



BOROUGH OF BERLIN
MUNICIPAL BUILDING
59 SOUTH WHITE HORSE PIKE
BERLIN, NJ 08009

REGULAR MEETING MINUTES
THURSDAY DECEMBER 17, 2020 - 7:00 pm.
Held Remote and Live Streamed Via Zoom

Mayor Rick Miller called the meeting to order at 7:00 pm. He stated that adequate notice of this meeting was given according to the Open Public Meeting Act, Pursuant to Public Law 1975, Chapter 231. Said notice has been advertised in the Courier-Post and posted on the Borough Hall Bulletin Board showing the said meeting's date, place, and time.

After the Salute to the Flag, the following roll call was taken:

Present: Councilmembers: Hohing, Miller, Simone, Pearce, and Mayor Miller
Absent: Councilmembers: Cummings, Badolato

Attorney Howard Long was present as Solicitor.

APPROVAL OF MINUTES

November 12 – Workshop Meeting
November 12 – Regular Meeting
November 12 - Executive Session

Moved by: Councilman Pearce; **Seconded by** Councilman Hohing
Vote: Motion carried by roll call vote (summary: Yes = 4; Absent=2)
Yes: Councilmember Hohing, Miller, Simone, Pearce
No: None
Abstain: None
Absent: Councilmember Badolato, Cummings

COUNCIL REPORTS:

- **BUILDINGS, PARKS, & RECREATION** – Councilman Simone stated that he had talked to Councilman Badolato, who offered his reports for the month, and asked if I [Simone] could speak on his behalf. Councilman Pearce questioned if it would be faster to attach it to the minutes and asked what everybody thinks about when you are not present, it is possible to attach it to the minutes. He [Pearce] thought a suitable protocol is maybe going forward. Councilman Simone would like to say out loud that Councilman Badolato would like to wish everyone a happy holiday for 2020, especially towards council members and the governing body, and to the community here in Berlin Borough.

➤ PUBLIC WORKS, STREETS & ROADS - Chairman Andrew Simone reported last month was a quiet month and a busy month. Public works do tend to be a little light-handed around the Holidays. We have a full staff, but several gentlemen were off duty for personal reasons and vacation, but we did what we had to do throughout the town with leaf pickup, trash, and recyclables. In October, I would like to mention the Borough posted an open position for an in-house mechanic with certain certifications and qualifications for the Department of Public Works. He, Councilman Badolato, and Councilwoman Cummings reviewed the applications and interviewed several candidates. We selected a person that we felt was best qualified to fill this position and started Monday. He is in a 90-day trial period after which, we will revisit this candidate for a full-time job in public works, so good luck to Karl Hanson. The first resolution is for the 2020 Roadways Improvement Program to accept to receive and authorized bids on the agenda for this evening. The Borough did go through this process earlier in the year, where the numbers came in above what we budgeted for this project. I think it was in the best interest this year to delay this process until the end of the year, and we were going to begin construction in the spring then. I would like to wish everyone on the Governing Body and everyone in the Borough and the Berlin Borough citizens a Happy Holidays, and I look forward to January 2021.

➤ WATER & SEWER - Councilman Simone spoke with Councilwoman Cummings this morning. She provided a written report for the Water and Sewer Departments that he would like to submit on her behalf to the Administrator for recording in this meeting minutes. Chairwoman Patricia Cummings submitted the following report in writing:

Water:

- 1) Hydrant flushing has been completed. The next scheduled flushing will be in April.
- 2) Phase one of the water meter replacement project has begun. There have been approximately 180 meters replaced so far.
- 3) The crew has started to shut down and winterize Plant# 2.
- 4) 62 Utility mark out requests were completed.
- 5) All routine maintenance at both water plants was completed.

Sewer:

- 1) Completed all routine monthly maintenance at our ten pumpstations.
- 2) Completed all routine monthly maintenance on our ten emergency backup generators at the sewer pumpstations.
- 3) The crew replaced pump #2 at the Enclave pump station.
- 4) NJDEP conducted an on-site inspection of the sewer system. This inspection included an administrative inspection and an inspection of our pump stations and collection system. The inspector found all aspects of our sewer system to be well maintained and in excellent condition.

➤ PUBLIC SAFETY - Chairman Jim Pearce reported the Berlin Police Department for November 2020 handled 1242 calls. Canine Ratko received recognition from the Gloucester Township Police Department. He noted the Office of Emergency Management was sending us updates on the weather. They have always been coordinating any personal protection equipment needs for any of our Departments and

staying on top of the storms and any other information or anything that we might need in that arena. He reported the Berlin E.M.S. report is for October, which is a month behind, but they did 202 calls 38 of those calls were in Berlin Borough. The E.M.S. is still having a little bit of an issue with staffing, and they are exploring new ways, working with the Mayor of Berlin and the Mayor of West Berlin, trying to find some extra help, maybe. He reported the Fire Department for November 2020 handled 57 calls, and they also sold out in record time on their Christmas trees. They [Fire Dept.] want to extend their appreciation for all the people that bought a tree from them. He wants everyone a happy holiday and looks forward to seeing everyone in 2021.

- COMMUNICATION – Chairman Keith Hohing had nothing new to report relative to communications itself other than he continues to keep our website updated. As a part of his committee related to finance, he joined some internal budget discussions and was involved in the interviewing process for our new Tax Collector. He wished everyone a happy holiday and expressed his pleasure in being part of this group, and he too is looking forward to the next year, 2021.
- FINANCE - Chairman Jake Miller read the Department Head reports for November. He reported, as Councilman Hohing alluded to, the discussions with the Department Heads to start getting their department budgets ready for the 2021 Municipal Budget, so that is a work in progress. He also wants everyone a happy holiday looking forward to a better 2021.
- SOLICITOR - Howard Long indicates that as opposed to going into closed session for any details, we did file responsive pleadings in the Solid Rock Church matter who had amended their complaint to include Berlin Borough and Clementon Borough. In this case, their real focus is to declare the Executive Orders unconstitutional as an interference with the right to assembly and right to free speech regarding the regulations imposed on churches during the pandemic. Because there were tickets issued and the Berlin police were on hand, they amended the Berlin parties' complaint. We have filed a comprehensive answer, and that judge has put a date in January to file for motions to dismiss. We have been working very closely with New Jersey's state, and everything is in the appropriate order. Concerning a couple of resolutions, we have a resolution accepting Lisa Eggert's resignation, which effectively terminates any tenure effective on her last day, which was December 4. There is a resolution for her to perform any per-diem, part-time services on behalf of the Borough should it be needed during appropriately busy times. I have worked with Mr. Harris on a couple of the resolutions, everything was in order, and it was a relatively quiet month. He did thank the council for a great year where we got many things accomplished despite our inability to be together with a lot or function usually. He wished everybody a happy holiday and a very Merry Christmas.
- MAYOR'S REPORT – Rick Miller also thanked Lisa Eggert for her time at the Borough. He was saddened at her decision to leave but was very thankful that she stepped up and offered her services on a part-time basis to get us through. He was also very excited to announce that with the passing of the resolution, the Borough will have a new Tax Collector starting in the new year, so not much time will lapse between them. He thanked

the Governing Body and the employees for making 2020 bearable. We had to deal with a lot, but I think we got through it reasonably well considering. He wished everyone a happy holiday and a happy new year and suggested we get a permit to have a symbolic calendar burning at the Borough Hall, leaving 2020 behind us and looking ahead to 2021.

Motion to Accept Reports: **Moved by** Councilman; **Seconded by** Councilman.

Vote: Motion carried by roll call vote (summary: Yes = 4; Absent=2)

Yes: Councilmember Hohing, Miller, Simone, Pearce

No: None

Abstain: None

Absent: Councilmember Badolato, Cummings

UNFINISHED BUSINESS:

ORDINANCES FOR PUBLIC HEARING/ADOPTION

2020-12 - AMENDING CHAPTER 176 "GARAGE SALE" §176-4 "LICENSE FEES" OF THE CODIFIED ORDINANCES OF THE BOROUGH OF BERLIN

After a second reading and public hearing:

Motion to adopt by Councilmember Pearce; **Seconded by** Councilmember Miller

Vote: Motion carried by roll call vote (summary: Yes = 4; Absent = 2).

Yes: Council members, Hohing, Miller, Simone, Pearce

No: None

Abstain: None

Absent: Councilmembers Badolato, Cummings

2020-13 - AMENDING CHAPTER 52, ARTICLE II, OFF-DUTY EMPLOYMENT, SPECIFICALLY §52-19, PAYMENT REQUIREMENT OF THE CODE OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY

After a second reading and public hearing:

Moved to adopt by Councilmember Pearce; **Seconded by** Councilmember Miller

Vote: Motion carried by roll call vote (summary: Yes = 4; Absent = 2).

Yes: Council members, Hohing, Miller, Simone, Pearce

No: None

Abstain: None

Absent: Councilmembers Badolato, Cummings

2020-14 - AN ORDINANCE AMENDING ARTICLE XVI, "SCHEDULES," SPECIFICALLY §315-32, SCHEDULE I: NO PARKING OF THE CODIFIED ORDINANCES OF THE BOROUGH OF BERLIN

After a second reading and public hearing:

Motion to adopt made by Councilmember Hohing; **Seconded by** Councilmember Miller

Vote: Motion carried by roll call vote (summary: Yes = 4; Absent = 2).

Yes: Council members, Hohing, Miller, Simone, Pearce

No: None

Abstain: None

Absent: Councilmembers Badolato, Cummings

RESOLUTIONS/ORDINANCES

Clerk Harris read the following resolutions for the record:

2020-166 - AUTHORIZING RECEIPT OF BIDS FOR THE 2020 BERLIN BOROUGH ROADWAY IMPROVEMENT PROJECT

2020-167 - RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE RESCINDING OF RESOLUTION # 2020-084 & 2020-100

2020-168 - RESOLUTION OF THE BOROUGH OF BERLIN APPROVING CANCELLATION OF OUTSTANDING CHECKS

2020-169 - AUTHORIZING RECEIPT OF BIDS FOR THE LAUREL HILL COURT WATER MAIN PROJECT

2020-170 – RESOLUTION ESTABLISHING THE HOURS FOR THE TAX COLLECTOR AND THE TEMPORARY ADJUSTMENT OF OFFICE HOURS

2020-171 - RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING REFUND OF COMMUNITY CENTER RENTAL FEES IN THE AMOUNT OF \$1200.00

2020-172 - RESOLUTION AUTHORIZING CONTRACT WITH APPROVED NATIONAL COOPERATIVE CONTRACT VENDOR PURSUANT TO N.J.S.A. 52:34-6.2 and P.L.2011, c139 [National Auto Fleet]

2020-173 – PAYMENT OF BILLS - \$1,433,644.08

2020-174 - RESOLUTION AUTHORIZING THE ACCEPTANCE OF RESIGNATION TENDERED BY LISA EGGERT, TAX COLLECTOR EFFECTIVE RETROACTIVE TO DECEMBER 4, 2020

2020-175 RESOLUTION AUTHORIZING INTERIM ACTING PART-TIME EMPLOYMENT FOR THE POSITION OF BOROUGH TAX COLLECTOR WITH LISA EGGERT EFFECTIVE DECEMBER 5, 2020

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2020-176 - RESOLUTION AUTHORIZING THE EXECUTION OF A STIPULATION OF SETTLEMENT FOR 10 BEN HOLDING CORPORATION V. BOROUGH OF BERLIN

2020-177 - RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE BUDGET TRANSFERS FOR THE YEAR ENDING 2020

2020-178 - RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF FIRE SUPPRESSION SYSTEM CHARGES IN THE AMOUNT OF \$437.49 FOR BLOCK 1304 LOT 11 DUE TO THE REMOVAL OF THE FIRE SUPPRESSION SYSTEM

2020-179 - RESOLUTION APPOINTING A TAX COLLECTOR FOR THE BOROUGH OF BERLIN

RESOLUTION 2020-180 - RESOLUTION APPROVING CHANGE ORDER #1 FOR THE WATER METER REPLACEMENT PROJECT – PHASE I

PUBLIC COMMENTS OF RESOLUTIONS - no comments.

Motion to adopt resolutions 166-177 as a consent agenda made by Councilmember Simone; **Seconded by** Councilmember Pearce

Vote: Motion carried by roll call vote (summary: Yes = 4; Absent = 2).

Yes: Council members, Hohing, Miller, Simone, Pearce

No: None

Abstain: None

Absent: Councilmembers Badolato, Cummings

Motion to adopt resolutions 2020-178 made by Councilmember Simone; **Seconded by** Councilmember Pearce

Vote: Motion carried by roll call vote (summary: Yes = 3; Abstain=1; Absent = 2).

Yes: Council members Miller, Simone, Pearce

No: None

Abstain: Councilman Hohing

Absent: Councilmembers Badolato, Cummings

Councilmember Hohing made the motion to adopt resolutions 2020-179; Seconded by Councilmember Miller

Vote: Motion carried by roll call vote (summary: Yes = 4; Absent = 2).

Yes: Council members, Hohing, Miller, Simone, Pearce

No: None

Abstain: None

Absent: Councilmembers Badolato, Cummings

PRIVILEGE OF THE FLOOR – no comments from the public.

Councilmember Pearce made a motion to close Privilege of the Floor; Seconded by Councilmember Miller

Motion passed by unanimous consent.

GOOD OF THE ORDER:

Councilman Simone - I appreciate this year. I know it was very tough. In January, we came into this year with many events planned, many good ideas, a lot of things that would benefit the town, and we hit the ground running in January. We were hit with the pandemic, and it took the wind out of our sails, but I commend you guys. We meet on our committees throughout the month multiple times. We meet once a month. Last week, we all had some personal conflicts with work and our home obligations, but I remind everybody we all have a private life, and we all have careers. We all have our travels every day, so great job everybody getting together each month and conducting business. I thank you again.

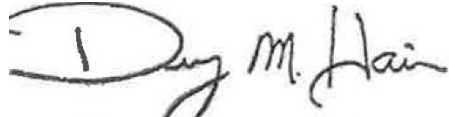
ADJOURN 7:31 pm

There being no further business before the Governing Body, a motion was made by Councilmember Pearce; Seconded by Councilmember Simone

Motion passed by unanimous consent.

I, Dwayne M. Harris, Administrator/ Clerk of the Borough of Berlin, in the County of Camden, State of New Jersey, hereby certify these Minutes were approved by the Governing Body, at its Regular Meeting, held February 11, 2021.

WITNESS my hand this 12th day of February 2021.



Dwayne M. Harris, RMC
Administrator/Clerk