

December 16, 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 Epifanio, Councilman Reid entered the meeting at 5:40pm

Also Present- Solicitor, Stuart Platt, CFO, Alex Davidson, Chief of Police, Louis Bordi, Township Engineer, Shawn Seroka.

Absent – Councilman McHenry, Property Maintenance / Animal Control, Josh Shellenberger.

Departmental Reports

Shawn Seroka, Key Engineers spoke about the items on the agenda tonight regarding change order #3 and final payment for NJDOT Municipal Aid Funding for Krumm and Various Street.

No other departmental reports were given.

SECOND READING AND PUBLIC HEARING ORDINANCE 2024-16 AN ORDINANCE AMENDING ORDINANCE 2024-13 RELATING TO 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 156-29 of the Code establishes the fees for Grading Plan applications and review; and

WHEREAS, the Mayor and Council adopted Ordinance 2024-13 on or about September 23, 2024 amending the aforementioned fees; and

WHEREAS, the Mayor and Council seek to amend Ordinance 2024-13 to correct fees related to grading plan applications; and

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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 156-29 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 \$500 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 2: Except as set forth in Section 1, the balance of Chapter 156 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 Councilman Epifanio second by Council President Bodanza to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2024-16.

No comments were to be heard.

Motion by Councilman Epifanio second by Council President Bodanza to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2024-16

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Motion by Councilman Epifanio seconded by Council President Bodanza to adopt Ordinance 2024-16. Ordinance approved by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-182 GRANTING ARCADE AMUSEMENT GAMES LICENSES TO APX PARK GROUP LLC (SAHARA SAM'S OASIS WATER PARK)

WHEREAS, APX Park Group LLC has filed an application with the Township of Berlin, County of Camden, New Jersey, for an Amusement Games License for January 1, 2025 and expiring on December 31, 2025; and

**APX Park Group, LLC (Sahara Sam's Water Park) License # 36-2000-4-00137
(2024)
Arcade Tr. No 2999
535 Route 73 North West Berlin NJ 08091 Control No 00137**

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Berlin that the license be and is hereby granted. The Township Clerk is hereby authorized and directed to issue a license from January 1, 2025 and ending December 31, 2025.

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-182. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-183 RESOLUTION AUTHORIZING AND RATIFYING PAYMENT OF BILLS FOR DECEMBER 4, 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 December 4, 2024.

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-183. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-184 AUTHORIZING CHANGE ORDER NUMBER # 3 AND FINAL PAYMENT VOUCHER #3 FOR THE RESTORATION OF KRUMM AVENUE- FRANKLIN AVENUE TO MCCLELLAN AVENUE (NJDOT FY 2021 MUNICIPAL AID FUNDING) AND RESTORATION OF MCCLELLAN AVENUE- KRUMM AVENUE TO

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HADDON AVENUE (NJDOT FY 2022 MUNICIPAL AID FUNDING) IN THE TOWNSHIP OF BERLIN.

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. 3-Final 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. 3-Final;

NOW, THEREFORE, BE IT RESOLVED by the Township of Berlin that Change Order No. 3-Final is hereby authorized to revise the contract amount from \$521,416.00 to \$515,492.00 (a decrease in the amount of \$5,924.00).

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-184. Resolution adopted by call of the roll, four members present voting in the affirmative.

RESOLUTION 2024-185 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,

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>
310 Magnolia Ave.	PM 24-0011	Demolition of structure

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

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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>
310 Magnolia Ave.	12/16/24	\$14,900.00	Demolition

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

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

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

Motion by Council President Bodanza second by Councilman Epifanio to adopt resolution 2024-185. Resolution adopted by call of the roll, four members present voting in the affirmative.

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RESOLUTION 2024-186 RESOLUTION RECOGNIZING THE GROWING PROBLEM OF ANTISEMITISM IN AMERICA, AND CALLING FOR THE ADOPTION OF THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE (IHRA) DEFINITION OF ANTISEMITISM

WHEREAS, antisemitism, including harassment on the basis of actual or perceived Jewish origin, ancestry, ethnicity, identify, affiliation, or faith, remains a persistent, pervasive, and disturbing problem in American society; and

WHEREAS, Jews continue to be targeted minority in the United States and are consistently the most likely of all religious groups to be victimized by incidents of hate, and such incidents are increasing at an alarming rate; and

WHEREAS, the recent AJC (American Jewish Committee) States of Antisemitism in America Report found that more than one in three American Jews (37%) say they have been victims of antisemitism over the past five years;

WHEREAS, Township Officials and institutions have a responsibility to protect citizens from acts of hate and bigotry, including antisemitism, and must be given the tools to do so; and

WHEREAS, valid monitoring, informed analysis and investigation, and effective policy-making all benefit from accurate and uniform definitions; and

WHEREAS, the International Holocaust Remembrance Alliance (IHRA) by consensus vote of its member states adopted a Working Definition of Antisemitism in May 2016, which has become the internationally recognized, authoritative definition of antisemitism for use by governments and international organizations. That definition reads in full:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

“To guide IHRA in its work, the following examples may serve as illustrations”:

“Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits”.

“Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to”:

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- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust)
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

“Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).”

“Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.”

“Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.”

WHEREAS, the IHRA Working Definition has proven to be an essential tool used to help determine contemporary manifestations of antisemitism; and

WHEREAS, in the United States, the IHRA Working Definition is utilized by various government agencies, including the US Department of State and the US Department of Education, and can be utilized by law enforcement agencies in monitoring, training, and education.

NOW, BE IT RESOLVED by the Mayor and Council of the Township of Berlin, hereby recognizes and adopts the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism.

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Motion by Councilman Epifanio by Council President to adopt resolution 2024-186. Resolution adopted by call of the roll, four members present voting in the affirmative.

Councilman Epifanio, being a history teacher read the resolution and thanked the Governing Body the opportunity to speak on this resolution.

Township Solicitor, Stuart Platt, Thanked the Governing Body for taking action on this important issue as well.

Approval of Meeting Minutes from November 25, 2024

Motion by Councilman Epifanio, second by Councilman Reid to approve the Meeting Minutes for November 25, 2024. Motion carried by roll of the call four members present voting in the affirmative.

Consent Agenda for November 2024

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

Correspondence Calendar for November 2024

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

All Other Business

- 1) Reorganization Meeting will be held January 6th 2025 at 12 noon**
- 2) Berlin Township FREE Rabies Clinic will be held Saturday January 25, 2025 from 9:00 am to noon.**

Councilman Epifanio spoke about the recent passing of Mayor Phyllis Magazzu's mother and asked for a moment of Silence

Public Portion

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

Township Resident from Hudson Avenue thanks the Governing Body and Employees for all that they do for the residents this pass year, and wished everyone "Happy Holidays"

Montebello Resident thanked the Township for passing Resolutions 2024-186 as it personally means a lot to him since his wife is a survivor of the nazi camp.

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The New Board President Trustee introduced himself and state with winter around the corner they still don't have a contract for snow removal? And spoke about concerns with stormwater basin # 2,

Township Solicitor stated that he hoped that the developer would do what they are suppose to do, but in case send the snow removal information to the Township Clerk.

Shawn Seroka, Key Engineer stated that a meeting is scheduled to take place the first of the year with developer and your board to go over these issues,

No more comments were to be heard.

Motion by Councilman Epifanio second by Councilman Reid to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments.

Adjourn

Motion by Councilman Epifanio, second by Councilman Reid to adjourn the meeting at 6:04 pm. Motion carried by voice vote, all members voting in the affirmative, meeting adjourned 6:04: pm.

Catherine Underwood
Berlin Township RMC