendment which was adopted by Resolution 2023-19 at a public meeting on October 24, 2023; and

WHEREAS, past Master Plan Reexamination Reports had recommended that the zoning in the area around the intersection of Cooper Road and Taunton Avenue be reviewed; and

WHEREAS, the 2023 Master Plan Amendment recommends the deletion of the “R-4 Single Family Residential Overlay Zone” that currently applies to four lots (lots 1, 2, and 3 in block 2103 and lot 1 in block 2202) and the creation of a new R-4 Mixed Residential Zone that will be a base zone and that will apply to the four referenced lots and an expanded area to enable comprehensive planning for the area; and

WHEREAS, the new R-4 Mixed Residential Zoning District will apply to the following lots¹ and will replace the I-1 Light Industrial Zoning District for the listed lots:

R-4 Residential District	
Block	Lot
1909	1
2202	1
2202	2
2202	2.01
2202	2.02
2103	1
2103	2
2103	3
2404	42
2404	43

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Council of the Township of Berlin, County of Camden, State of New Jersey that the following sections of the Township Code shall be amended as follows:

Section I. Amend the Berlin Township Zoning Map to rezone the following lots from the I-1 Light Industrial Zone/ R-4 Single Family Overlay to the R-4 Mixed Residential Zoning District:

New R-4 Zone	
Block	Lot

¹ Note that at the time of the adoption of the Master Plan Reexamination and Amendment in October 2023, there was an error on sheet 24 of the Berlin Township Tax Map. At that time lot 42 in block 2402 was incorrectly shown as lot 43 and lot 43 in block 2404 was incorrectly shown as lot 44. The list of lots to be rezoned includes the correct lot numbers, with the understanding that the tax map is being corrected.

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1909	1
2202	1
2202	2
2202	2.01
2202	2.02
2103	1
2103	2
2103	3
2404	42
2404	43

Section II. Replace Article XVIII in its entirety with the R-4 Mixed Residential Zoning District as follows

340-115 Designation of Area and Purpose. The R-4 residential zoning designation applies to block 2103 lots 1, 2, and 3; block 2201 lots 1, 2, 2.01, 2.02; block 1909 lot 1; and block 2404 lots 42 and 43. The purpose of the R-4 zoning district is to provide opportunities for a variety of residential neighborhoods and housing types in a compact format, while also preserving and protecting sensitive wetland and buffer areas, environmental features and passive recreation areas. The R-4 district permits flexibility in lot sizes and arrangements in order to enable the development of housing that is responsive to the needs of the community and in harmony with surrounding uses and features. All residential development in the R-4 zone must connect to the public water and sanitary sewer systems.

- 340-116 Principal Permitted Use of Land and Buildings
- A. Single Family Detached Dwelling Units
 - B. Single Family Attached Dwelling Units (Townhouse Dwelling Units)
 - C. Municipal Use
 - D. Open Space and Outdoor Recreation

- 340-117 Permitted Accessory Uses and Structures
- A. Common recreation facilities for the use and enjoyment of residents and their guests.
 - B. Community center for the use of residents and their guests.
 - C. Stormwater management structures and facilities including green infrastructure.
 - D. Minor home occupations in accordance with the requirements of 340-4.

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- E. Private residential sheds for storage and other customary detached residential accessory structures such as gazebos or cabanas. Only one such structure is permitted on each lot.
- F. Off Street Parking
- G. Fences and walls in accordance with the requirements of this article and section 340-18.
- H. Signs in accordance with the requirements of this article and article XIII.
- I. Electric Vehicle Charging and Service Equipment
- J. Temporary construction, sales, and leasing trailers not to exceed 1,440 square feet, set back a minimum of 50 feet from perimeter property lines and shown on an approved site plan.

340-118 Density, Area, Yard, and Site Requirements

- A. Tract and Density Requirements.
 - 1) The minimum contiguous tract area shall be 20 acres.
 - 2) Maximum permitted gross density is 2 units per acre for tracts of 120 acres or less.
 - 3) Maximum permitted gross density is 2.25 units per acre for tracts of 120 acres or more. Under this subsection, tracts of land may be non-contiguous (provided that the minimum contiguous tract area is 20 acres), but must be reviewed and approved as an overall comprehensive plan and development proposal. Construction of the development may be phased.
 - 4) The minimum tract frontage on an arterial road shall be 500 feet
- B. Ratio of dwelling types. A minimum of 60% of the total number of dwelling units shall be single family detached residential units.
- C. The maximum impervious surface coverage for the entirety of the tract is 35%
- D. A minimum of 45% of the overall tract shall open space. A maximum of 30% of the open space area may be used for stormwater management. A minimum of 7% of the open space area shall be usable (upland) area suitable for active recreation use.
- E. No single family detached residential or townhouse residential lot shall contain restricted lands such as wetlands, wetland buffers, flood plains, or stormwater basins. Green infrastructure such as rain gardens, rain barrels, or drywells may be on individual lots with a point-of-sale disclosure to the buyer that includes maintenance obligations.

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- F. No single family or townhouse lot shall have direct access from any arterial or collector road (Cooper Road and Taunton Avenue)
- G. Minimum tract perimeter buffer is 50 feet. Perimeter buffers shall not be located on any single family or townhouse lot. No stormwater facilities, parking, or accessory structures shall be permitted within the perimeter buffer area.
- H. Minimum building setback to existing developed commercial lots is 150 feet.
- I. Recreation facilities shall be provided to benefit the residents of the community. On-site recreational facilities shall be owned and maintained by a Homeowners Association.
 - 1) A minimum of one playground shall be provided for each contiguous development area, on a usable area of at least 10,000 square feet. Playground areas shall include play equipment, street furniture, shade structures, walkways, trees, and landscaping.
 - 2) A minimum of one dog park area shall be provided for each contiguous development area, consisting of at least 5,000 square feet surrounded by a 6 foot high decorative transparent fence, and set back a minimum of 50 feet from the nearest residential structure.
 - 3) A multi-use recreational trail shall be considered that would provide the connection intended on Figure 20 in the Camden County Bicycling & Multi-Use Trails Plan (2015). The trail location may be dictated by wetland and buffer constraints. If needed the trail may be provided parallel to the roadways.
 - a) Alternatively, if approved by the Planning Board, the applicant may provide a monetary contribution in lieu of constructing the trail together with a pedestrian access and trail construction easement for future construction of the trail. The contribution to the Township recreation fund would be used in the future to construct a trail within the easement, to connect to trails on adjacent properties.
 - 4) A ball field or multi-purpose field, or a cash contribution the Township recreation fund for expansion or improvement of existing recreational facilities shall be provided for any development of 100 units or more.
- J. Subdivision of lots for permitted uses and community accessory uses is permitted.
- K. Area, Bulk, Yard Requirements for Fee Simple Lots

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Requirement	Single Family Detached Lots	Townhouse Lots
Minimum Lot Area	6,900 square feet	1,800 square feet
Minimum Lot frontage	60 feet ²	20 feet inside lot 30 feet end lot
Minimum side yard	5 feet one side 15 feet aggregate	0 feet inside 10 feet end lot
Minimum front yard setback ³	20 feet	20 feet
Minimum rear yard setback	25 feet	20 feet
Maximum building coverage per lot	35%	60%
Maximum impervious coverage per lot	60%	80%
Minimum distance between buildings	15 feet	20 feet
Maximum height	35 feet	40 feet/ three stories
Accessory Structure Setbacks	5 feet from side and rear. Not permitted in front yard	10 feet from rear for deck
Accessory Structures	Maximum height 15 feet	Maximum height 15 feet

340-119 Standards for Single Family Residential Lots

- A. All single-family houses must have a covered porch or stoop a minimum of 24 square feet in area and 6 feet in depth. The front porch may encroach up to 8 feet into the primary front yard area.
- B. Any street facing building façade must contain at least three windows and must have façade treatment and materials consistent with the principal façade.

² Lots on a cul-de-sac may have a minimum of 35 feet of frontage, but must have 60 feet of width at the building setback.

³ Front yards are measured from each street frontage.

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- C. Garages intended to be counted toward residential parking requirements must be sufficiently sized to store trash and recycling containers and equipment such as bicycles, in addition to vehicles.
- D. Each lot must contain landscaping along the building frontages.
- E. Driveways must be setback a minimum of 5 feet from side property lines.

340-120 Standards for Townhouse Residential

- A. Front porches, stoops, landings, and steps may encroach up to 8 feet into the primary front yard.
- B. Maximum number of townhouse units per building is 8.
- C. The front building wall of every two townhouse units shall be off set a minimum of two feet.
- D. Garages intended to be counted toward residential parking requirements must be sufficiently sized to store trash and recycling containers and equipment such as bicycles, in addition to vehicles.
- E. Fences throughout the development must be of a consistent style, color, and material. A detail shall be provided at the time of approval and shall be made part of homeowner association documents.

340-120.1 Landscape Buffers

- A. Landscape buffers are required to minimize and visually screen any adverse impacts or potential nuisances on a site from any adjacent area.
- B. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if appropriate fences or walls in sufficient quantities and sizes to perform their necessary screening function.
- C. Landscape buffers a minimum of 25 feet in width shall be planted within perimeter buffer areas. Existing trees shall be retained to the greatest extent possible and shall be supplemented as needed to achieve the intended buffer effect.
- D. Minimum buffer distance to adjacent developed commercial uses is 100 feet. This buffer shall not be located on any single family or townhouse lot. No stormwater facilities, parking, or accessory structures shall be permitted within the buffer area. Landscape buffers a minimum of 50 feet in width shall be planted within the minimum 100 foot buffer to adjacent developed commercial uses.
- E. For every 100 linear feet of buffer area the landscaping shall include 5 large or medium trees, 8 small or ornamental trees, 15 evergreen or conifer trees, and 30 shrubs. At least 75% of landscape materials shall be native plants.

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Existing vegetation may substitute for all or a portion of the required buffer plantings at the discretion of the reviewing Board.

340-120.2 Architectural and Site Design Standards

- A. Representative architectural elevations showing all four sides of proposed buildings shall be provided with dimensions, materials, and colors identified.
- B. Architectural style shall be consistent throughout the development, with a minimum of four models with additional façade variations offered within the development.
- C. Façade materials shall include masonry (such as brick or stone), fiber cement, and/or vinyl siding. Horizontal siding and vertical siding are permitted, both should not be included on a single building.
- D. Front doors shall face toward the street and shall include a covered porch area.
- E. The exterior appearance of accessory structures must be compatible with the façade of the principal building.
- F. Sidewalks shall be provided along all street frontages, separated from the street by a park strip a minimum of 3 feet wide.
- G. Street trees shall be planted on the residential lots, setback a minimum of 3 feet from the sidewalk, within a 5-foot-wide street tree easement
- H. Streets serving detached single family residential developments that intersect with arterial roadways shall include center landscaped islands a minimum of 100 feet long.
- I. All common areas must have at least one street frontage (on the right-of-way) a minimum of 60 feet in width, excluding stormwater management areas which must at a minimum have an easement for access.

340-120.3 R-4 District Application Requirements

- A. All applications for development must be accompanied by a report that evaluates the need for improvements to the Montebello sanitary sewer pumping station required to support the build out of the R-4 zoning district, and a plan to implement the necessary improvements.
- B. All applications for development must be accompanied by a report that evaluates the capacity of the water distribution system and adequacy of the current water allocation to accommodate the buildout of the R-4 zoning district and address any necessary improvements or anticipated shortfall.

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- C. All applications for development must be accompanied by a traffic impact study that considers the build out of the R-4 district and the impacts of the development on the signalized and unsignalized intersections.
- D. Applications for development of the R-4 district south of Taunton Avenue must be accompanied either by: (i) a plan to clean and de-snag the Kettle Run Tributary within the property and along the property boundary to ensure free flow of the stream; or (ii) a Woodland Management of Forest Stewardship Plan that is applicable to the property, prepared in accordance with N.J.A.C. 18:15-2.10, et seq., and establishes an appropriate plan and schedule for the cleaning and de-snagging of impacted portions of the Kettle Run Tributary within the property and along the property boundary to ensure free flow of the stream.

SECTION 3. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

BE IT FURTHER ORDAINED that if any section, subsection, paragraph, sentence or other party of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED this Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

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 2024-3

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 2024-3

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Motion by Councilman Epifanio seconded by Councilman Reid to adopt Ordinance 2024-3. Ordinance approved by call of the roll, all members present voting in the affirmative.

**SECOND READING AND PUBLIC HEARING ORDINANCE 2024-5 AN
ORDINANCE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW
JERSEY, APPROPRIATING \$200,000 FOR THE ACQUISITION AND
UPFITTING OF VARIOUS POLICE VEHICLES.**

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 \$200,000 from the General Capital Improvement Fund for the acquisition of vehicles and various pieces of capital: (i) \$200,000 for the acquisition of police vehicles and equipment including but not limited to patrol vehicles and vehicle upfits 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 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 2024-5

No comments were to be heard.

Motion by Council President Bodanza 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 2024-5

Motion by Councilman Reid seconded by Council President Bodanza to adopt Ordinance 2024-5. Ordinance approved by call of the roll, all members present voting in the affirmative.

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**FIRST READING ORDINANCE 2024-6 OF THE TOWNSHIP OF BERLIN,
COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REPEALING AND
REPLACING CHAPTER 40 OF THE CODE OF THE TOWNSHIP OF BERLIN
ENTITLED "POLICE DEPARTMENT"**

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

WHEREAS, Chapter 40 of the Code of the Township of Berlin entitled, "Police Department" establishes the composition, chain of command, appointment and qualification, general powers and duties and other aspects of the Berlin Township Police Department; and

WHEREAS, it has been determined by the Mayor and Township Council that amendments to Chapter 40 are necessary to enhance the public safety and promote the general welfare and to make the Police Department more efficient and better able to deliver services to the Township and its residents; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is 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: Chapter 40 of the Code of the Township of Berlin entitled "Police Department" is hereby repealed in its entirety and replaced with a new Chapter 40 to read as follows:

"CHAPTER 1

ESTABLISHMENT; MISSION AND PURPOSE

1:1 There is hereby established a Police Department in the Township of Berlin, County of Camden and State of New Jersey, pursuant to the provisions of N.J.S.A. 40A:14-118 et seq. These Rules and Regulations ratify the existence and operation of the police department, which has historically operated within and served the Township of Berlin.

1:2 The mission and purpose of said police department is generally three-fold: to preserve life and property; to provide a general police service for the residents of the Township of Berlin; to enforce federal, state, county and municipal laws, statutes and ordinances; and as hereinafter may be more expressly defined.

CHAPTER 2

COMPOSITION, JURISDICTION

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2:1 The Department: Said police department shall consist of Appropriate Authority, Chief of Police, Executive Assistant to the Chief of Police, Captain, Lieutenant, Sergeant, Detective, Patrol Officer, Special Officer, and civilian employees as deemed necessary and appropriate by the Appropriate Authority in their discretion and judgment, with their approval, and as provided by ordinance.

2:2 Jurisdiction: Said police department shall come under the jurisdiction of the Appropriate Authority, which position is established pursuant to N.J.S.A 40A:14-118. Said Appropriate Authority within the Township of Berlin is appointed annually by the Mayor and Township Council.

CHAPTER 3

POLICE DEPARTMENT RULES AND REGULATIONS

AND POLICE MANUAL

3:1 The Appropriate Authority pursuant to N.J.S.A. 40A:14-118 is hereby authorized to update, adopt and promulgate rules and regulations for the governing of the Police Department and for the discipline of its members with a view to making the Police Department and all members thereof efficient, vigilant and effective in the service of the Township of Berlin. Said rules and regulations will be in electronic form and shall be called the "Rules and Regulations of the Police Department for the Township of Berlin" (commonly referred to as the Code of Conduct) and shall govern the conduct of and be binding upon the entire membership of said Police Department, including the Chief and all subordinates. Said Rules and Regulations shall provide for penalties and forfeitures for violations thereof.

3:2 These Rules and Regulations shall be distributed as follows: A copy will be issued to and signed for by each employee of the Police Department for the Township of Berlin utilizing an electronic format; currently Power DMS.

3:3 Each police officer and each civilian employee is duty-bound to thoroughly familiarize himself/herself with the provisions of the Rules and Regulations, and the provisions of the Berlin Township Police Ordinances, which are adopted by reference hereto. Failure to comply shall be considered neglect of duty.

3:4 In the event neglect of duty is charged against a member for failure to observe the rules and regulations or Departmental procedures or orders, ignorance of any provision of this manual or the Township Ordinances will not be accepted as an excuse.

3:5 The Official Police Logo heretofore utilized by the Police Department of the Township of Berlin is hereby recognized. The unauthorized display, use, sale or copying of this patch/badge without the express written approval of the Chief of Police is hereby prohibited.

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3:6 The Mayor who is the Director of Public Safety in Berlin Township, a municipality operating under the Faulker Act, shall have confidential access to live video from various security cameras which reproduce in real time the main hallway of the Police Department, in addition to the outside of the Municipal Building and the other hallways within the Municipal Building, as has previously been the case. There shall be no audio access for any Police Department video, nor shall there be any audio or video access to any Police Department interrogation area, interview area, evidence area, jail cells or any other such location where there is recorded interviews of witnesses or suspects, internal affairs investigations or interviews with confidential informants. The purpose of this limited confidential video access is to allow the Director of Public Safety to conduct administrative oversight over the Police Department pursuant to Chapter 14, Title 40A of the Revised Statutes of the State of New Jersey and Chapter 40 of the Code of the Township of Berlin, as amended and supplemented.

CHAPTER 4

BERLIN TOWNSHIP POLICE ORDINANCE

CHAPTER 40 OF THE CODE OF BERLIN TOWNSHIP

ENTITLED POLICE DEPARTMENT²

Be it ordained by the Mayor and Council of the Township of Berlin, Camden County, New Jersey, as follows:

Section 1, Chapter 40 of the Code of Berlin Township is hereby deleted in its entirety and replaced as follows:

40-1 ESTABLISHMENT; MISSION AND PURPOSE

A. There is hereby established a Police Department in the Township of Berlin, County of Camden and State of New Jersey, pursuant to the provisions of N.J.S.A. 40A:14-118, et seq. This ordinance is intended to ratify the existence and operation of the police department which has historically operated within and served the Township of Berlin and at the same time satisfy the statutory requirements of the legislation amended in 2010 and 2011 respectively.

B. The mission and purpose of said police department is generally three-fold; to preserve life and property; to provide a general police service for the residents of the Township of Berlin, Camden County, State of New Jersey; to enforce federal, state, county and municipal laws, statutes and ordinances; and as hereinafter may be more expressly defined.

C. The normal working hours of employment for the uniformed members and other officers of the Berlin Township Police Department shall not exceed twelve (12) continuous hours in any one day, unless approved by the Chief of Police or their designee.

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40-2 COMPOSITION; LINE OF AUTHORITY; JURISDICTION

A. Government and Composition of the Police Department: The police department will be governed by the Township Council and shall consist of an Appropriate Authority, Chief of Police, Executive Assistant to the Chief of Police, Captain, Lieutenant, Sergeant, Detective, Patrol Officer, Special Police Officer, and civilian employees as deemed necessary and appropriate by the Appropriate Authority in his/her discretion and judgment, with the approval of the Mayor and Township Council. The express purpose for naming these offices is to establish a statutory line of authority from all police employees to higher elected authority. Whenever any office is left vacant, due to the absence of a qualified candidate, it will be deemed not to exist and will be bypassed in the chain of command. No person may be promoted or appointed to a position in the Township of Berlin Police Department until they have satisfied all statutory requirements and have complied with the selection process and standards established by this ordinance and the rules and regulations adopted by the Appropriate Authority to govern the police department.

B. Authority and Responsibilities:

(1) Chief of Police: The Chief of Police shall be the head of the department and shall be directly responsible to the Appropriate Authority for the conduct, efficiency, and management of the department, and pursuant to policies established by the Appropriate Authority, shall:

(A) Be the Chief Executive Officer of the police force;

(B) Organize and control all resources of the department and be responsible for their care and safekeeping;

(C) Administer and enforce rules and regulations for the control, disposition and discipline of the Department, and of its officers and employees. Also, recommend to the Appropriate Authority changes to said rules and regulations;

(D) Implement the procedures for the hearing and determination of charges alleging violation of department rules and regulations by any subordinate member of the police force; provided that a member may be penalized only on written charges made or preferred against him or her, after such charges have been examined, investigated and heard by the proper hearing authority, upon such reasonable notice to the member charged, and according to such practice, procedure and manner as may be prescribed by rules and regulations of the Department. Said written charges shall contain a request for penalization by the applicable staff officer. If the Chief of Police is the officer charged with a violation of departmental rules and regulations and is to be removed from service, demoted in rank or suspended, fined, or otherwise penalized, the appeal and hearing must be under the jurisdiction of the Appropriate Authority;

(E) Have, exercise, and discharge any functions, powers, and duties of the department;

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(F) Prescribe the internal organization of the Department and the duties of his subordinates and assistants, pursuant to Township ordinance and policies established by the Appropriate Authority;

(G) The Chief of Police shall make periodic unannounced and unexpected inspections of police headquarters and patrols at various and diverse times during the day and night;

(H) Delegate such of his or her powers as he or she may deem necessary for the efficient administration of the Department to be exercised under his direction and supervision and shall hold supervisors responsible for effective performance of their duties;

(I) Report, as required monthly, on the work of the Department to the Appropriate Authority in the format prescribed by the Appropriate Authority to include the following:

The Chief of Police shall prepare a monthly report to the Public Safety Director which shall include:

- 1) Departmental Performance.
- 2) Police related training.
- 3) Highlights of the prior month's calls and incidents.
- 4) Upcoming events that may be of interest to the Township Council and the public.

(J) In case of riot, insurrection or threat thereof, he or she shall take command of the police department in person and direct their movements and operations in discharge of their respective duties;

(K) He or she shall be responsible for the maintenance of all daily police records in which each member shall record his name, rank and time of reporting and leaving duty, complaints, and matters pertaining to the police department;

(L) Administer personnel and financial policies in conformance with the Ordinances of the Township of Berlin and the laws of the State of New Jersey, and shall:

- 1) Cause examination to determine the qualifications of persons applying for positions;
- 2) Recommend promotions, demotions, releases or other disciplinary measures to the Appropriate Authority subject to the Ordinances of the Township of Berlin and the laws of the State of New Jersey;
- 3) Administer personnel rating programs;
- 4) Require that all personnel be trained and approve training programs;

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5) Grant temporary leaves of absence to members of the department with approval of the Mayor and Council;

6) Submit the annual budget and proposed expenditure programs to the Mayor or other appropriately designated officials;

7) Approve payment from allotted funds for operating expenses and capital expenditures;

(M) Graphic Table of Organization: A graphic table of organization (T.O.), shall be maintained by the Chief of Police to show the following:

1) The Berlin Township Police Department operational structure.

2) The Berlin Township Police Department personnel structure.

The express function of each position will be as defined by this ordinance and within the Rules and Regulations of the Berlin Township Police Department promulgated by the Appropriate Authority but is not necessarily limited to the same.

(N) In accordance with N.J.S.A. 40A:14-118, the Chief of Police shall be responsible to the Appropriate Authority for the performance of the Chief's duties. As such, the Chief of Police shall be considered a subordinate in relation to the Appropriate Authority and shall be duty-bound to obey any otherwise lawful direct orders or policies of the Appropriate Authority in the discharge of his or her duties. As such, the Appropriate Authority may issue such orders directing the day-to-day performance of the Police Chief's duties in any manner and to any degree not directly prohibited by law, specifically including N.J.S.A. 40A:14-118 and case law thereunder, as applicable.

(2) Executive Assistant: This is an administrative position and the Executive Assistant is a "Confidential Employee" with the following duties: The Executive Assistant provides executive support services such as, data processing, accounting, purchasing, personnel and scheduling consistent with organizational need. This is an administrative position, which falls outside of any union representation or bargaining unit. Additionally, the following duties are assigned, but the position is not necessarily limited to same:

(A) Edits detailed correspondence containing factual content that may also convey management opinion concerning personnel and related matters and programs.

(B) Keeps currently informed of new and revised personnel policy statements, regulations, directives, and other communications received from the Township, and develops plans and procedures for implementation of such communications.

(C) Assists in writing procedural instructions for use in personnel manuals, bulletins, and management directives.

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(D) Collects data for and assists in preparation of executive reports in support of department activities.

(E) Collects data for and assists in preparation of executive aspects of the annual budget request.

(F) Expedites services such as maintenance, repairs, supplies and mail.

(G) Grant development, application and management.

(H) Assists with coordination of office operations including clerical work, internal reporting systems, forms, space and office equipment, and suggests methods for office improvements.

(I) Plans, schedules, and/or attends meetings and conferences, and prepares reports thereon.

(J) Directs the establishment and/or maintenance of records and files required for effective personnel and executive operations resulting in efficient data retrieval.

(K) Maintains and organizes executive administrative police records consistent with approved record retention procedures and schedules.

(L) Performs alternative responsibilities of Executive Assistant assigned to the Chief of Police.

(M) Reviews and/or prepares routine correspondence.

(N) Will be required to learn to utilize various types of electronic and/or manual recording and information systems used by the agency, office or related units.

(O) Proficiency in various computer programs, included but not limited to Microsoft Word, Excel, Access, etc.

(P) Maintain confidential files including but not limited to personnel, medical, disciplinary, firearms and expungement.

(Q) Develop forms, policies and procedures necessary for the implementation and maintenance of an Integrated System of Personnel Management.

(3) Police Captain: In the absence of a Chief of Police the Captain will serve as the Chief Executive Officer of the department. The Captain holds an administrative position falling directly under the supervision of the Chief of Police. The Captain shall be responsible for carrying out the orders of the Chief of Police in regards to the general administrative operation and efficiency of the Police Department. The Captain shall perform such other duties as directed by the Chief of Police. He/She shall assist the Chief of Police in formulating and implementing policy, regulations, goals and objectives of the Police Department: and is further assigned the following responsibilities:

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(A) Community Services – Community Services directs its efforts toward reducing criminal opportunity through educational programming and crime prevention activities. Crime prevention programming is provided to both the residential and the business communities.

(B) Training and Licensing – responsible for ensuring compliance with all regulatory and statutory training and licensing requirements in addition to those requirements set forth by the New Jersey Attorney General’s Office, the Camden County Prosecutor’s Office, the Berlin Township Police Department, and other relevant entities with controlling authority.

(C) Accreditation Manager - the primary duties of this position include reviewing, editing, amending and/or developing agency written directives (rules and regulations, policies, and procedures, etc.) to comply with certification/accreditation standards. The Accreditation Manager is responsible for ensuring that the agency is properly and adequately prepared to demonstrate its compliance documentation during the on-site assessment process.

(D) To coordinate Departmental and all interagency activities relevant to major or priority criminal investigations, at the discretion of the Chief of Police.

(E) School Resource Officer - responsible for the Township wide school resource officer program and associated Special Officer Class III officers assigned.

(4) Police Lieutenant: The Lieutenant shall be responsible for carrying out the orders of the Chief of Police in regards to the general operational efficiency of the Police Department. The Lieutenant shall perform such other duties as directed by the Chief of Police. The Lieutenant is further assigned the following responsibilities:

(A) Supervision - may serve as the overnight Watch Commander, for their respected platoons, and supervise the activities of their subordinates, making corrections where necessary and commending where appropriate.

(B) Leadership - Provide on-the-job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.

(C) Direction - Exercise direct command, when necessary, in a manner that assures the good order, conduct, discipline, and efficiency of subordinates. Exercise of command may extend to subordinates outside their usual sphere of supervision if the police objective or reputation of the department so requires, or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a supervisor requires a subordinate other than his or her own to leave a regular assignment, the supervisor so directing will inform the subordinate's own supervisor as soon as possible.

(D) Enforcement of Rules - Enforcement of Department rules and regulations and requiring compliance with Department policies and procedures.

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(E) Inspection of activities, personnel, and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.

(F) Assisting Subordinates - Having a working knowledge of the duties and responsibilities of his or her subordinates. Observing contacts made with the public by his or her subordinates and being available for assistance or instruction as may be required. He or she shall respond to calls of serious emergencies, crimes in progress, assaults, and other serious matters. He or she should observe the conduct of the assigned personnel and take active charge when necessary.

(G) To conduct periodic inspections of the Department, as prescribed by the Chief of Police.

(H) To conduct an annual inspection of the Department, as prescribed by the Chief of Police.

(I) To execute all appropriate performance evaluations.

(5) Police Sergeant: The Sergeants, during their tours of duty, exercise the same authority and have the same responsibilities as their Lieutenant if assigned as the watch commander subject to the Lieutenant's authority. In addition to the general and individual responsibilities of all members and employees, the Sergeant shall perform such other duties as directed by the Chief of Police. The Sergeants are specifically responsible for the following:

(A) Command - The direction and control of personnel under his or her command to assure the proper performance of duties and adherence to established rules, regulations, policies, and procedures. He or she shall provide for continuation of command and supervision.

(B) Good Order - The general good order of his or her command during his or her tour of duty includes proper discipline, conduct, welfare, field training, and efficiency.

(C) Loyalty and Esprit de Corps - The development and maintenance of esprit de corps and loyalty to the Department.

(D) Discipline and Morale - The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.

(E) Organization and Assignment - Organization and assignment of duties within his or her unit to assure proper performance of Department functions and those of his or her command.

(F) Reports and Records - Preparation of required correspondence, reports, and maintenance of records relating to the activities of his or her command. Assurance that information is communicated up and down the chain of command, as required.

(G) Reporting as required by the Chief of Police.

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(H) Maintenance Assurance that quarters, equipment, supplies and material assigned to his or her command are correctly used and maintained.

(I) Other such supervisory duties as may be assigned from time to time

(J) To execute all appropriate (echelon) performance evaluations

(6) Detective: Detective duties shall be carried out as assigned by the Chief of Police, with emphasis in such investigative assignments in the specialized areas as follows:

(A) Initial and follow-up investigations of serious crimes, vice crimes and other investigations specifically assigned by the Chief of Police.

(B) Preparation of cases for prosecution.

(C) Recovery of stolen property.

(D) Performance of all identification functions.

(E) Prevention and control of juvenile delinquency.

(F) Processing of juvenile offenders.

(G) Maintaining liaison with the juvenile courts.

(H) Crime prevention.

(I) Evidence storage and control.

(7) Patrol Officers: Patrol Officers are responsible for performing a variety of duties related to the protection of life and property, enforcement of criminal and traffic laws, prevention of crime, preservation of the public peace, and the apprehension of criminals. In addition to these and the general and individual responsibilities of all members and employees, patrol officers are specifically responsible the duties set forth in the Written Directive for the following:

(A) Police Mission - A patrol officer is responsible for the accomplishment of the police mission on their patrol. They shall constantly be alert for violations of the laws and ordinances and shall make every effort to prevent breaches of the peace and offenses against persons and property. They shall be held accountable for crime, accidents, disorders, and other criminal conditions on his or her patrol beat or post.

(B) Reporting for Duty – He or she shall report promptly at the designated hour and place, in proper uniform for assignment and inspection. He or she shall listen attentively to orders and instructions of his or her superior officers and read such materials as are made available to him

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or her. He or she shall make written memoranda of such information as necessary and shall immediately proceed to his or her post or beat upon completion of these tasks.

(C) Familiarization with Patrol - A patrol officer shall thoroughly familiarize themselves with the Township. He or she shall be familiar with all public businesses, offices, and their entrances, exits, skylights, fire escapes, and other possible means of escape. While making security checks of doors, he or she shall familiarize himself or herself with the location of safes and night lights. Changes in night lights will be particularly noted.

(D) Method of Patrol - During a tour of duty, the Police Officer shall continuously patrol every part of his or her assigned area giving attention to and frequently rechecking locations where the crime hazard is great. As far as possible, he or she shall not patrol his or her assigned area according to any fixed route or schedule but shall alternate frequently and backtrack in order to be at the location least expected.

(E) Unlocked Buildings

1) When a door or window is found open under suspicious or unusual circumstances on any tour of duty, a patrol officer shall make a thorough investigation and determine, if possible, whether a burglary or other crime has been committed and whether the door or window can be secured. He or she shall, if necessary, summon assistance to examine the premises and to secure such doors and windows. He or she shall notify his or her shift commander and the property owner.

2) Under circumstances indicating that an intruder is still inside a building, the officer discovering same should immediately summon assistance and then stand guard. When the assistance arrives, he or she may enter and search the building.

(F) Field Interviews - When the occasion demands it, the patrol officers shall courteously, but firmly, question persons on the public streets as to their names, addresses, reason for being on the street, and other matters relating to the circumstances. In all cases, good judgment, probable cause, and discretion shall be used in making a decision to arrest.

(G) Traffic Law Enforcement - Police officers are charged with the enforcement of all provisions of local and state traffic codes. Failure to take appropriate action in traffic violation cases is considered neglect of duty.

(H) Complaint Action - A police officer shall carefully investigate all complaints on or near his or her patrol which are assigned to them, or which are brought to their attention by citizens. They shall take suitable action in those cases which come under his or her jurisdiction and inform interested parties of the laws or ordinances relative to the particular complaint or incident. If the legal remedy of the complaint lies outside the jurisdiction of the police department, he or she shall advise the complainant accordingly and refer them to the proper authority.

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(I) Preliminary Investigations - At the scenes of major crimes, subject to direction from higher authority, the first officer at the scene, after it has been established that the perpetrator is no longer present, will begin the preliminary investigation (except in the case of homicide or apparent homicide; in those instances, the Chief of Police will be called to the scene immediately). In all instances, members not assigned will not enter the premises or do any other thing that might interfere with the investigation or destroy evidence. In cases of homicide, the first duty of the police officer is to guard the scene, exclude all unauthorized persons, and detain all witnesses for interrogation.

(J) Radio Failure - Patrol officers shall pay strict attention to all regular radio transmissions. When they fail to hear any radio transmissions or time signals for a period not to exceed 15 minutes, they shall immediately call the dispatcher for a special test. If he or she fails to receive an acknowledgment, they shall immediately contact the dispatcher or commander. In case of radio trouble, the officer shall notify his or her shift commander and/or dispatcher of the nature of the trouble.

(K) Police officers will be further responsible for daily performance standards and such other duties as defined by General Orders.

(8) Civilian Employees

Civilian employees shall:

- (A) Take appropriate action to perform the duties of their positions promptly, faithfully and diligently.
- (B) Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the department.
- (C) Be accountable and responsible to their supervisors for obeying all lawful orders.
- (D) Coordinate their efforts with other employees of the department to achieve department objectives.
- (E) Conduct themselves in accordance with high ethical standards, on and off-duty.
- (F) Strive to improve their skills and techniques through study and training.
- (G) Familiarize themselves with the area of authority and responsibility for the current assignment.
- (H) Abide by all rules, regulations and department procedures and directives governing civilian employees.
- (I) Perform all related work as required in a timely fashion.

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40-3 ALL MEMBERS OF THE POLICE DEPARTMENT

It shall be the responsibility of all sworn police members of the police department to enforce the laws of the State of New Jersey and the Township of Berlin.

40-4 SALARIES AND WAGES:

The pay for all Berlin Township Police Department personnel will be set forth in the Township Salary Ordinance and/or the applicable labor contracts. Said Ordinances and contracts will be made available to the public by request through the Township Clerks Office.

40-5 SECONDARY / OFF DUTY EMPLOYMENT

Berlin Township Police Officers are expected to give their whole time and attention to their duties in serving the public interest and public safety of/for the residents of Berlin Township. They are required by Police rules and regulations to be armed at all practical times and are subject to duty recall when determined to be necessary by the Chief of Police or other appropriate authority. Additionally, there are certain private employment activities that are in direct conflict with police power vested in the officer by the Township of Berlin. Accordingly, effective upon passage of this ordinance, no Berlin Township Police Officer will be allowed off duty employment apart from their Township held position except as follows:

Off duty employment may be performed in the event the employment is approved and meets the following criteria:

- (A) Employment is of a non-police nature in which police powers are not a condition of employment.
- (B) Employment that presents no potential conflict of interest between duties as a law enforcement officer and the duties required by the secondary employer.
- (C) Employment that does not constitute a threat to the status or dignity of law enforcement or the integrity of the Department.

All sworn personnel must comply with the Written Directive. Personnel requesting to work off duty employment shall submit their employment information through the chain of command to the Chief of Police on an "Outside Employment Form." The Chief of Police shall approve or disapprove the request and notify the employee in writing accordingly within 14 days. The Outside Employment Form" shall be submitted on an annual basis, prior to the end of the calendar year, as defined in a General Order.

40-6 POLICE RELATED EXTRA DUTY EMPLOYMENT

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A. Police officers employed by the Township of Berlin shall be permitted extra-duty police related employment pursuant to the provisions set forth in the Written Directive and General Order herein. Off-duty employment shall not be permitted if the police officer and/or outside contractor fail to comply with the provisions set forth herein either prior to the commencement of the employment or at any time during the period of employment.

B. All off-duty police-related services performed by a Berlin Township police officer shall be in their official capacity as an employee of the Berlin Township Police Department and shall be subject to the control and supervision of the Police Department.

C. Berlin Township police officers are prohibited from engaging in any employment for police-related services with any private person, corporation or other entity except in the manner set forth in this ordinance.

40-7 DEFINITIONS

A Extra-duty employment shall mean any employment by a Berlin Township police officer for police-related services where the source of compensation to the police officer does not originate from the municipal budget line item for police wages and salary.

B. Contractor shall mean the person, corporation, or other legal entity employing a Berlin Township police officer to provide off-duty police-related services.

40-8 REQUEST FOR EXTRA-DUTY EMPLOYEE;

SPECIAL ASSIGNMENTS BY CHIEF OF POLICE

A. Contractors seeking to employ off-duty Berlin Township police officers shall make said request through the Berlin Township Police Department, to the attention of the Chief of Police. The request shall be in writing, except in case of emergency, and shall include the specific nature of the services desired.

B. The Chief of Police or his or her designee may assign Berlin Township police officers for police-related services based upon a determination that the police-related services are required for the public safety. The cost for said police-related services shall be the responsibility of the person or entity on whose behalf the services are provided or the property owner whose property or activities on said property cause the need for police-related services. All costs shall be paid as set forth at Section 40-13 hereof.

40-09 EMERGENCY DUTY

Off-duty employment can be immediately terminated if the police officer performing said work is required for emergency police duty for the Township of Berlin as shall be determined by the Chief of Police.

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40-10 POLICE UNIFORMS, EQUIPMENT, AND VEHICLES

Berlin Township police officers performing off-duty police-related services for private contractors shall be in full police uniform while said services are being provided. However, Berlin Township police vehicles shall not be used by police officers during the performance of off-duty police-related services unless specifically authorized by the Chief of Police.

40-11 AUTHORIZING CONTRACT

The Mayor and Township Clerk are hereby authorized to execute a contract with the contractor for the services required which contract shall set forth, inter alia, the specific nature of the services to be performed, the location that said services will be performed, the dates and hours of service, payment arrangements, arrangements for the use of police vehicles, arrangements for insurance coverage, and any other provisions mandated by this ordinance or any law or regulation of the State of New Jersey.

40-12 PAYMENT TO OFFICERS

A. Police officers performing extra-duty police-related services for private contractors shall be paid for said services by the Township of Berlin at the rate set via ordinance and will be included in their bi weekly paycheck.

B. All sums due a police officer performing off-duty employment shall be paid subsequent to the submission of a voucher which is approved by the Chief of Police or his or her designee.

40-13 INSURANCE

The contractor shall be responsible for providing all necessary insurance coverages as required by law, including, but not limited to, workers compensation and general liability insurance. Coincidental with the execution of the contract referred to in Section 40-12, the contractor shall provide the township with appropriate insurance binders ensuring that the police officer and Berlin Township are provided general liability coverage with respect to the services to be provided and that the police officer is covered by appropriate Workers Compensation Insurance.

40-14 INDEMNIFICATION

To the fullest extent permitted by law, contractor shall indemnify, defend, and hold harmless the Township of Berlin, its agents and employees, from and against all claims, damages, losses, liabilities and expenses, including, but not limited to, attorney's fees and court costs, arising out of, resulting from or in any way relating to either directly or indirectly:

A. the performance of the work;

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- B.** any and all claims made by said police personnel for injuries and/or illnesses while performing the off-duty employment;
- C.** the breach by contractor of any of the terms and conditions of the agreement;
- D.** the negligent or intentional acts or omissions of the police, and/or the contractor, its employees, agents, and/or subcontractors;
- E.** bodily injury, sickness and/or disease, including death, at any time resulting from such bodily injury, sickness or disease, sustained by any person while in, on or about the site and surrounding areas where such injury, sickness, disease and/or death arose out of or was in any way connected with the work of, the performance of, or failure to properly perform the work;
- F.** any liability based upon contractor's negligence imputed to the Township of Berlin;
- G.** damage to property of contractor, the Township of Berlin or any other person or entity arising out of incident to, or in connection with the performance of the work;
- H.** laborers, mechanics and materialmen's liens, and all other liens and charges of every character whatsoever, arising out of work to be performed by this agreement; and/or
- I.** any other cause of action which may be brought against the Township of Berlin arising out of or in any way relating to the work and contractor's obligations hereunder.

This indemnification and hold harmless agreement shall apply in all instances whether the Township of Berlin is a plaintiff, or is made a direct party to the initial action or claim or is subsequently made a party to the action by third party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues from the original cause of action or claim.

40-15 THE APPROPRIATE AUTHORITY

A. Jurisdiction/Authority: The police department shall come under the jurisdiction of the Appropriate Authority, which position is hereby created pursuant to N.J.S.A. 40A:14-118. Said Appropriate Authority shall be the appointed by the Mayor and Township Council each year. The Appropriate Authority shall be responsible for the promulgation, adoption, updating, and/or ratification of rules and regulations for police personnel which shall be known as the Rules and Regulations for the Police Department of the Township of Berlin. (N.J.S.A. 40A:14-118)

B. Policies to Govern Day to Day Operations: Pursuant to N.J.S.A. 40A:14-118, the Chief of Police is directly responsible to the Appropriate Authority for the efficiency and routine day to day operations of the police force, and the Chief of Police performs his or her duties pursuant to policies established by the Appropriate Authority. Therefore, the Chief of Police shall issue whatever policies, which may be referred to as general orders, personnel orders, special orders,

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special memo, inter department memo or otherwise, that are deemed appropriate and necessary for the operation of the department.

40-16 PROBATIONARY PERIODS

A police officer who is initially appointed shall first serve a probationary period of 12 months from the date of receipt of a written certification by a certified police training academy within the state of New Jersey. This certification must be for a Basic Course Police Officer (BCPO). If a police officer is appointed and has already attained a BCPO certification, before being appointed, a probationary period of 12 months shall be served from the date of said appointment. Sergeant, Lieutenant, Captain, and the Chief promotions are subject to a probationary period of six months, after which time such promotions will become permanent. During the probationary period the position or promotion may be terminated without the necessity of giving any cause for termination. The officer will be dismissed or in the case of a probationary promotion, revert back to the previous rank/position held.

40-17 SPECIAL LAW ENFORCEMENT OFFICER

The Appropriate Authority shall, with the approval and consent of the Mayor and Township Council, appoint such special law enforcement officers as he/she or they may deem necessary. They shall be a part of the police department established herein and subject to all the laws, rules and regulations governing the same. Pursuant to N.J.S.A. 40A:14-146.8 et seq., the term of said appointment shall be at the discretion of the Mayor and Township Council, but in no event shall exceed one (1) year. The personnel referred to in this section shall be compensated at such hourly rate as designated in the Townships salary ordinance. Said personnel shall serve for the appointed term only and at the compensation, if any, established by Ordinance or as modified or changed by the Mayor and Township Council.

There is hereby established the following classifications of special law enforcement officers; Class Two and Class Three.

(1) Class Two officers shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer.

(2) Class Three officers shall be authorized to exercise full powers and duties similar to those of a permanent regularly appointed full-time police officer. Class Three officers are strictly limited to provide security while on school premises during hours when school is normally in session or when occupied by students or their teachers.

(A) Class Three officers must be a retired police officer who has previously served as a duly qualified, fully trained, full-time officer in any municipality or county of this state, or as a member of the New Jersey State Police and must be living in New Jersey.

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- (B) Must be less than 65 years of age for appointment.
- (C) Must pass a psychological examination.
- (D) Must pass a medical examination.
- (E) Must pass a drug test pursuant to Attorney General's Law Enforcement Drug Testing Policy.
- (F) Must have passed background investigation.
- (G) A new Class III officer's break in service may not exceed three years.
- (H) Complete SRO training within 12 months of being appointed.

In accordance with and subject to the terms, conditions and limitations of statute and law, special law enforcement officers may be appointed and assigned to perform the duties and responsibilities of Class Two and Class Three special police officers. Class Two and Class Three special police officers shall be limited to such numbers as, from time to time, shall be authorized and funded by Township Council; provided, however, in no event shall the number of Class Two officers exceed that permitted by statute and law

40-18 CIVILIAN EMPLOYEES

The Appropriate Authority shall, with the approval and consent of the Mayor and Township Council, appoint such civilian members of the police department to serve in the services division as he/she or they may deem necessary. Said members are to provide executive assistance to the Chief of Police, secretarial duties, dispatching services, clerical duties and logistics in support of the police department. Said positions will be an Executive Assistant to the Chief of Police a Police Records Clerck and additional civilian staff as deemed necessary.

40- 19 POLICE EMPLOYEES

The Appropriate Authority shall, with the approval and consent of the Township Council, appoint, promote, assign or reduce in force for reasons of economy all police personnel employed by the Township of Berlin. Appointment of any additional police personnel shall require an amendment of this ordinance.

40-20 APPOINTMENT

A. All members of the police department shall be appointed by the Mayor and Council and are to hold their offices as provided by law.

B. No person shall be appointed a member of the police department in the Township of Berlin who has failed, prior thereto, to have duly executed and signed a written application for such employment, upon a form supplied by the Township Clerk, requiring relevant data to be

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submitted by the applicant therein, and shall have also indicated therein their willingness to undergo a required pre-employment physical examination, a pre-employment psychiatric examination and a drug screening.

C. Appointments to new positions or offices or to fill vacancies shall also be subject to State laws.

40-21 QUALIFICATIONS

A. Each applicant shall comply with all the laws of the State of New Jersey pertaining thereto. No person shall be given or accept a permanent appointment as a police officer in the Township unless they have first been given a probationary or temporary appointment to such office for a period of 12 months after successfully completing a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State of New Jersey, pursuant to the provisions of Chapter 56 of the Laws of 1961 and amendments thereto.

B. No person shall be appointed to the police department as a regular or probationary member unless, at the time of making application, he or she is between the age of eighteen (18) and thirty-five (35) years of age, except as otherwise provided by law. The applicant shall be a citizen of the United States of America, the State of New Jersey. The Mayor and Township Council shall also require that an applicant for or appointee to the police department shall successfully complete a medical examination, drug screening, a psychological examination, and meet all police licensing requirements.

40-22 OATH OF ALLEGIANCE

Each member of the Police Department shall, before entering upon the performance of his or her duties, take and subscribe an oath to bear true faith and allegiance to the government established in this state, to support the Constitutions of the United States of America and the State of New Jersey and to faithfully, impartially and justly discharge and perform all the duties of his or her office. Such oath or affirmation shall be filed with the Township Clerk.

40-23 DISCIPLINARY PROCEDURES

A. Hearing Authority:

(1) In the event of any disciplinary proceedings against any member of the police department of the Township of Berlin, the Appropriate Authority or his/her designee shall be the sole hearing officer and person in charge of all such proceedings. The decision of the Appropriate Authority shall be final. The right of appeal shall be to the New Jersey Superior Court pursuant to N.J.S.A. 40A:14-150 if and as applicable.

(2) In the event the Appropriate Authority designates a hearing authority other than himself/herself, and the designated hearing authority is to be an officer within the Berlin

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Township Police Department, only a person of greater rank than the person charged may be so designated for that purpose. Whenever Special Counsel is designated to be the hearing authority, prior approval must be obtained by resolution of the Mayor and Township Council. The decision of said hearing authority shall be provided within 10 days to the Appropriate Authority who shall render the final and binding decision, both as to violation and penalty, within 10 days from when he/she receives the decision and supporting documentation such as a hearing transcript, to confirm, deny or modify the decision. The time lines established herein are to be construed flexibly in the interest of justice so that fair and reasoned decisions will follow. Should the Appropriate Authority fail to act within 10 days or give notice of necessary extension, the decision of the hearing authority shall become final.

B. Charging Authority:

(1) In the event a Berlin Township Police Department officer is to be charged in a disciplinary action and said employee is subordinate to the rank of the Chief of Police, only the Chief of Police or his/her designee may initiate such charges (N.J.S.A. 40A:14-118). In the event the office of the Chief of Police has been abolished through intentional vacancy, pursuant to Section 40-2 paragraph A, then the Appropriate Authority or his/her designee shall function as the Charging Authority. Failure to initiate charges when same are indicated may constitute a neglect or dereliction of duty (Gauntt v. Bridgeton, 194 N.J. Super. 468, 477 A.2d 381 (App. Div. 1984), but the function of the Charging Authority may not be circumvented.

(2) In the event the Chief of Police for the Township of Berlin is to be charged in a disciplinary action against the Chief, the Appropriate Authority or Special Counsel named by the Appropriate Authority to act on his/her behalf shall be the Charging Authority.

(3) Whenever any person, whether police officer, Special Counsel, or the Appropriate Authority, serves in an investigative capacity and/or as the Charging Authority relevant to a Berlin Township Police Department disciplinary action; he/she may not thereafter be designated as or serve as the Hearing Authority in that same disciplinary action.

40-24 APPEALS

Disciplinary action against any member of the police department shall be taken in accordance with N.J.S.A. 40A:14-147. Any employee seeking to appeal disciplinary charges shall do so in writing submitted to the office of the Appropriate Authority. Said appeal shall be filed within five (5) days, not including Saturdays, Sundays and holidays, of the date said charges were served upon said employee. In either event, the Appropriate Authority shall schedule a hearing in accordance with the provisions of this Ordinance and State statute. Administrative disciplinary charges served on any employee shall contain the date, time and location for a prospective hearing as required by statute. Failure to submit the required written request for an appeal may affect the employee's rights pertaining to said statutory timelines, the discovery proceedings, as well as other legal rights and remedies appurtenant thereto.

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40-25 ADMINISTRATIVE INVESTIGATIONS

The Appropriate Authority may appoint a Counsel and/or designate Special Counsel to conduct investigations of the operation of the police force and may delegate to such Counsel or Special Counsel any and all lawful powers of inquiry. The Appropriate Authority or his or her designee for this purpose, or Special Counsel appointed by the governing body, may examine the operations of the force or the performance of any officer or member thereof. Any resolution of the governing body appointing Special Counsel for the purpose of examining or investigating the operation of the police force or the performance of any officer or member thereof shall be considered to vest the examining or investigating official or body with the authority to perform a municipal investigation pursuant to N.J.S.A. 40:48-25 and the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 to 4. Any such subpoenas as authorized by N.J.S.A. 40:48-25 shall be in the name of the Appropriate Authority. In conducting any such external investigation or examination, the investigating or examining authority shall not be bound by those internal affairs investigation guidelines or regulations governing the police department in conducting its own internal investigations, although all applicable statutory restrictions and particularly N.J.S.A. 40A:14-147 shall not thereby be circumvented.

40-26 EMERGENCY DIRECTIVES

Nothing herein contained shall infringe upon or limit the power or duty of the Appropriate Authority to act to provide for the health, safety or welfare of the municipality in an emergency situation through special emergency directives. (N.J.S.A. 40A:14-118; 40A:14-146.9)

40-27 POLICE DEPARTMENT RULES AND REGULATIONS

AND POLICE MANUAL

A. Adoption and Promulgation: The Appropriate Authority, pursuant to N.J.S.A. 40A:14-118, is hereby authorized to update, adopt and promulgate rules and regulations for the governing of the Police Department and for the discipline of its members with a view to making the Police Department and all members thereof efficient, vigilant and effective in the service of the Township of Berlin. Said rules and regulations will be in electronic manual form and shall be called the "Rules and Regulations of the Police Department for the Township of Berlin and shall govern the conduct of and be binding upon the entire membership of said Police Department. Said Rules and Regulations shall provide for discipline of the members of the police force. In the event of any mutually inconsistent provisions between the police ordinance and the Rules and Regulations, the ordinance shall govern; however, both shall be interpreted so as to give full affect to both this ordinance and the Rules and Regulations wherever possible.

B. Distribution: The Rules and Regulations shall be distributed through Power DMS as follows: An electronic copy will be issued to and electronically signed for, by each employee of the Police

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Department for the Township of Berlin. A copy will be maintained by the Township Clerk for the personnel designated as Special Officers and to provide public access to same.

C. Members Responsibility for Manuals No police department operating policies will be inserted as part of this manual unless and until properly assimilated by the Appropriate Authority. Each police officer and each civilian employee is duty-bound to thoroughly familiarize himself/herself with the provisions of the Rules and Regulations. Failure to comply shall be considered neglect of duty. In the event neglect of duty is charged against a member for failure to observe the rules and regulations or Department procedures or orders, ignorance of any provision of this manual will not be accepted as an excuse.

40-28 ADOPTION

A. Repealer: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

B. Severability: If for any reason any section or any provision of this Ordinance shall be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to effect any other sections or provisions of this Ordinance.

C. When Effective: This Ordinance shall take effect immediately after publication and as provided by law.”

SECTION 2: Except as set forth in Section 1 above, the balance 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.

Motion by Council President Bodanza, second by Councilman Epifanio to adopt Ordinance 2024-6 on first reading by title. Ordinance adopted by call of the roll, all members present voting in the affirmative.

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RESOLUTION 2024-83 RESOLUTION TO READ THE CY 2023 BUDGET BY TITLE ONLY.

WHEREAS, N.J.S. 40A:4-8, as amended by L.2015, c. 95 14, 2015, provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the hearing, a complete copy of the budget has been made available for public inspection, and has been available to each person upon request; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, New Jersey, that the budget shall be read by title only.

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-83. Resolution adopted by call of the roll, all members present voting in the affirmative.

PUBLIC HEARING ON THE 2024 BUDGET.

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 the 2024 Budget.

Township resident from Hudson Avenue thanked the Chief Financial Officer, Alex Davidson for taking the time to answer question on the 2024 budget.

No more comments 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 the 2024 Budget.

ADOPT 2024 MUNICIPAL BUDGET.

Motion by Council President Bodanza second by Councilman Reid to adopt the 2024 Municipal Budget. Budget adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2024-84 CONFIRMING AUTHORIZING CANCELLATION and REFUND OF UNCOLLECTIBLE TAXES FOR BLOCK 823 LOT 10

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WHEREAS, on July 24, 2017, the Department of Veterans Affairs disclosed that the service-connected disability was totally disabling for Robert E. Williams. A 100% permanent and total evaluation was assigned in accordance with the Veterans Affairs Rating Schedule and per N.J.S.A. 54:4-3.30 et seq, and;

WHEREAS, Ronald E. Williams applied for a Property Tax Exemption due to 100% total wartime service-connected disability and was approved by the Tax Assessor as of December 28, 2023; taxes must be cancelled and refunded for the exempt portion of the November 2023 tax quarter, and forward and;

WHEREAS, at the time of the purchase of the property, owner's title company had paid the November 2023 taxes and owner has now requested the prorated refund due to him, so,

THEREFORE, BE IT RESOLVED that the tax collector cancel taxation going forward and provide a prorated refund of the exempt portion of the November quarter in the amount of \$ 67.60 directly to the owner,

Robert E. Williams
368 Washington Avenue
West Berlin, NJ 08091

Prepared by: Dana O'Hara, Tax Collector
Submitted for the April 22, 2024 meeting.

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-84. Resolution adopted by call of the roll, all members present voting in the affirmative.

**RESOLUTION 2024-85 RESOLUTION OF THE TOWNSHIP OF BERLIN
AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO
LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

WHEREAS, the Township of Berlin has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the **Township of Berlin** intends to utilize the online auction services of GovDeals located GovDeals.com; and

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WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9,

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin in the County of Camden, State of New Jersey, that the Township of Berlin is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled **GovDeals.com**; and be it further

RESOLVED, that the terms and conditions of the agreement entered into between GovDeals and the Township of Berlin are available at GovDeals.com and in the Township of Berlin Clerk's office; and be it further

RESOLVED, that a certified copy of the Resolution will be available for review at the Township of Berlin Clerks Office.

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-85. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2024-86 ADOPTING THE AMENDED RULES AND REGULATIONS OF THE BERLIN TOWNSHIP POLICE DEPARTMENT.

WHEREAS, Chapter 40 of the Code of the Township of Berlin establishes a Police Department pursuant to the provisions of N.J.S.A. 40A:14-18 et seq.; and

WHEREAS, the mission of the Berlin Township Police Department is generally to preserve life and property, to provide a general police service to the residents Township of Berlin and to enforce federal, state, county and municipal laws, statutes and ordinances; and

WHEREAS, the Police Department is under the jurisdiction of the appropriate authority which is a position established pursuant to N.J.S.A. 40A:14-18 and the appropriate authority within the Township of Berlin as the governing body of the Township of Berlin; and

WHEREAS, the appropriate authority is authorized to update, adopt and promulgate rules and regulations for the governing of the Police Department commonly referred to as a code of conduct; and

WHEREAS, it has been sometime since the Rules and Regulations of the Police Department have been updated; and

WHEREAS, the Chief of Police in conjunction with the Director of Public Safety have prepared updated and revised Rules and Regulations of the Berlin Township Police Department covering the organization, professional conduct, responsibilities, personnel regulations, disciplinary regulations as well as the Code of Ethics for the Police Department attached hereto as Exhibit "A".

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Members of Council of the Township of Berlin acting as the appropriate authority pursuant to Title 40A, Chapter 14 of the New Jersey Statutes and Chapter 40 of the Berlin Township Code hereby adopts the attached amended Rules and Regulations of the Berlin Township Police Department; and

BE IT FURTHERS RESOLVED, that the amended Rules and Regulations shall be issued to all members of the Berlin Township Police Department with a written acknowledgement of receipt of same within ten (10) days of the date of adoption of this Resolution.

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-86. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2024-87 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>
319 Hazel Ave. B-1815 L-5	PM 24-001	lawn 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

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with outside vendors to have such work performed as necessary to protect the health, safety and welfare of the Township; and

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

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

<u>Property: Block/Lot</u>	<u>Date Charged</u>	<u>Amount</u>	<u>Reason</u>
319 Hazel Ave. B-1815 L-5	4/22/24	\$698.75	lawn care

BE IT FURTHER RESOLVED, that each of the above-referenced charges and/or liens shall be filed with and shall remain on file with the Tax Office until payment in full thereof, including any penalties and/or interest that may accrue thereon; and

BE IT FURTHER RESOLVED, that all unpaid liens authorized herein shall bear interest at the same rate allowed for unpaid taxes and shall be collected and enforced in the same manner as unpaid taxes and further that the Tax Collector is further authorized to subject same to Tax Sale in the calendar year next following the date thereof in accordance with the Tax Sale Law; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Township Tax Collector and said Resolution, together with all invoices evidencing certification of costs expended for said work, shall be filed with and/or shall remain on file with the Township Tax Collector until said charges are paid the lien is released in the matter required by law.

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-87. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2024-88 RESOLUTION ACCEPTING THE LETTER OF RESIGNATION FOR BERLIN TOWNSHIP OFFICER JUAN MARRERO EFFECTIVE MAY 1, 2024.

WHEREAS, Officer Juan Marrero has served on Berlin Township Police Department since June 13, 2023; and

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WHEREAS, Officer Juan Marrero has submitted on April 16, 2024 his letter of resignation; and

WHEREAS, Mayor and Council of the Township of Berlin hereby accept Officer Juan Marrero letter of resignation.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berlin extend their best wishes to Officer Juan Marrero and our sincere gratitude for his commitment, dedication and loyalty to the residents and students of Berlin Township.

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-88. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2024-89 THE APPOINTMENT OF JORDON HECK AS PATROL OFFICER FOR THE TOWNSHIP OF BERLIN POLICE DEPARTMENT.

WHEREAS, a recommendation has been made to the Mayor and Council of the Township of Berlin to appoint **Jordan Heck** as Patrol Officer in the Township Police Department; and

WHEREAS, the Mayor and Council of the Township of Berlin have reviewed the recommendation and found same to be acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berlin that it hereby authorizes and approves the appointment of Jordon Heck, Patrol Officer in the Township Police Department effective May 1, 2024

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-89. Resolution adopted by call of the roll, all members present voting in the affirmative.

RESOLUTION 2024-90 RESOLUTION AUTHORIZING AND RATIFYING PAYMENT OF BILLS FOR APRIL 11, 2024.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Mayor and Council hereby approves the payment of bills for April 11, 2024.

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-90. Resolution adopted by call of the roll, all members present voting in the affirmative.

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RESOLUTION 2024-91 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: April 17, 2024
Dana O'Hara, CTC - Tax Collector

DESCRIPTION	YEAR	AMOUNT	REASON
357 Cleveland Ave	805-14	250.00	Widow 2024 allow

\$ 250.00 TOTAL UNCOLLECTIBLE

Submitted for April 22, 2024 meeting.

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 Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-91. Resolution adopted by call of the roll, all members present voting in the affirmative.

Mercantile Approvals

1) Timothy Federico, All American Plumbing HVAC. 1040 Industrial Drive. Plumbing and HVAC Storage.

2) Christian Reneauhudson, Cyan Auto Repair .228 Haddon Avenue. Auto Repair

3) Placido Contanza, P&E Investments.105 Cushman Avenue. Custom Cabinet and Counter Tops.

4) Angela Hines, Bovio Rubino Services 424 Kelley Drive Suite D&E. HVAC and Plumbing Services.

5) Marlene Scully, Interboro Hornets Cheerleading. 250 Allied Parkway. Cheerleading gym.

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6) Jose Cardenas-Vargas, Smart Tree Service, 204 Haddon Avenue. Tree Service Company.

Motion by Council President Bodanza second by Councilman Reid to approve the mercantile licenses above. Mercantile licenses approved by call of the roll, all members present voting in the affirmative.

Approval of Meeting Minutes from March 25, 2024.

Motion by Council President Bodanza, second by Councilman Epifanio to approve the Meeting Minutes for March 25, 2024. Motion carried by roll of the call all members present voting in the affirmative.

Consent Agenda for March 2024.

Motion by Councilman Epifanio, second by Councilman Reid to approve the Consent Agenda for February 2024. Motion carried by roll of the call, all members present voting in the affirmative.

Correspondence Calendar for March 2024.

Motion by Councilman Epifanio second by Council President Bodanza to approve the Correspondence Calendar for March 2024. Motion carried by roll of the call , all members present voting in the affirmative.

All Other Business

National Day of Prayer will be held Thursday May 2, 2024 at the Luke Avenue Recreational field at 7:00 pm.

Public Portion

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

Montebello resident asked if and when the Engineer and Solicitor meet on May 8, 2024 will an agenda be done.

The engineer responded, no this will be a meeting with the solicitor to go over all the bonds and what work still needs to be completed on these bonds.

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 comments.

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RESOLUTION 2024-92 PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.

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

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

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

To Discuss Litigation Matters

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, assembled in public session on April 22, 2024, that an Executive Session closed to the public shall be held on April 22, 2024, at 5:30 P.M. in the Township of Berlin, 135 Route 73 South, West Berlin, New Jersey for the discussion of Litigation Matters.

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-92. Resolution adopted by call of the roll, all members present voting in the affirmative.

Mayor and Council went into closed session.

Motion by Council President Bodanza second by Councilman Epifanio to come out of closed session.

Adjourn

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

**Catherine Underwood
Berlin Township RMC**

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