

SEPTEMBER 23, 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 Epifanio.

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 Reid

Mayor Magazzu asked for a moment of silence for the passing of Alvina Furlow. Alvina was a member of the Planning and Zoning Board, member on the Historical Association and avid volunteer for many township events.

Departmental Reports

No reports were heard

SECOND READING AND PUBLIC HEARING 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

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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

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

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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

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

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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

- 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.
- D.

§ 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.

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- 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.
- 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 McHenry 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 2024-12.

No comments were to be heard.

Motion by Council President Bodanza second by Councilman Epifanio to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2024-12

Motion by Councilman Epifanio seconded by Council President Bodanza to adopt Ordinance 2024-12. Ordinance approved by call of the roll, four members present voting in the affirmative.

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SECOND READING AND PUBLIC HEARING 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

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]

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- 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.

- 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.

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

Motion by Councilman Epifanio second by Councilman McHenry 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 2024-13.

No comments were to be heard.

Motion by Councilman Epifanio second by Councilman McHenry 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 2024-13

Motion by Councilman Epifanio seconded by Council President Bodanza to adopt Ordinance 2024-13. Ordinance approved by call of the roll, four members present voting in the affirmative.

ORDINANCE 2024-14 AN ORDINANCE FIXING AND DETERMINING SALARY RANGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, NEW

**JERSEY
SEPTEMBER 23, 2024**

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

SECTION 1: That the following named officers and employees of the Township of Berlin, Camden County, New Jersey shall be paid within the following salary ranges for the calendar year 2024 as follows:

POSITION	ANNUAL SALARY RANGE (Except as Noted)	
	FROM	TO
Mayor	\$0.00	\$76,500.00
President of Council	\$0.00	\$11,118.00
Councilperson	\$0.00	\$8,262.00
Township Clerk	\$0.00	\$79,866.00
Coordinator on Aging/Disabled	\$0.00	\$714.00
Chief Financial Officer (Shared Service)	\$0.00	\$33,456.00
Finance Clerk (Part-time)	\$0.00 per hour	\$20.00 per hour
Finance Clerk (Full-time)	\$0.00	\$43,146.00
Tax Collector	\$0.00	\$71,400.00
Tax/Sewer Clerk	\$0.00	\$42,024.00
Tax Assessor	\$0.00	\$26,316.00
Director of Public Works/Township Engineer w/C-2 Wastewater License	\$0.00	\$188,088.00
Building Custodian/Property Maintenance/Zoning Officer/Board of Health Inspector	\$0.00	\$57,834.00
Construction Code Official/Building Inspector	\$0.00	\$35,292.00
Electrical Sub Code Official/Electrical Inspector	\$0.00	\$14,280.00
Emergency Management Coordinator	\$0.00	\$3,264.00
1st Deputy Emergency Management Coordinator	\$0.00	\$612.00
Prosecutor	\$0.00	\$16,000.00
Deputy Public Works Director	\$0.00	\$86,190.00
Recreation Coordinator (Not to exceed 10 hours per week)	\$0.00 per hour	\$16.50 per hour
Recreation Coordinator/Special Events	\$0.00	Minimum wage
Librarian	\$0.00	\$16.50 per hour
Municipal Judge	\$0.00	\$27,132.00
Municipal Court Administrator	\$0.00	\$78,846.00
Animal Control Officer	\$0.00 per month	\$600.00 per month
Assistant Township Clerk (w/Registrar Certification)	\$0.00	\$43,146.00
Engineering Technician	\$0.00	\$64,668.00
Public Works/Engineering Clerk	\$0.00	\$43,146.00

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Administrative Secretary to Land Use (With Registrar Certification)	\$0.00	\$60,996.00
Fire Sub-Code Official	\$0.00	\$8,160.00
Plumbing Inspector	\$0.00	\$6,528.00
Property Maintenance Inspector - PT (not to exceed 8 hours per week)	\$0.00 per hour	\$19.50 per hour
Police Department - Clerk Typist	\$0.00	\$42,300.00
Crossing Guards	\$0.00 per hour	\$16.50 per hour
Temporary Clerk Typist	\$0.00 per hour	\$16.50 per hour
Emergency Event Temporary Public Works Laborer	\$0.00 per hour	\$25.50 per hour
Emergency Event Temporary Mechanic	\$0.00 per hour	\$30.00 per hour
Bus Driver	\$0.00 per hour	\$25.00 per hour
Clerk Typist - PT to Include Library Clerk	\$0.00 per hour	\$16.50 per hour
Deputy Court Administrator	\$0.00	\$43,146.00
Court Recorder Operator	\$0.00 per Court	\$87.00 per Court
Temporary Court Assistant	\$0.00 per court	\$125.00 per Court
Sewer Clerk	\$0.00	\$5,304.00
Student Clerk Typist	Minimum wage	Minimum wage
Chief of Police	\$0.00	\$142,800.00
Captain of Police	\$0.00	\$128,730.00
Lieutenants of Police	\$0.00	\$113,730.00
Sergeants of Police	\$0.00	\$108,120.00
Date of Hire without Certification	\$0.00	\$37,332.00
Date of Hire with Certification or Police Academy Graduation	\$0.00	\$51,204.00
Beginning of Second Year	\$0.00	\$54,978.00
Beginning of Third Year	\$0.00	\$59,364.00
Beginning of Fourth Year	\$0.00	\$66,912.00
Beginning of Fifth Year	\$0.00	\$74,358.00
Beginning of Sixth Year	\$0.00	\$81,804.00
Beginning of Seventh Year	\$0.00	\$89,250.00
Beginning of Eighth Year	\$0.00	\$101,286.00
PT Class II SLEO Officer	\$0.00 per hour	\$40.00 per hour
PT Class II SLEO Officer (School Security)	\$0.00 per hour	\$40.00 per hour
Traffic & Other Services	\$0.00 per hour	\$85.00 per hour
Traffic & Other Services (Township Projects)	\$0.00 per hour	\$50.00 per hour
Traffic & Other Services (County Projects)	\$0.00 per hour	\$65.00 per hour
Employees of Public Works Department	\$0.00 per hour	\$40.00 per hour
Employees of Public Works Department (Temporary)	\$0.00 per hour	\$25.00 per hour
Sewer Department Standby	\$0.00 per month	\$225.00 per month
Special Assignments Stipend	\$0.00	\$12,000.00

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Phyllis Magazzu
Mayor

Catherine Underwood
Township Clerk

Motion by Councilman Epifanio, second by Council President Bodanza to adopt Ordinance 2024-14 on first reading by title. Ordinance adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-146 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	Uncollectible Amount	REASON
9 Taranto Lane Block 2403 Lot 14	2024 Deduction	\$ 250.00	Veteran
5 Imperia Court Block 2501 Lot 17	2024 Deduction	\$ 250.00	Veteran

\$500.00 Total Uncollectible– November 2024

Submitted for the September 23, 2024 meeting.
Dana O’Hara, CTC – Tax Collector

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 2024-146. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-147 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

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be relieved of the collection thereof as required by Revised Statutes of New Jersey, 1937, Title 54, Chapter 4.

Dated: September 4, 2024
Dana O'Hara, CTC - Tax Collector

DESCRIPTION	YEAR	AMOUNT	REASON
347 Franklin Ave	823-1	250.00	Widow 2024 allow
Widow			Transferred from Vet to
374 Blaine Ave	814-3	250.00	Widow 2024 allow
Widow			Transferred from Vet to

\$ 500.00 TOTAL UNCOLLECTIBLE

Submitted for September 23, 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 2024-147. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-148 AUTHORIZING THE RE-APPOINTMENT OF WILLIAM FRAMPTON, WILLIAM PUMPHREY, RICHARD MIRAGLIA AND JOSEPH KELLY AS SPECIAL LAW ENFORCEMENT OFFICER (SLEO) TO PROVIDE SCHOOL SECURITY FOR BERLIN TOWNSHIP PUBLIC SCHOOLS AND TO PERFORM DUTIES FOR BERLIN TOWNSHIP POLICE DEPARTMENT.

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

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

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

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

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-148. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-149 RESOLUTION AUTHORIZING AND RATIFYING PAYMENT OF BILLS FOR AUGUST 15, 2024 AND SEPTEMBER 12, 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 15, 2024 and September 12 ,2024.

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-149. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-150 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:</u>	<u>LIEN NUMBER</u>	<u>REASON</u>
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319 Hazel Ave.	PM 24-009	tree removal
12 Astor Ave.	PM 24-008	lawn care
314 Washington Ave.	PM 24-007	lawn care

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:</u>	<u>Date Charged</u>	<u>Amount</u>	<u>Reason</u>
319 Hazel Ave.	9/23/24	\$500.00	tree removal
12 Astor Ave.	9/23/24	\$75.00	lawn care
314 Washington Ave.	9/23/24	\$140.00	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

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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 2024-150. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-151 CONFIRMING AUTHORIZING CANCELLATION OF UNCOLLECTIBLE TAXES AND REFUND.

WHEREAS, the Department of Veterans Affairs disclosed that the service-connected disability was totally disabling for Michael A. Williams. A 100% permanent and total evaluation was assigned effective September 28, 2022 in accordance with the Veterans Affairs Rating Schedule and per N.J.S.A. 54:4-3.30 et seq, and;

WHEREAS, Mr. Williams, purchased a home in April, 2024 and provided supporting documentation from the VA and applied for a Property Tax Exemption due to 100% total service-connected disability on April 22, 2024 which was approved and made effective, as of the date of the application and;

WHEREAS, Mr. William's lender required an estimated tax payment be made at the time of the purchase and closing of his home which the title company paid. The prorated amount will be refunded to the owner as per the request of Trident Land Transfer Company who has authorized the exempt amount by refunded directly to the owner, and;

WHEREAS, Mr. William's lender paid the August tax quarter installment before the cancellation of taxes on 8/15/24. This amount needs to be refunded to the owner as per the request of Corelogic Tax Services who has made payment on behalf of the lender. This amount is to be refunded directly to the owner, and

WHEREAS, the pro-rated amount of exempt taxes from April 22 through June 30, 2024 which are to be cancelled and refunded is \$ 1,448.63 and;

WHEREAS, the August installment amount of exempt taxes from July 1 through September 30, 2024 which are to be cancelled and refunded is \$ 1,931.76 and;

THEREFORE, BE IT RESOLVED that the tax collector cancel and refund the amount of \$3,380.39 directly to the owner.

**Michael A. Williams
301 Stratford Avenue
West Berlin, NJ 08091**

Submitted by Dana O'Hara, CTC for the September 23, 2024 meeting.

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Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-151. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-152 RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR THE RESTORATION OF KRUMM AVENUE - FRANKLIN AVENUE TO MCCLELLAN (NJDOT FY 2021 MUNICIPAL AID FUNDING) AND RESTORATION OF MCCLELLAN AVENUE – KRUMM TO HADDON AVENUE (NJDOT FY 2022 MUNICIPAL AID FUNDING).

WHEREAS, it was necessary to make changes in the scope of work to be done in completing the Restoration of Krumm Avenue – Frankin Avenue to McClellan Avenue (N.J.D.O.T. FY2021 Municipal Aid Funding); and Restoration of McClellan Avenue – Krumm Avenue to Haddon Avenue (N.J.D.O.T. FY2022 Municipal Aid Funding) in the Township of Berlin, Camden County, New Jersey;

WHEREAS, Change Order No. 1 was developed to itemize and authorize those changes.

WHEREAS, certification has been received by the Treasurer/Finance Director that sufficient funds have been allocated for this Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin that Change Order No. 1 is hereby authorized to revise the contract amount from \$510,334.00 to \$512,253.00.

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-152. Resolution adopted by call of the roll, four members present voting in the affirmative.

Business Approvals

1) Alec Price, Price Financial Management, 560 North Route 73. West Berlin. Financial Services provided.

2) Damian Tinnerello, Tinnerello Fitness, 115 Route 73, Suite 6. Personal Training and consulting. Volunteer rival boxing gloves sales.

3) Xu Xiaohu, Luke Scientific LLC, 1040 Industrial Drive Unit #8 West Berlin. Online sales of scientific instruments such as a microscope.

4) Atinderpal, Singh, Sutta Bazaar, 443 North Route 73, West Berlin. Smoke shop and the sale of tobacco products.

SEPTEMBER 23, 2024

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

Approval of Meeting Minutes from August 26, 2024.

Motion by Councilman Epifanio, second by Councilman McHenry to approve the Meeting Minutes for August 26, 2024. Motion carried by roll of the call four members present voting in the affirmative.

Consent Agenda for August 2024.

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

Correspondence Calendar for August 2024.

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

All Other Business.

- 1) National Night Out & Community Camp Out will be held September 28, 2024.

The Event will begin at Diggerland from 2:00pm to 6:00pm. The Community Campout will start at 6:00pm at the Luke Avenue Complex.

Public Portion.

Motion by Councilman Epifanio second by Councilman McHenry 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 from Genova Drive, thanked Mayor and Council, as the grass on Cooper Road, had been cut. The resident asked the Township Engineer if he had any updates regarding the stormwater basin.

Township Engineer, Greg Fusco replied no updates.

No more comments were to be heard.

Motion by Councilman Epifanio second by Councilman McHenry 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.

SEPTEMBER 23, 2024

Adjourn

Motion by Councilman Epifanio, second by Councilman McHenry to adjourn the meeting at 5:44 pm. Motion carried by voice vote, all members voting in the affirmative, meeting adjourned 5:44: pm.

Catherine Underwood
Berlin Township RMC