A close up of a sign

Description automatically generated**BOROUGH OF BERLIN**

MUNICIPAL BUILDING

59 SOUTH WHITE HORSE PIKE

BERLIN, NJ 08009

**COUNCIL MEETING MINUTES**

THURSDAY, NOVEMBER 10, 2022 – 6:30 PM

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**STATEMENT OF ADVERTISEMENT:**

Notice of this meeting has been provided to the Courier Post and the Philadelphia Inquirer is posted on the Borough Hall Bulletin Board stating the time and the place of the meeting.

**ROLL CALL:**

Councilman Len Badolato - Present

Councilwoman Patricia Cummings - Present

Councilman Keith Hohing - Present

Councilman Jake Miller - Present

Councilman Andrew Simone - Present

Council President Jim Pearce - Absent

Mayor Rick Miller - Present

Also present: Solicitor, Daniel Long

Co-Administrator, Charleen Santora

Co-Administrator, Bill Behnke

CFO, Debbie DiMattia

Deputy Municipal Clerk, Rachel von der Tann, CMR

**APPROVAL OF MINUTES**

October 13, 2022

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  | √ |  |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  |  | √ |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  | √ |  |  |  |

**COUNCIL REPORTS**

* BUILDINGS, PARKS, & RECREATION – Councilman Len Badolato stated that striping has been completed on crosswalks along the White Horse Pike and designated parking spots. He added that Camden County College is hosting an art show at the Dill House on November 13th. Councilman Badolato also recognized the new chairs in the courtroom.
* PUBLIC WORKS, STREETS & ROADS - Councilman Andrew Simone stated that the Borough is purchasing a new backhoe. He suggested a plaque for Chris Eggert’s upcoming retirement and added that a DPW posting will be advertised. He added that leaves will be picked up by Christmas and stated the Christmas lights will be put up at Borough Hall in the coming weeks. Councilman Simone also stated that the street sweeper will be mounted before the end of the year. He added that a flashing LED stoplight will be installed on Washington Avenue and Jackson Rd. on a trial basis. If successful, we will add more throughout the borough. New bike lanes will also be stripped.
* WATER & SEWER - Councilwoman Patricia Cummings gave updates to utility mark outs, sewer plant maintenance, maintenance to one generator and upcoming hydrant flushing. She added that all routine monthly maintenance of the pump stations and emergency generators was performed and that the department continues to video sewer mains to track the condition of the systems.
* PUBLIC SAFETY – Council President Pearce was absent and a report will be given at the next meeting.
* COMMUNICATION – Councilman Keith Hohing updated Council on the website updates and maintenance. 2021 audit review was held.
* FINANCE – Councilman Jake Miller stated the total revenues collected for the month of October 2022 are as follows:

|  |  |
| --- | --- |
| Permit Fees | $ 19,422.00 |
| Rental/Resale Inspection Fees | $ 575.00 |
| Zoning Fees | $ 550.00 |
| Community Center Fees | $ 100.00 |
| Tax Collector | $4,503,002.96 |
| Utility Collector | $ 294,729.55 |
| Animal Licensing Fees | $ 50.00 |
| Clerk’s Office | $ 2,620.00 |
| Court Office | $ 16,325.18 |

Resale Inspection fees $ 650.00

Councilman Miller added that the borough had the annual best practices audit and the borough scored a 30, which allows us to keep 100% of the aid we receive from the state.

* SOLICITOR – Solicitor Daniel Long had nothing to report.
* MAYOR – Mayor Rick Miller stated that there is a shredding event on Saturday, November 19th. Mayor Miller stated that there are two ordinances being introduced and, in an effort to maintain transparency, he stated that he is not comfortable moving forward on the proposed ordinances on the agenda.

Councilman Badolato motioned to approve the monthly reports. Councilman Cummings seconded the motion, which passed with all members present voting in favor.

**NEW BUSINESS:**

**INTRODUCTION OF ORDINANCE**

ORDINANCE NO. 2022-13, AN ORDINANCE OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY AMENDING THE CODE OF THE BOROUGH OF BERLIN, CHAPTER 335 AND CHAPTER 345 TO PERMIT THE OPERATION OF CLASS V CANNABIS RETAIL BUSINESS AS A CONDITIONAL USE WITH CANNABIS OVERLAY DISTRICT

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  |  |  | √ |  |
| Hohing | √ |  | √ |  |  |  |
| Miller |  | √ | √ |  |  |  |
| Simone |  |  |  |  | √ |  |
| Pearce |  |  |  |  |  | √ |

Solicitor Long stated that due to a lack of an effective majority vote to approve this first reading, the Ordinance fails and will not be considered for adoption after an open public hearing.

ORDINANCE 2022-14 AN ORDINANCE OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN AND THE STATE OR NEW JERSEY TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF BERLIN, CHAPTER 80, TAXATION, ARTICLE III ENTITLED “CANNABIS MUNICIPAL TAX” TO COLLECT A STATUTORILY AUTHORIZED TWO PERCENT (2%) MUNICIPAL TRANSFER TAX ON CANNABIS SALES BY CLASS V LICENSE HOLDERS.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  |  |  | √ |  |
| Hohing | √ |  | √ |  |  |  |
| Miller |  | √ | √ |  |  |  |
| Simone |  |  |  |  | √ |  |
| Pearce |  |  |  |  |  | √ |

Solicitor Long stated that due to a lack of an effective majority vote to approve this first reading, the Ordinance fails and will not be considered for adoption after an open public hearing. Solicitor Lon stated that this issue can be considered again after the Reorganization meeting.

Solicitor Long stated that there could be a Town Hall style meeting to invite the public to part of future conversations regarding cannabis.

RESOLUTIONS 2022-169 THROUGH 2022-183

**PUBLIC COMMENT FOR CONSENT AGENDA**

Brenda Rowand

39 Joans Lane

Ms. Rowand asked which resolutions were being heard, and Mayor Miller confirmed the resolutions being considered.

A motion was made to close the public portion.

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| --- | --- | --- | --- | --- | --- | --- |
| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  | √ |  |  |  |
| Miller |  | √ | √ |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

A motion was made to approve the consent agenda.

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| --- | --- | --- | --- | --- | --- | --- |
| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  | √ |  |  |  |
| Miller |  | √ | √ |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

RES. 2022-169 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, MEMORIALIZING AN EXECUTIVE SESSION FOR OCTOBER 13, 2022

RES. 2022-170 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY ACCEPTING THE FINDINGS OF THE 2021 AUDIT

RES. 2022-171 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY MEMORIALIZING THE APPOINTMENT OF LAWRENCE J. LUONGO, JR. AS PLANNING BOARD CONFLICT ATTORNEY

RES. 2022-172 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY ACCEPTING THE RESIGNATION OF TOM DULIN FROM THE PLANNING BOARD

RES. 2022-173 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A QUOTE IN THE AMOUNT OF $11,444.00 TO B. J. KILPATRICK, INC. FOR HVAC REPAIRS TO AMBULANCE BUILDING

RES. 2022-174 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE TAX REFUND OF $2,865.16 FOR BLOCK 2400 LOT 27.10 DUE TO OVERPAYMENT

RES. 2022-175 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE TAX REFUND OF $3,056.74 FOR BLOCK 802 LOT 22 DUE TO OVERPAYMENT

RES. 2022-176 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, ACCEPTING A PERFORMANCE GUARANTY FROM MONACO E KARTING, LLC IN THE AMOUNT OF $1,995.00

RES. 2022-177 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTORIZING A STIPEND TO FIRE CHIEF MICHAEL KERNAN

RES. 2022-178 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING CHANGE ORDER #2 FOR THE 2021 ROADWAY IMPROVEMENT PROJECT, #BBGEX 21006, DECREASE IN THE AMOUNT OF $1,806.04

RES. 2022-179 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING FINAL PAYMENT OF THE 2021 ROADWAY IMPROVEMENT PROJECT #BBGEX 21006, IN THE AMOUNT OF $88,743.74

RES. 2022-180 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A BID FOR WATER METER REPLACEMENT, PHASE 2-3 IN AND FOR THE BOROUGH OF BERLIN IN THE AMOUNT OF $770,151.00

RES. 2022-181 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE ADVERTISEMENT OF A BID FOR GENERATOR REPLACEMENT

RES. 2022-182 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, EXTENDING THE SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF BERLIN AND THE BOROUGH OF LAUREL SPRINGS FOR CONSTRUCTION AIDE SERVICES

RES. 2022-183 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, APPROVING THE PAYMENT OF BILLS FOR NOVEMBER

A motion was made to open the floor to the public.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings | √ |  | √ |  |  |  |
| Hohing |  | √ | √ |  |  |  |
| Miller |  |  | √ |  |  |  |
| Simone |  |  |  |  |  | √ |
| Pearce |  |  |  |  |  | √ |

**PRIVILEGE OF THE FLOOR**

Christina Hoffman

55 Summit Avenue

Ms. Hoffman spoke to Council regarding the Preservation and Historic Commission and its mission. She reminded that Councilman Simone applied for a grant through the CLG and the commission was tasked with identifying properties to be designated as landmarks. The Berlin Hotel, the library, the Towson Post Office and the municipal building have been identified for designation. Feedback from the Planning Board ruled that they didn’t feel the request was consistent with the master plan, however, the architect for the PHC feels that they are consistent. Mrs. Hoffman stated that there was to be a meeting scheduled between Planning Board members, Councilman Simone and PCH members and to date a meeting has not been scheduled.

Councilman Badolato stated that there was some confusion regarding the selection process and other issues.

Mrs. Hoffman stated that she is aware that there are some inconsistencies with the master plan and added that the HPC is tasked with making these recommendations and have no restricting powers to make decisions on future improvements to any of these recommended sites. She requested that second reading be scheduled for the December 8th meeting.

Solicitor Long stated that he will review the documents presented by Mrs. Hoffman.

Carl Mascarenhas

13 Washington Avenue

Mr. thanked Mayor Miller for the transparency regarding the proposed cannabis ordinance. He asked each councilmember if they have a personal relationship with the individuals who have asked for the cannabis ordinance be adopted.

Councilman Miller stated that he is strictly looking at the financial benefits of the Borough if a cannabis ordinance is adopted. Councilman Miller stated that he would abstain from a vote to allow a cannabis retailer if he had any personal relationship with the applicant.

Mr. Joe Hoffman

55 Summit Avenue

Mr. Hoffman stated that at no time does the PHC have any power to make requirements of the council, and only have the task of making recommendations.

A motion was made to close the public portion.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  | √ |  |  |  |
| Miller |  | √ | √ |  |  |  |
| Simone |  |  |  |  |  | √ |
| Pearce |  |  |  |  |  | √ |

Councilman Miller welcomed Carl Mascarenhas and Millard Wilkinson to the council and congratulated them on their win. He thanked Council President Jim Pearce and Councilman Simone for their years of hard work on the council. He stated that he looks forward to making Berlin better.

Mayor Miller echoed those sentiments and stated that change and new energy is always good.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing |  | √ | √ |  |  |  |
| Miller | √ |  | √ |  |  |  |
| Simone |  |  |  |  |  | √ |
| Pearce |  |  |  |  |  | √ |

**BOROUGH OF BERLIN**

**RESOLUTION 2022:169**

**RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, MEMORIALIZING AN EXECUTIVE SESSION**

**WHEREAS,** the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of Berlin Borough to be held in public, except as set forth in N.J.S.A. 10:4-12(b) which provides for nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend; and

**WHEREAS,** the Borough of Berlin has determined that certain issues set forth below are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance were discussed during an Executive Session held on October 13, 2022, at approximately 6:30 p.m.; and

**WHEREAS**, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and the items to be privately discussed that fall within such exceptions shall be identified and written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception as follows:

“(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion.” The legal citation to the provision(s) at issue is: and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is;

“(2) Any matter in which the release of information would impair a right to receive funds from the federal government.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is;

“(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is;

“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body” The collective bargaining contract(s) discussed are between the public body and the:

“(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is;

“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.” The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed: Former police chief

X

(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.” The employee(s) and/or title(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are:

“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Berlin entered into Executive Session for only the above stated reasons at their regular meeting caucus of October 13, 2022.

**BE IT FURTHER RESOLVED** that the Borough hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the need for confidentiality no longer exists, or the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure.

**BE IT FURTHER RESOLVED** that the Borough Clerk/Borough Solicitor, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that were privately discussed.

**BE IT FURTHER RESOLVED** that the Borough Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees allowed by N.J.S.A. 47:1A-1 et seq.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

I, Rachel von der Tann, Deputy Municipal Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Berlin held on November 10, 2022.

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Rachel von der Tann

Deputy Municipal Clerk

**BOROUGH OF BERLIN**

**RESOLUTION 2022:170**

**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 2021 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

**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 Borough Councilof the Borough 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.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |
|  |  |  |  |  |  |  |

I, Rachel von der Tann, CMR, Deputy Clerk/Deputy Registrar, for the Borough of Berlin, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution adopted at a public meeting of the Governing Body held on November 10, 2022.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:171**

**RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, MEMORIALIZING THE APPOINTMENT OF LAWRENCE J. LUONGO, JR. AS PLANNING BOARD CONFLICT ATTORNEY**

**WHEREAS,** the Borough of Berlin Planning Board was in need of a conflict attorney; and

**WHEREAS,** Lawrence J. Luongo, Jr. possesses the qualifications to act in this capacity.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Councilof the Borough of Berlin hereby memorializes the appointment of Lawrence J. Luong, Jr. as the Planning Board Conflict Attorney on an emergency basis.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

I, Rachel von der Tann, CMR, Deputy Clerk/Deputy Registrar, for the Borough of Berlin, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution adopted at a public meeting of the Governing Body held on November 10, 2022.

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:172**

**RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, ACCEPTING THE RESIGNATION OF TOM DULIN FROM THE PLANNING BOARD**

**WHEREAS,** Tom Dulin was appointed by Borough Council as a Planning Board member; and

**WHEREAS,** Tom Dulin has submitted his letter of resignation effective immediately.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Councilof the Borough of Berlin hereby accepts the resignation of Tom Dulin effective immediately.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

I, Rachel von der Tann, CMR, Deputy Clerk/Deputy Registrar, for the Borough of Berlin, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution adopted at a public meeting of the Governing Body held on November 10, 2022.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:173**

**RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING AWARD OF A QUOTE IN THE AMOUNT OF $11,444.00 TO B. J. FITZPATRICK, INC. FOR HVAC REPAIRS TO THE AMBULANCE BUILDING**

**(CAF ATTACHED)**

**WHEREAS,** a need exists for new HVAC equipment in the ambulance building; and

**WHEREAS,** three quotes were received on October 19, 2022 and have been reviewed by administration as to form and sufficiency; and

**WHEREAS,** the quote provided by B. J. Fitzpatrick, Inc. in the amount of $11,444.00 was determined to be the most qualified quote; and

**WHEREAS,** the Chief Financial Officer has certified that funds are available.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

I, Rachel von der Tann, CMR, Deputy Clerk/Deputy Registrar, for the Borough of Berlin, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution adopted at a public meeting of the Governing Body held on November 10, 2022.

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:174**

**RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE TAX REFUND OF $2,865.16 FOR BLOCK 2400; LOT 27.10 DUE TO OVERPAYMENT**

**WHEREAS,** Robert Foreman is the current owner of Block 2400; Lot 27.10 commonly known as 114 Reena’s Way, Berlin, with an assessed value of $332,200.00 and;

**WHEREAS,** Mr. Foreman was previously approved on October 13, 2022 for a total tax exemption due to 100% totally disabled veteran of the property known as 114 Reena’s Way effective July 21, 2022; and

**WHEREAS,** Corelogic made a 4th quarter tax payment on October 26, 2022 for $2,865.16 via wire transfer.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Berlin, County of Camden, State of New Jersey, authorize a tax refund in the amount of $2,865.16 to Robert Foreman located at 114 Reena’s Way, Berlin, NJ 08009.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

I, Rachel von der Tann, CMR, Deputy Clerk/Deputy Registrar, for the Borough of Berlin, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution adopted at a public meeting of the Governing Body held on November 10, 2022.

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:175**

**RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE TAX REFUND OF $3,056.74 FOR BLOCK 802; LOT 22 DUE TO OVERPAYMENT**

**WHEREAS,** Bryan Petty is the current owner of block 802 lot 22 commonly known as 2 Monmouth Avenue, Berlin with an assessed value of 354,200; and,

**WHEREAS,** Mr. Petty was previously approved on October 13, 2022 for a total tax exemption due to 100% totally and permanently disabled veteran of the property 2 Monmouth Avenue effective July 22, 2022.

**WHEREAS,** Corelogic made a 4th quarter tax payment on October 26, 2022 for $3,056.74 via Wire Transfer.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Berlin, County of Camden, State of New Jersey, authorize a tax refund with a refund amount of $3,056.74 to Bryan Petty located at 2 Monmouth Avenue, Berlin, NJ 08009.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

I, Rachel von der Tann, CMR, Deputy Clerk/Deputy Registrar, for the Borough of Berlin, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution adopted at a public meeting of the Governing Body held on November 10, 2022.

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:176**

**RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, ACCEPTING A PERFORMANCE GUARANTY FROM MONACO E KARTING, LLC IN THE AMOUNT OF $1,995.00**

**WHEREAS,** Pennoni Associates has conducted an inspection of the site known as Monaco E Karting, LLC., 328 S. White Horse Pike; Block 1800; Lot 9; and

**WHEREAS,** in a letter dated November 2, 2022, Pennoni Associates recommends the posting of a maintenance guaranty in the amount of $1,995.00, which was submitted in the form of cash on November 2, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Berlin, that the above referenced performance guaranty be accepted.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
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| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

I, Rachel von der Tann, CMR, Deputy Clerk/Deputy Registrar, for the Borough of Berlin, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution adopted at a public meeting of the Governing Body held on November 10, 2022.

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:177**

**RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING A STIPEND TO FIRE CHIEF MICHAEL KERNAN**

**WHEREAS,** Michael Kernan is the Berlin Borough Fire Chief and requested a stipend for his duties as fire chief; and

**WHEREAS,** the Governing Body of the Borough of Berlin has budgeted money in the 2022 municipal budget; and

**WHEREAS**, the amount of stipend for the Fire Chief has been discussed and determined to be in the amount of $10,000.00 annually to be paid retroactively.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Berlin, County of Camden, State of New Jersey, that authorization is hereby given to approve this stipend.

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| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

I, Rachel von der Tann, CMR, Deputy Clerk/Deputy Registrar, for the Borough of Berlin, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution adopted at a public meeting of the Governing Body held on November 10, 2022.

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:178**

**A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING CHANGE ORDER #2 FOR THE 2021 ROADWAY IMPROVEMENT PROJECT, #BBGEX 21006, DECREASE IN THE AMOUNT OF $1,806.04**

**WHEREAS**, a contract was awarded to Arawak Paving Co., LLCfor the 2021 Road Improvement Project; and

**WHEREAS**,the original contract was previously amended by Change Order #1; and

**WHEREAS**, a further amendment to the original contract was necessary due to the as-built quantity adjustments air void penalty, resulting in a decrease to the contract in the amount of $1,806.04.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee that Change Order No. 2in the amount of $1,806.04 (decrease) which amends the original contract with Arawak Paving, LLC for the 2021 Road Improvement Project, be approved.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
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| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:179**

**A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING FINAL PAYMENT FOR THE 2021 ROADWAY IMPROVEMENT PROJECT, #BBGEX 21006, IN THE AMOUNT OF $88,743.74**

**(CAF ATTACHED)**

**WHEREAS,** Berlin Boroughawardedthe2021 Road Improvement Project to Arawak Paving Co., LLC; and

**WHEREAS,** Pennoni Associates has recommended approval of final payment in the amount of $88,743.74.

**NOW, THEREFORE, BE IT RESOLVED,** that Borough Council approves final payment of the 2021 Road Improvement Project to Arawak Paving Co., LLC.

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| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

I, Rachel von der Tann, CMR, Deputy Clerk/Deputy Registrar, for the Borough of Berlin, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution adopted at a public meeting of the Governing Body held on November 10, 2022.

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:180**

**A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A BID FOR WATER METER REPLACEMENT, PHASE 2-3 IN AND FOR THE BOROUGH OF BERLIN IN THE AMOUNT OF $770,151.00**

**(CAF ATTACHED)**

**WHEREAS,** the Borough of Berlin requested bids for Water Meter Replacement, phase 2-3 on August 31, 2022; and

**WHEREAS,** Core 7 Main, LP of Berlin, NJ was the sole bidder for the project; and

**WHEREAS,** Pennoni Associates has reviewed the bid and determined that Core & Main, LP is the lowest responsible bidder.

**NOW, THEREFORE, BE IT RESOLVED,** by the Governing Body of the Borough of Berlin, County of Camden, State of New Jersey, that the authorization is herby given to award this bid to Core & Main, LP of Berlin, in the amount of $770,151.00.

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| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:181**

**A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE ADVERTISEMENT OF BIDS FOR GENERATOR REPLACEMENT**

**WHEREAS,** the Borough of Berlin is in need of a generator replacement; and

**WHEREAS,** the Governing Body has authorized this purchase and authorizes the advertisement of bids to be opened on November 29, 2022.

**WHEREAS,** the Chief Financial Officer has certified that funds will be available through the Sewer Capital Fund.

**NOW, THEREFORE,** BE IT RESOLVED, that the Governing Body of the Borough of Berlin hereby authorizes the advertisement of bids for a generator replacement.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
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| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:182**

**A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE EXTENSION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF BERLIN AND THE BOROUGH OF LAUREL SPRINGS FOR CONSTRUCTION AIDE SERVICES**

**WHEREAS,** the Borough of Berlin and the Borough of Laurel Springs entered into a Shared Services Agreement for Construction Aide services; and

**WHEREAS,** both parties have agreed to extend the current contract, which is expiring on December 31, 2022; and

**WHEREAS,** the extended contract will be on a month to month basis until further notice, as agreed upon by both parties.

**NOW, THEREFORE, BE IT RESOLVED,** that the Governing Body of the Borough of Berlin authorizes the extension of a month-to-month shared services contract with the Borough of Laurel Springs for Construction Aide services effective January 1, 2023.

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| Cummings |  |  | √ |  |  |  |
| Hohing | √ |  |  |  |  |  |
| Miller |  | √ |  |  |  |  |
| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022

**BOROUGH OF BERLIN**

**RESOLUTION 2022:183**

**RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, APPROVING THE PAYMENT OF BILLS – NOVEMBER 2022**

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Berlin for payment from a list prepared and dated November 10, 2022 which totals as follows:

Current Fund (2-01): $2,464,610.36

Water Utility Fund (2-05): $ 94,059.70

Sewer Utility Fund (2-07): $ 5,109.30

Escrow Fund (2-17): $ 18,161.50

Capital Fund (C-04): $ 35,761.08

Water Capital (C-06): $ 32,341.85

Sewer Capital (C-08) $ 8,512.50

State/Federal Grant Fund (G-02): $ 67,230.21

Payroll Agency Account (P-13): $ 27,391.30

Trust Other (T-03): $ 3,469.40

Prior Payments: $ 644,143.33

**TOTAL BILL LIST $3,400,790.62**

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Berlin, in the County of Camden, State of New Jersey, that these vouchers, totaling **$3,400,790.62** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills submitted is also on file in the Municipal Clerk's office for reference.

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| Name | Motion | Second | Ayes | Nays | Abstain | Absent |
| Badolato |  |  | √ |  |  |  |
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| Hohing | √ |  |  |  |  |  |
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| Simone |  |  | √ |  |  |  |
| Pearce |  |  |  |  |  | √ |

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Rachel von der Tann, CMR

Deputy Clerk/Deputy Registrar

Dated: November 10, 2022