

AUGUST 26, 2024

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

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Mayor Magazzu, Council President Bodanza, Councilman McHenry, Councilman Ried.

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

Absent – Councilman Epifanio

PROMOTION FOR POLICE DEPARTMENT

RESOLUTION 2024-141 AUTHORIZING THE APPOINTMENT OF EDWARD GRAMLEY AS CAPTIAN 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 Lieutenant Edward Gramley to Captian 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 Lieutenant Edward Gramley to Captian in the Township Police Department effective, August 26, 2024

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-141. Resolution adopted by call of the roll, four members present voting in the affirmative.

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RESOLUTION 2024-142 AUTHORIZING THE APPOINTMENT OF SERGEANT MICHAEL FITZGIBBON AS LIEUTENANT 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 Sergeant Michael FitzGibbon to Lieutenant 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 Sergeant Michael FitzGibbon to Lieutenant in the Township Police Department effective August 26, 2024

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2024-142. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-143 AUTHORIZING THE APPOINTMENT OF SERGEANT DAVID CHILDS AS LIEUTENANT 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 Sergeant David Childs to Lieutenant 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 Sergeant David Childs to Lieutenant in the Township Police Department effective August 26, 2024

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-143. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-144 RESOLUTION TO PROMOTE OFFICER EUGENE EDWARDS TO SERGEANT IN THE TOWNSHIP OF BERLIN POLICE DEPARTMENT

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WHEREAS, a recommendation has been made to the Mayor and Council of the Township of Berlin to promote Officer Eugene Edwards to the rank of Sergeant in the Township of Berlin Police Department; and

WHEREAS, the Mayor and Council have reviewed the recommendation and found same to be acceptable to it.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it is hereby authorizes and approves the promotion of Officer Eugene Edwards to rank of Sergeant in the Township of Berlin Police Department, effective August 26, 2024

Motion by Councilman Reid second by Council President Bodanza to adopt resolution 2024-144. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-145 RESOLUTION TO PROMOTE OFFICER VINCENT FORTE TO SERGEANT IN THE TOWNSHIP OF BERLIN POLICE DEPARTMENT

WHEREAS, a recommendation has been made to the Mayor and Council of the Township of Berlin to promote Officer Vincent Forte to the rank of Sergeant in the Township of Berlin Police Department; and

WHEREAS, the Mayor and Council have reviewed the recommendation and found same to be acceptable to it.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that it is hereby authorizes and approves the promotion of Officer Vicent Forte to rank of Sergeant in the Township of Berlin Police Department, effective August 26, 2024

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-145. Resolution adopted by call of the roll, four members present voting in the affirmative.

Mayor Magazzu administered the oaths of office

I would like to thank everyone for coming out tonight to help celebrate and be part of this really special day for Ed, Mike, David, Gene, Vince and their families. Knowing several of your families, I can only imagine the excitement they are experiencing and how proud they are of them! I would again like to thank Chief Bordi for his input and recommendations for these promotions. It's amazing to look at the transformation of this department over the past several years. I feel I have watched many of you grow up along with our department!

Another step in making our great department even better.

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Before we begin the official swearing-in of these officers, I would like to give a very brief summary of each of their law enforcement careers.

Captain Edwin Gramley

Ed started his career with the Burlington County Sheriffs Department in January of 2001. In September of 2001 Ed left the Sheriffs department and became a Patrol Officer for the Chesilhurst Police Department. In November of 2004 Ed was hired by the Berlin Township Police Department. Ed was promoted the rank of Sergeant in September of 2019. In September of 2022 Ed was promoted to the rank of Lieutenant and put in charge of the Detective Bureau. Ed enjoys having breakfast with his mother every weekend and spending time with his wife and two daughters.

Lieutenant Michael FitzGibbon

Upon graduating from Rowan University Michael entered the Police academy as an alternate route candidate in 2006. Shortly after graduating he was hired with Berlin Twp Police in February of 2007. In 2009 he joined the Lower Camden County Regional Special Response Team as an operator. On the team, Michael was able to advance in positions and will be promoted to Team Commander this September.

With the knowledge gained in Swat, he established the patrol concepts training program within the department to help other officers further their skills in tactics and weapons proficiency.

Over the years Michael has worked in patrol and the Detective Bureau. He has been a field training officer, firearms and less lethal instructor and is currently the training coordinator for the Department. Michael is also entrusted to uphold the professional standards and integrity of the police department as an Internal Affairs officer.

After this promotion he will be assigned Lieutenant of Patrol Operations.

Lieutenant David Childs

Dave Childs was raised in Berlin Borough where he attended Eastern Highschool and graduated from Camden County College in 2016. He attended the Cape May County Police Academy in 2015 and upon graduation served with the Cape May City Police Department from June 2015 until December of 2015. He was hired by the Berlin Township Police Department in May of 2016 as a SLEO II officer. Dave became a full time officer in September of 2017. Since joining our department, he has served as a field training officer, defensive tactics instructor, and served a member of the Lower Camden County Special Response Team. Dave was promoted to sergeant in January

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of 2023 where he served in the patrol division. Dave has received numerous letters of commendation from both departmental personnel and residents of our town.

Sergeant Eugene Edwards

Gene Edwards was born and raised in Berlin Twp. He began his law enforcement career in January of 2003 as a NJ State Corrections officer where he worked until 2005 as a senior corrections officer. In January of 2005 Gene was hired by Berlin Twp Police. During his career with Berlin Twp police Gene served as a SWAT operator on the Zone 4 Camden County tactical team for 4 years. Gene is currently the Berlin Twp police department resiliency officer. Gene has been married to his wife Jennifer for 23 years and they have two children, Makenzie who is 21 and Jake who is 17. They enjoy the beach, surfing, hunting and fishing.

Sergeant Vincent Forte

Officer Vince Forte began his law enforcement career in 2018 with the Camden County Police Department. In 2020, Vince was hired full time by the Berlin Township Police Department. In 2024 Vince was assigned to the K-9 unit, where he currently serves with his partner K9 Avon. Vince also serves as a L.E.A.D instructor in the schools, an O.C. Spray instructor, and is a member of the Camden County Child Abduction Response Team.

Departmental Reports- no reports were given.

**SECOND READING PUBLIC HEARING ORDINANCE 2024-11 AN
ORDINANCE AMENDING CHAPTER 200, LAND USE AND DEVELOPMENT,
CHAPTER 262, RESOURCE EXTRACTION, AND CHAPTER 340, ZONING, OF
THE CODE OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY.**

WHEREAS, the Pinelands Protection Act (N.J.S.A. 13:18A-1) requires that the municipal master plan and local land use ordinances of the Township of Berlin implement the objectives of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) and conform with the minimum standards contained therein; and

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WHEREAS, the Pinelands Comprehensive Management Plan incorporates by reference certain stormwater management regulations contained at N.J.A.C. 7:8; and

WHEREAS, the New Jersey Department of Environmental Protection adopted amendments to certain stormwater management regulations contained at N.J.A.C. 7:8, effective July 17, 2023.

WHEREAS, the Pinelands Commission adopted amendments to the Pinelands Comprehensive Management Plan, effective December 4, 2023.

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

SECTION 1: Chapter 200, Land Use and Development, Article XVIII B, Stormwater Control in Pinelands Area, Section 200-145.22, Stormwater Management Requirements, is hereby amended by revising subsection D. as follows:

D. Tables 1, 2, and 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater BMP Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in **§200-145.22N, O, P, and Q**. When designed in accordance with the most current version of the New Jersey Stormwater BMP Manual and this Section, the stormwater management measures found in **Tables 1, 2, and 3** are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater BMP Manual to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the NJDEP shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the NJDEP website at: https://njstormwater.org/bmp_manual2.htm
<https://dep.nj.gov/stormwater/bmp-manual/>.

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SECTION 2: Chapter 200, Land Use and Development, Article XVIII B, Stormwater Control in Pinelands Area, Section 200-145.22, Stormwater Management Requirements, is hereby amended by revising subsection O. as follows:

O. Groundwater Recharge Standards

- (1) For all major development, the total runoff volume generated from the net increase in impervious surfaces by a the current 10-year, 24-hour storm, as defined and determined in §200-145.23H, shall be retained and infiltrated onsite.
- (2) For minor development that involves the construction of four or fewer dwelling units, the runoff generated from the total roof area of the dwelling(s) by a the current 10-year, 24-hour storm, as defined and determined in §200-145.23H, shall be retained and infiltrated through installation of one or more green infrastructure stormwater management measures designed in accordance with the New Jersey Stormwater BMP Manual. Appropriate green infrastructure stormwater management measures include, but are not limited to dry wells, pervious pavement systems, and small scale bioretention systems, including rain gardens.
- (3) -- (4) (No change.)

SECTION 3: Chapter 200, Land Use and Development, Article XVIII B, Stormwater Control in Pinelands Area, Section 200-145.22, Stormwater Management Requirements, is hereby amended by revising subsection Q. as follows:

Q. Stormwater Runoff Quantity Standards

- (1) (No change.)
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at **§200-145.23**, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in §200-145.23H and I, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

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- (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined in §200-145.23H and I, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined in §200-145.23H and I, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - (d) (No change.)
- (3) -- (5) (No change.)

SECTION 4: Chapter 200, Land Use and Development, Article XVIII B, Stormwater Control in Pinelands Area, Section 200-145.23, Calculation of Stormwater Runoff and Groundwater Recharge, is hereby amended as follows:

§200-145.23. Calculation of Stormwater Runoff and Groundwater Recharge

- A. Stormwater runoff shall be calculated by the design engineer using the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented, except that the Rational Method for peak flow and the Modified Rational Method for hydrograph computations shall not be used. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf <https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422> or at United States Department of Agriculture Natural Resources Conservation Service, ~~220 Davison Avenue, Somerset, New Jersey 08873.~~

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B. (No change.)

C. For the purpose of calculating ~~runoff coefficients~~ curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “curve number” applies to the NRCS methodology at A. above. A ~~runoff coefficient~~ curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

D. -- G. (No change.)

H. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items (1) and (2) below:

(1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

(2) The applicant shall utilize **Table 5: Current Precipitation Adjustment Factors** below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

<u>County</u>	<u>Current Precipitation Adjustment Factors</u>		
	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>100-year Design Storm</u>
<u>Burlington</u>	<u>0.99</u>	<u>1.02</u>	<u>1.03</u>
<u>Camden</u>	<u>1.03</u>	<u>1.04</u>	<u>1.05</u>

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I. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to **H.(1)** above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
<u>Burlington</u>	<u>1.17</u>	<u>1.18</u>	<u>1.32</u>
<u>Camden</u>	<u>1.18</u>	<u>1.22</u>	<u>1.39</u>

SECTION 5: Chapter 200, Land Use and Development, Article XVIII B, Stormwater Control in Pinelands Area, Section 200-145.24, Sources for Technical Guidance, is hereby amended as follows:

§200-145.24. Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the NJDEP’s website at: http://www.nj.gov/dep/stormwater/bmp_manual2.htm
<https://dep.nj.gov/stormwater/bmp-manual/>.

(1) (No change.)

(2) Additional maintenance guidance is available on the NJDEP’s website at: https://www.njstormwater.org/maintenance_guidance.htm
<https://dep.nj.gov/stormwater/maintenance-guidance/>.

B.

(1) Submissions required for review by the NJDEP should be mailed to:

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The Division of ~~Water Quality~~ Watershed Protection and Restoration, New Jersey
Department of Environmental Protection, Mail Code ~~401-02B~~ 501-02A, PO Box
420, Trenton, New Jersey 08625-0420.

(2) (No change.)

SECTION 6: Chapter 262, Resource Extraction, Section 262-2, Definitions, is hereby amended by adding the following definition:

DIVERT or DIVERSION – Means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

SECTION 7: Chapter 262, Resource Extraction, Section 262-5, Application for permit, is hereby amended as follows:

§262-5 Application for permit.

Before issuance of a permit, the applicant shall make application therefor to the office of the Township Clerk and furnish in said application and accompanying documents the following:

A. – O. (No change.)

P. If the application includes a proposed diversion from the Kirkwood-Cohansey aquifer, a hydrogeologic report that identifies the volume of the diversion, the volume of water to be returned to the source, a description of the route of return to the source, the methodology used to quantify the volume of water returned to the source and a description of any other existing or proposed water diversions or discharges on or from the parcel. The report shall also include a map that depicts the location of the diversion, the location of the return to source, the location of all existing or proposed resource extraction operations and the location of all wetlands on or within 300 feet of the parcel on which the diversion is proposed.

SECTION 8: Chapter 340, Zoning, Article II, Terminology, Section 340-5, Definitions of terms associated with Pinelands provisions, is hereby amended by adding the following definitions:

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DIVERT or DIVERSION – Means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

HYDROLOGIC UNIT CODE-11 or HUC-11 – Means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by an 11-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

NONCONSUMPTIVE USE – Means the use of water diverted from surface or ground waters in such a manner that at least 90 percent of the diverted water is returned to the source surface or ground water at or near the point from which it was taken.

SECTION 9: Chapter 340, Zoning, Article IV, General Provisions, Section 340-21, Pinelands development standards, is hereby amended by repealing and replacing subsection H(4) as follows:

(4) Water Management.

(a) Water shall not be exported from the Pinelands except as otherwise provided at N.J.S.A. 58:1A-7.1.

(b) A diversion within the Pinelands Area portion of Berlin Township that involves the interbasin transfer of water from sources within the Pinelands Area between the Atlantic Basin and the Delaware Basin, as defined at **[1]** and **[2]** below, or outside of either basin, shall be prohibited.

[1] The Atlantic Basin is comprised of Watershed Management Areas 13, 14, 15, and 16, as identified by the New Jersey Department of Environmental Protection.

[2] The Delaware Basin is comprised of Watershed Management Areas 17, 18, 19, and 20 as identified by the New Jersey Department of Environmental Protection.

(c) A diversion within the Pinelands Area portion of Berlin Township involving the intrabasin transfer of water between HUC-11 watersheds in the same basin, Atlantic Basin or Delaware Basin as defined at **(b)[1]** and **[2]** above, shall be permitted. If such an intrabasin transfer involves water sourced from the

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Kirkwood-Cohansey aquifer, the diversion shall meet the criteria and standards set forth at **(d)** below.

(d) Within the Pinelands Area portion of Berlin Township a new diversion or an increase in allocation from either a single existing diversion source or from combined existing and new diversion sources in the same HUC-11 watershed and in the Kirkwood-Cohansey aquifer, that results in a total diversion of 50,000 gallons of water per day or more (hereafter referred to as "proposed diversion") shall meet the criteria and standards set forth at **(d)[3]** through **[6]** below and the water management standards of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(d). "Allocation" shall mean a diversion permitted pursuant to a Water Allocation Permit or Water Use Registration Number issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:19.

[1] When evaluating whether the proposed diversion meets the criteria set forth at **(d)[3]** through **[6]** below, all of the applicant's allocations in an HUC-11 watershed, in addition to the proposed diversion, shall be included in the evaluation.

[2] The standards set forth at **(d)[3]** through **[6]** below shall not apply to:

[a] A new well that is to replace an existing well, provided the existing well is decommissioned in accordance with N.J.A.C. 7:9D-3 and the new replacement well will:

[i] Be approximately the same depth as the existing well;

[ii] Divert from the same aquifer as the existing well;

[iii] Have the same or lesser pump capacity as the existing well; and

[iv] Be located within 100 feet of, and in the same HUC-11 watershed as, the existing well;

[b] Any proposed diversion that is exclusively for agricultural or horticultural use; or

[c] Any proposed diversion for a resource extraction operation that constitutes a nonconsumptive use, provided the water returned to the source is not discharged to a stream or waterbody or otherwise results in offsite flow, and the diversion and return are located on the same parcel.

[3] A proposed diversion shall be permitted only in the following Pinelands Management Areas: Regional Growth Area; and Rural Development Area.

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- [4] A proposed diversion shall only be permitted if the applicant demonstrates that no alternative water supply source is available or viable. Alternative water supply sources include, but are not limited to, groundwater and surface water sources that are not part of the Kirkwood-Cohansey aquifer, and public water purveyors and suppliers, as defined at N.J.A.C. 7:19-1.3. A list of alternative water supply sources is available at the offices of the Pinelands Commission and at <https://www.nj.gov/pinelands/>.
- [5] A proposed diversion shall not have an adverse ecological impact on the Kirkwood-Cohansey aquifer. Adverse ecological impact means an adverse regional impact and/or an adverse local impact, as described at N.J.A.C. 7:50-6.86(d)6 and 7, respectively. A proposed diversion deemed to have an adverse local impact in the Pinelands Area is prohibited. A proposed diversion deemed to have an adverse regional impact shall only be permitted if an applicant permanently offsets the diversion in accordance with N.J.A.C. 7:50-6.86(d)6i.
- [6] An applicant for a proposed diversion shall provide written documentation of water conservation measures that have been implemented, or that are planned for implementation, for all areas to be served by the proposed diversion. Water conservation measures are measurable efforts by public and private water system operators and local agencies to reduce water demand by users and reduce losses in the water distribution system.

SECTION 10: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby superseded to the extent of such inconsistency.

SECTION 11: 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.

Motion by Councilman Reid 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 2024-11.

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 2024-11.

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Motion by Council President Bodanza seconded by Councilman Reid to adopt Ordinance 2024-11. Ordinance approved by call of the roll, four members present voting in the affirmative.

FIRST READING ORDINANCE 2024-12 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 258 OF THE TOWNSHIP CODE ENTITLED “RENTAL HOUSING”

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, the New Jersey Legislature has, pursuant to N.J.S.A 40:52-1(d) and (n), specifically authorized municipalities to regulate any “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof” and the “rental of real property for a term of less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere”; and

WHEREAS, in recent years, there has arisen an increase in short-term rentals of thirty (30) or less days, often through the use of internet and media booking agencies (“Short-Term Rental”); and

WHEREAS, the Mayor and Township Council recognize that unregulated Short-Term Rentals can create disproportionate impacts related to their size, excessive occupancy, and lack of proper facilities; and

WHEREAS, the Township’s experience dictates the conclusion that Short-Term Rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding, poor maintenance of the property and grounds, and illegal parking within the residential neighborhoods of the Township, and effectively converts residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises, in potential violation of the Township’s Zoning and other Codes as well as state statutes; and

WHEREAS, the Township wishes to address the foregoing issues that result due to Short-Term Rentals within the Township; and

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WHEREAS, it is in the public interest that Short-Term Rental uses be regulated in order to preserve housing for long-term tenants and to minimize any deleterious effects of Short-Term Rental properties on other properties in the surrounding neighborhoods in which they are located; and

WHEREAS, the Mayor and Township Council finds that there is a substantial interest in furthering the public health, safety and welfare by controlling density, by protecting the residential character of areas designed for residential use, by establishing and enforcing minimum life safety standards, and by preserving the long-term rental housing market located within the Township.

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

SECTION 1: Chapter 258 of the Code of the Township of Berlin entitled “Rental Housing” is hereby revised, supplemented and revised to establish Article II – Short-Term Rentals.

ARTICLE II – SHORT-TERM RENTALS

§ 258-3 Authority

In accordance with New Jersey law, a municipality may make and enforce within its limits all ordinances and regulations not in conflict with general laws, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants. The Township of Berlin hereby adopts the within chapter in accordance with said authority.

§ 258-4 Definitions

ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this article, as same may be viewed through various media, including but not limited to newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this article.

CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT

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Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged, or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, co-operative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s) for consideration, for a period of 30 days or less.

HOUSEKEEPING UNIT

Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.

OWNER

Any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sublease or license (including an operator, principal, shareholder, director, agent or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

RESIDENTIAL OCCUPANCY

The use of a dwelling unit by an occupant(s).

§ 258-5 Short-term rental property prohibited uses

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- A. No residential properties including dwelling houses, apartments, rooming houses, or boarding houses, facilities located on the property, including but not limited to swimming pools, or any parts thereof or rooms therein, except duly licensed hotels and motels, shall be rented or let for occupancy by any person or persons for a period or term of less than thirty (30) days.
- B. Notwithstanding anything to the contrary contained in the Township Code, it shall be unlawful for an owner, lessor, sublessor, any other person(s) or entity(ies) with possessory or use right(s) in a dwelling unit, their principals, partner or shareholders, or their agents, employees, representatives and other person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering and/or permitting, allowing or failing to discontinue the use or occupancy of any dwelling unit, as defined herein, for a period of 30 days or less.
- C. Nothing in this Article will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of more than 30 days.

§ 258-6 Permitted uses.

The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of 30 days or less by any person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

§ 258-7 Advertising prohibited.

It shall be unlawful to advertise, solicit, or promote by any means actions in violation of this Article.

§ 258-8 Enforcement.

The provisions of this article shall be enforced by the Zoning Official, Building Code Official, Fire Official, other subcode or code official, as their jurisdiction may arise, including legal counsel for the Township or other persons designated by the Township Council, to issue municipal civil infractions directing alleged violators of this article and/or to appear in court or file civil complaints.

§ 258-9 Violations and penalties.

- A. A violation of this article is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- B. Any person found to have violated any provision of this article, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$2,000. Each day of such violation shall be a new and separate violation of this article.

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- C. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Township's Municipal Court or the Superior Court of New Jersey in the vicinage of Camden County, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

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 Reid to adopt Ordinance 2024-12 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

**FIRST READING ORDINANCE 2024-13 AN ORDINANCE AMENDING
CHAPTER 156 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED
“FEES”**

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 156 of the Code of the Township of Berlin establishes the fees to be charged for certain services to be rendered and/or records maintained by the Township; and

WHEREAS, Section 156-28 of the Code establishes the fees for building and construction permits; and

WHEREAS, Section 156-29 of the Code establishes the fees for Grading Plan applications and review; and

WHEREAS, Section 156-30 of the Code establishes the fees for Foundation Location Plan and inspection application fees and review fees; and

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WHEREAS, the Mayor and Council deem it advisable to amend the aforementioned fees; 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: Section 156-28 of the Code of the Township of Berlin entitled “Building and construction permit fees from § 103-4 and § 103-9” is hereby amended, supplemented, and revised as follows:

§ 156-28 Building and construction permit fees from § 103-4 and § 103-9.

A. Building permit fees.

1. [No Changes]
2. [No Changes]
3. [No Changes]
4. [No Changes]
5. [No Changes]
6. [No Changes]
7. [No Changes]
8. [No Changes]
9. [No Changes]
10. [No Changes]
11. [No Changes]
12. [No Changes]
13. [No Changes]
14. [No Changes]
15. The fee for wall signs shall be a flat fee of \$100.00 for each sign.

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B. [No Changes]

C. [No Changes]

D. [No Changes]

SECTION 2: Section 156-29 of the Code of the Township of Berlin entitled “Grading plan fees from § 103-5” is hereby amended, supplemented, and revised as follows:

§ 156-29 Grading plan fees from § 103-5.

The application fee for a lot grading plan shall be \$50. The applicant shall pay the sum of \$50 for the grading plan review fee. In the event a revised grading plan is required, the review fee shall be \$200 for the revised plan. After grading has been completed, the applicant is required to complete an as-built survey plan of the work. The as-built survey shall be reviewed and the grading shall be inspected. The as-built review fee is \$500.00 and the inspection fee is \$200.00.

SECTION 3: Section 156-30 of the Code of the Township of Berlin entitled “Foundation location plan and inspection fees from § 103-6” is hereby amended, supplemented, and revised as follows:

§ 156-30 Grading plan fees from § 103-6.

The application fee for a foundation location plan shall be \$50. The applicant shall pay the sum of \$250 for the plan review fee. In the event a revised foundation location plan is required, the review fee shall be \$100 for the revised plan. In the event a reinspection is necessary, an additional fee of \$200 for the reinspection shall be paid by the applicant.

SECTION 4: Except as set forth in Sections 1, 2, and 3 above, the balance of Chapter 156 of the Code of the Township of Berlin shall not be affected by this Ordinance.

SECTION 5: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6: 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 7: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Motion by Councilman Reid, second by Council President Bodanza to adopt Ordinance 2024-13 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

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RESOLUTION 2024-128 RESOLUTION CONFIRMING THE RELEASE OF FORMALLY KNOWN PLAN LAND LLC / NOW CROSSBILL COMMONS LLC, ESCROW MONIES FOR A SANITARY SEWER STUDY DONE IN 2007.

Whereas a request has been made to release funds held in Plan Land LLC escrow account in the amount of \$6,320.26: and

Whereas it has been recommended that the Township of Berlin grant the request to release the escrow monies to Crossbill Commons in the amount of \$6,320.26.

Now, Therefore, Be It Resolved by the Mayor and Council of the Township of Berlin that the request for the release of escrows for Plan Land LLC now known as Crossbill Commons LLC is hereby granted.

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-128. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-129 THE APPOINTMENT RICHARD MIRAGLIA AS SPECIAL LAW ENFORCEMENT OFFICER (SLEO) TO PROVIDE SCHOOL SECURITY FOR BERLIN TOWNSHIP PUBLIC SCHOOLS.

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

WHEREAS, that the Mayor and Council of the Township of Berlin authorizes the Appointment of **Richard Miraglia as a SLEO III School Security Officer**; and

WHEREAS, **Richard Miraglia** will be appointed from **August 26, 2024 till September 30, 2024**, then in increments of 90 days throughout the school year as suggested by school security best practice.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Berlin, that the above Richard Miraglia SLEO III, is hereby appointed as stated above.

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-129. Resolution adopted by call of the roll, four members present voting in the affirmative.

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**RESOLUTION 2024-130 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>
215 Fourth Ave. B-613 L-4.01	PM 24-006	lawn care, clean up
898 Rt. 73 South B-1607 L-11	PM 24-004	lawn care, clean up
250 Fairview Ave. B-13.08 L-40.02	PM 24-005	lawn care, clean up

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

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

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

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

<u>Property: Block/Lot</u>	<u>Date Charged</u>	<u>Amount</u>	<u>Reason</u>
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215 Fourth Ave. B-613 L-4.01	8/26/24	\$220.00	lawn care, clean up
898 Rt. 73 South B-1607 L-11	8/26/24	\$330.00	lawn care, clean up
250 Fairview Ave. B-13.08 L-40.02	8/26/24	\$485.00	lawn care, clean up

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

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

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

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-130. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2024-131 RESOLUTION AUTHORIZING AND RATIFYING
PAYMENT OF BILLS FOR AUGUST 1, 2024 AND AUGUST 15, 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 August 1, 2024 and August 15, 2024.

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-131. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-132 CONFIRMING LIST OF UNCOLLECTIBLE TAXES.

To the Mayor and Council to the Township of Berlin:

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

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PROPERTY	YEAR	DESCRIPTION	AMOUNT	REASON
Block 521 Lot 6.01 196 Lester Avenue	2024	August Qtr Veteran	\$ 2749.45	100% Disabled Effective 3/13/2024 Per NJSA 54:4-3.30et seq To Be Cancelled
Block 521 Lot 6.01	2024	November Qtr Final Billing	\$ 2749.44	100% Disabled Veteran Effective 3/13/2024
3.30et seq	2025	Preliminary	\$ 3447.01	Per NJSA 54:4- To Be Cancelled
			\$ 8,945.90	TOTAL

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

**Submitted by Dana OHara,
Tax Collector for the August 26, 2024 Meeting**

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-132. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2024-133 RESOLUTION OF THE TOWNSHIP OF BERLIN
AUTHORIZING THE EXTENSION OF THE GRACE PERIOD FOR THE THIRD
INSTALLMENT OF TAXES DUE TO THE DELAY OF THE CERTIFICATION OF
THE TAX RATE.**

WHEREAS, due to the New Jersey State budget adoption being delayed, and therefore, the certified tax rate having not been established nor certified to date by the Camden County Board of Taxation has caused a delay in the printing and mailing of the 2024/25 tax bills. Tax bills were mailed on July 24, 2024;

WHEREAS, R.S. 54:4-67 states that the third quarter taxes shall not be subject to interest until the later of either August 1, the additional 10-day grace period or the twenty-fifth calendar day after the date that the tax bill was mailed or otherwise delivered; and

WHEREAS, R.S. 54:4-67 also states payments received after the later of August 1, the additional 10-day grace period or the twenty-fifth calendar date after the date that the tax bill was mailed, may be charged interest back to August 1; and

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the grace period for the Third quarter 2024 Property Tax Payments be extended and original amount due accrue no interest until the twenty-fifth calendar day after the date that the tax bills were mailed or otherwise delivered. Mailing date of tax bills to be determined after receipt of the certified rate from the Camden County Division of Taxation.

BE IT FURTHER RESOLVED that all subsequent quarter payments in the 2024-2025 billing cycle will be due as pre-printed on the tax bill coupons, with the regular 10-day interest-free grace period.

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-133. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-134 CONFIRMING AUTHORIZING TRANSFER OF OVERPAYMENTS FROM 2024 CURRENT YEAR FINAL HALF TAX TO 2025 PRELIMINARY YEAR TAX.

WHEREAS, after voluntary real estate tax payments made on the following parcels, overpayment credits resulted, and;

WHEREAS, the following property(s) now have an overpayment for the current year and it has been requested by the owner and/or mortgage company responsible for payment of said taxes that the overpayment be transferred to the preliminary 2025 year taxes, since already billed, and;

WHEREAS, the following are the details of the credit amounts which have been transferred:

Block/Lot	Description	Amount
706-2	355 Minck Avenue	\$ 959.43
1305-4	2 North Rose Lane	\$ 7.87

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the credits totaling nine hundred sixty-seven dollars and thirty cent \$ 967.30 be transferred from the 2024 current tax to preliminary 2025 tax year on the above-mentioned properties.

Submitted for the August 26, 2024 meeting.
Dana O'Hara, CTC – Tax Collector

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Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-134. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-135 CONFIRMING LIST OF UNCOLLECTIBLE TAXES.

To the Mayor and Council to the Township of Berlin:

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

Property Identification	DESCRIPTION	AMOUNT	REASON
Stokes Avenue Block 214 Lot 9	2024 Final 2025 Preliminary	2.03 2.01	No known owner
396 Cleveland Avenue Block 803 Lot 4	2024 Final 2025 Preliminary	130.20 128.58	No known owner
		\$ 262.82 TOTAL to Final 2024 & Preliminary 2025	

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.

**Submitted for the August 26, 2024 meeting.
Dana O'Hara, CTC - Tax Collector**

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-135. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2024-136 AUTHORIZATION TO HOLD TAX SALE FOR 2023
OPEN DELINQUENCIES PER THE OFFICIAL EXTENDED TAX DUPLICATE
LIST RULES AND REGULATIONS PURSUANT TO N.J.S.A. 54:5-19.**

WHEREAS, according to the amended regulations set forth in N.J.S.A. 54:5-19 et seq., all taxes and municipal sewer and other lienable charges payable through December 31, 2023 (except those properties otherwise excluded from enforcement according to

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Executive Order 103 and/or P.L. 2021, c 317) shall be subject to enforcement and offered for sale of lien to the lowest bidder or highest premium bidder at a tax sale to be held on the 16th day of October 2024 at 10:30 A.M. at the Township of Berlin Municipal Building, and;

WHEREAS, there are delinquencies appearing in the records of the Township of Berlin for monies levied against the owners of record as they appear in the official tax list filed in the office of the Collector of Taxes of the Township of Berlin, as well as certified listings from the Borough of Berlin Water Department and the Camden County Municipal Utilities Authority, and;

WHEREAS, at any time before a scheduled tax sale, the collector shall receive payment of the amount due on any property, with the interest and costs incurred up to the time of payment, and;

WHEREAS, the taxpayer shall pay the full amount advertised which includes the costs at two percent of the total delinquency not to be less than \$ 15.00 not more than \$ 100.00 and now must be paid along with the current interest due on the date of payment in order to remove the property from sale, and;

WHEREAS, the Tax Collector may mail the NOTICE OF SALE for any two weeks and advertise for any two weeks or advertise consecutively for the full four weeks prior to the date of sale with the official tax sale held the following week, and;

WHEREAS, the costs incurred for each mailing of the NOTICE OF SALE be set at \$ 25.00 per mailing and be collected in order for the property to be removed from said tax sale, so;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey that the Tax Collector be authorized to hold a Tax Sale for all unpaid charges through the end of the 2023 calendar year, properties located in our municipality on October 16, 2024 and being advertised and/or with official notices of sale for four consecutive weeks and notice to the owners of record according to the requirements of N.J.S.A. 54:5-19 et seq.

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-136. Resolution adopted by call of the roll, four members present voting in the affirmative.

**RESOLUTION 2024-137 RESOLUTION TO WAIVE YARD SALE PERMITS
FOR THE MONTEBELLO WOMANS CLUB FOR A COMMUNITY YARD SALE
TO BE HELD ON SEPTEMBER 28, 2024.**

WHEREAS the Montebello Woman's Club wishes to hold a community yard sale on September 28, 2024, rain date September 29, 2024; and

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WHEREAS the Montebello Woman's Club request that the yard sale permit fee be waived for all resident who participate on the Community yard sale on September 28, 2024.

BE IT RESOLVED, by the Mayor and Council of the Township of Berlin that the Yard Sale permits be waived for all the residents who participate in Montebello Woman's Community Yard Sale.

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-137. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-138 RESOLUTION TO GRANT THE RELEASE OF OUTSIDE POLICE SERVICE MONIES TO HOUSE OF GLORY CHURCH.

WHEREAS, House of Glory Church located at 120 South. White Horse Pike, Berlin NJ 08009 had an agreement with Berlin Township Police Department for Police Security Services; and

WHEREAS, House of Glory Church had placed monies in a trust account for the expenditures of these services; and

WHEREAS the job has been completed and therefore House of Glory Church has requested that the remaining escrow funds in the amount of \$240.00 be released.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that a refund of \$240.00 for House of Glory Church is hereby granted.

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-138. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-139 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT.

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

WHEREAS, the Annual Report of Audit for the year **2023** has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

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

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

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

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

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

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

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

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

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-139. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-140 RESOLUTION TO RECOMMEND THE APPOINTMENT OF CLASS 4 MEMBER OF THE PLANNING AND ZONING BOARD.

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WHEREAS, N.J.S.A. 30:44-1.4 provides for the creation, membership and terms of a **PLANNING BOARD**; and

WHEREAS, The Mayor and Council recommended that **MICHAEL LYDIC** be appointed class member for a four year term expiring December 31, 2027; and

NOW, THEREFORE, BE IT RESOLVED that the above named individual shall serve his respective term pursuant to the provisions set forth in the New Jersey Statutes Annotated 40:55-1 et seq., and pursuant to the Code of the Township of Berlin, Section 20-1 et seq.

Motion by Council President Bodanza second by Councilman Reid to adopt resolution 2024-140. Resolution adopted by call of the roll, four members present voting in the affirmative.

Business Approvals

- 1) Mustafa Sendul, Berfsi LLC** 403 Bloomfield Drive Unit 1, West Berlin. Office and Warehouse for the Distribution of Cosmetic Supplies.

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

Kennel License

- 1) PetSmart LLC, 215 Route 73 North, West Berlin NJ 08091**

Motion by Councilman Reid second by Council President Bodanza to approve the Kennel License above. Kennel License approved by call of the roll, four members present voting in the affirmative.

Animal Permits

- 1) Gina Odegaard, 265 Fairview Avenue, West Berlin NJ 08091.**
Permit for 5 Chickens.
- 2) Linda Townsend, 165 Collings Avenue, West Berlin NJ 08091.**
Permit for 6 Chickens.
- 3) Joshua Shellenberger, 25 Oak Court, West Berlin NJ 08091.**
Permit 4 Chickens.

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4) Joseph Fabrico, 149 McClellan Avenue, West Berlin NJ 08091. Permit for 1 Pony.

5) Cheryl Green, 9 Fern Avenue, West Berlin NJ 08091, Permit for 6 for chickens.

6) Samantha Adrian, 247 Powell Avenue, West Berlin NJ 08091. Permit for 6 chickens.

7) Frank Carns, 229 Second Avenue, West Berlin NJ 08091 Permit for 5 Chickens.

8) Robert Gibbs, 189 Haddon Avenue, West Berlin NJ 08091 Permit for 5 Chickens 2 Ducks.

Motion by Councilman Reid second by Council President Bodanza to approve the Animal License above. Animal License approved by call of the roll, four members present voting in the affirmative. Mayor Magazzu recused herself on animal license #3.

Approval of Meeting Minutes from July 22, 2024

Motion by Councilman Reid, second by Councilman McHenry to approve the Meeting Minutes for July 22, 2024. Motion carried by roll of the call three members present voting in the affirmative. Council President Bodanza abstained.

Consent Agenda for July 2024

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

Correspondence Calendar for July 2024

Motion by Councilman Reid second by Councilman McHenry to approve the Correspondence Calendar for July 2024. Motion carried by roll of the call, all members present voting in the affirmative.

All Other Business- No business to discuss

Public Portion

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

AUGUST 26, 2024

Montebello resident from Genova Drive remarked the work for the tree planting has been on going, does this also include the basin.

Township Engineer, Greg Fusco commented not that he is aware of.

Montebello resident from Piedmont Drive asked about the status on the cutting of the grass on Cooper Avenue.

Township Engineer, Greg Fusco stated that he spoke with the county and they should have been out. Greg remarked he would call the county call tomorrow and follow up.

Montebello resident from Mulhouse Drive commented that most of the trees that have been planted are dead.

Township Engineer, Greg Fusco replied that he is aware and has notified them and they are responsible to replace.

Montebello stated that he wants to make sure no bonds are released until all the basin issues are resolved.

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.

Adjourn

Motion by Councilman Reid, second by Council President Bodanza 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