**BOROUGH OF BERLIN**

**COUNCIL MEETING MINUTES**

**THURSDAY, MAY 14, 2020**

**7:00 PM**

**REMOTE LIVESTREAM**

**AMENDED AGENDA 5/14/2020 11:10 AM**

**MEETING CALLED TO ORDER BY MAYOR RICK MILLER.**

**FLAG SALUTE LED BY THE MAYOR.**

**SUNSHINE NOTICE:** Adequate notice of this meeting, in compliance with the Open Public Meetings Act, has been provided for by e-mail to the Courier Post and by posting on the Borough of Berlin’s Bulletin Board and on the Borough’s website, Berlinnj.org., all on or before May 14, 2020. This regular meeting will be conducted remotely without providing a physical meeting place and by electronic means, in accordance with P.L. 2020, c. 11, as posted May 20, 2020 on the Borough’s website and at the Borough’s Administrative office.

**ROLL CALL:** Mayor Rick Miller, Council President Jim Pearce, Council members Badolato, Simone, Hohing, Miller and Cummings were all on remote livestream.

**ALSO, ON REMOTE LIVESTREAM;** Solicitor Howard Long and Acting Administrator Charleen Santora.

* **APPROVAL OF MINUTES**

Council meeting minutes of April 9, 2020. Motion made by Badolato seconded by Simone. All were in favor.

Special emergency meeting of April 29, 2010. Motion was made by Miller seconded by Cummings. All were in favor.

* **DEPARTMENT HEAD REPORTS FOR THE MONTH OF APRIL 2020.**

Tax collector’s report $ 1,744,947.04

Utility report 161,610.22

Municipal clerk’s report 7,310.00

Animal collection fees 360.00

 Court Administrator’s report 7,590.37 ($13,939.59)

 Construction permit fees 2,638.00

 Zoning permit fees 475.00

 Rental inspection fees 200.00

* PAYMENT OF THE BILLS: For the month of April 2020 in the amount of $ 3,876,261.91

Motion made by Miller seconded by Hohing. All were in favor.

* **COUNCIL REPORTS:**

**BUILDINGS, PARKS & RECREATION, Chairman** Len Badolato

Councilman Badolato notes that there is not a lot happening due to covid19. Target date for the parking lot to become ADA compliant is next Saturday with completion date that same day. He is having the contractor contact the administrator and the police for any parking issues. He welcomes new Clerk/Administrator who is live streaming Dwayne Harris.

**PUBLIC WORKS, STREETS & ROADS,** Chairman Andy Simone

The DPW is fully operational and starting spring weather duties. Mowing and landscaping of all Borough properties are underway along with clearing inlets and flushing outlets. Bulk trash and organic pickups are at their peak with many stays at home residents having a lot of spring clean up items. Trash and recycling facility on Watsontown New Freedom road is open for all residents to drop off yard debris and bulk items. Gate sign in for borough address residents is being enforced to control unloading of debris by nonresidents. /Several Camden County roadway projects are currently under construction. Part 1 of Cross Keys improvements I underway from Watsontown road to Kearsley Road in Sicklerville. On the recent road construction across from Paris Caterers, it was required to install an underground tie in and sewer inlet revision for that part of the project. The borough’s section of Cross Keys Road is within Part 5 and is not scheduled for construction until 2022-2023. / The Camden County Parks System has begun the demolition phase of the Berlin park Trails Improvement Project. Project will include removal and redesign of playgrounds at both areas on either side of Cross Keys Road. Fallen tree limbs and debris will be removed from all trails. Simone states that seating areas will be placed throughout the park both in the parking lots and within the wooded area. Soft mudded trails will be hardened, and a hard asphalt walking bike path will be placed along South Park Drive. Project may cause temporary closers on park Drive and limited access to the wooded areas. Simone asks for residents to be patient as the final project will be a new park for all to enjoy. / Councilman Simone thanks Lois Sahina for her service as Borough Clerk and congratulates her on her retirement. Thanks, and says goodbye again to Acting Admin. Charleen Santora thanking her for her temporary services to the borough.

**WATER & SEWER,** Chairman Patricia Cummings

Cummings reports that all inside meter appointments continue to be suspended to avoid contact with residents due to the coronavirus. Borough continues to keep an extra 900 gallons of Sodium Hypochlorite in the storage tanks should have a disruption in supply from our chemical vendor. /There were 16 utility mark out requests and were all completed in the borough. The monthly maintenance at both water plants were completed and now with a full staff back at work, we have resumed exercising the valves in the distribution system in order to stay in compliance with NJDEP regulations and maintain our distribution system. There are approximately 1600 valves in the borough system.

Regarding sewer. Cummings reports that all routine monthly maintenance at the borough’s 10 pump stations have been completed. All routine monthly maintenance at the 10-emergency backup generators at the sewer pump stations have been completed and with full staff, we have resumed cleaning and videoing the Sewer distribution pipes. This proactive task helps maintain the system and inspect the system for any potential damage or wear she states.

**PUBLIC SAFETY**, Chairman Jim Pearce

Councilman Pearce states that he hopes to resume his official reports by next month, but he is having the Chief e mail the reports to each governing body member. With all that is going on due to this pandemic he is having daily calls with the police chief. He explains that right now there are a lot of Executive Orders coming from the Governor’s office noting that at this time he and the council desire to continue following all these orders for the safety of all concerned. The police, he explains, are merely following their executive directives and all residents should be aware of that. He explains that the police are not actively seeking out the public for not adhering to these orders, they are being called upon by others that are concerned. /Thanks fire department for doing the Easter Parade through social distancing with their fire equipment vehicles before the parades were prohibited.

**COMMUNICATIONS,** Chairman Keith Hohing

Chairman Hohing reports that he has been doing a lot of coronavirus updates on the web site from the State and County level along with the Chief of Police’s information. All Executive Orders are being provided on the web site along with information regarding the tax payment date for late fees being extended until June 1. He states he is working on general technology and automation for the web site. Also posted on the web site that the animal licensing late fees have been extended to June 30 and noted is that council approved the migration for the Infoshare System from the ProPhoenix System for the Berlin Police Department being implemented in June or July.

**FINANCE,** Chairman Jake Miller

Councilman Miller states that the 2020 budget is on agenda to be considered for adoption thanking everyone for coming up with a fiscally responsible budget. Several ordinances are on agenda that are related to finance for introduction consideration. Miller states the CFO is online for anyone from the public who may participate in the public hearing on the budget. There are estimated tax bills for the next two quarters that will be issued for August and November as the State did not certify the tax report. He welcomes new clerk/administrator Dwayne Harris and thanks Charleen Santora for her assistance.

**MAYOR’S REPORT:**

Mayor Miller thanks all borough employees during these times noting that all departments have been up and running without the borough being open to the public. Especially thanks DPW, EMS who have challenged with many calls, especially from the long-term care facility in the borough. Also, the police and fire departments for always putting themselves at risk. Mayor Miller states that he also is sorry to see Lois Sahina leave and wishes her well in her retirement noting that she will be greatly missed. He acknowledges the Acting Administrator Charleen Santora and thanks her for stepping in and helping the borough during the absence of the clerk and an administrator. Welcomes new clerk/administrator Dwayne Harris stating he is glad to see him the Berlin Borough team. Resolution on agenda appointing Dwayne to the position of Municipal Clerk.

**SOLICITOR’S REPORT:**

Thanks Councilman Pearce on certain issues that came up with the police chief regarding matters of enforcement issues that have been issued by Executive Orders by the Governor. There was confusion from the State regarding certain things that needed clarification such as, graduation parades can be done in vehicles and birthday parades subject to the following; No one can gather in a place with many vehicles. Solicitor Long asks that questions be directed to the Borough rather than on Facebook so the correct information can be distributed. His office will have the information and will be able to clarify any and all questions and concerns. / Resolution on agenda to authorize the renewal of lease agreement between the borough and New Jersey Transit for the railroad station. / Resolution on agenda for retirement agreement with Lois Sahina. Solicitor wishes her well during her retirement. Thanks, Charleen Santora for the great working relationship they have had now and in the past. Wishes her well. Welcomes new clerk/administrator Dwayne Harris explaining that he is coming into a very dedicated group of officials and he feels Dwayne will be very happy in the borough.

Motion to approve reports made by Cummings, seconded by Badolato. All were in favor.

**2nd. Reading**

**ORDINANCE NO. 2020-04**, AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Meeting open to the public.

Meeting closed to the public.

Motion to adopt Ordinance No. 2020-04 made by Pearce, seconded by Hohing. All were in favor.

**2020 GENERAL, WATER, SEWER AND OPEN SPACE BUDGET**

**RESOLUTION R5-1;2020,** Whereas, N.J.S. 40A:4-8, as amended by P.L. 2015, C. 95 14,20-15, provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection and has been made available to each person upon request; and WHEREAS, THESE TWO CONDITIONS HAVE BEEN MET; AND NOW, THEREFORE BE IT RESOLVED, that the budget shall be read by title only.

Motion made by Pearce, seconded by Cummings. All were in favor.

2020 GENERAL, WATER, SEWER AND OPEN SPACE BUDGET APPROPRIATING $9,466,509.86 IN GENERAL, $3,450,000.00 IN WATER, $908,600.00 IN SEWER AND $110,950.00 IN OPEN SPACE.

Hearing open to the public on the 2020 General, Water, Sewer and Open Space Budget.

Hearing closed to the public.

Motion to adopt the 2020 General, Water, Sewer and Open Space budget made by Cummings, seconded by Simone. All were in favor.

**RESOLUTION R5-1A;2020**

A resolution amendment to 2020 capital budget.

Resolution open to the public.

Resolution closed to the public.

Motion to adopt Resolution R5-1A;2020 made by Hohing, seconded by Miller. All were in favor.

ORDINANCE INTRODUCTIONS:

BOND ORDINANCE NO. 2020-05 BOROUGH OF BERLIN, NEW JERSEY BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS EQUIPMENT AND THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS FOR THE WATER UTILITY SYSTEM IN AND FOR THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF $1,055,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $1,055,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.

Motion to introduce made by Cummings, seconded by Badolato. All were in favor.

BOND ORDINANCE NO. 2020-06, BOROUGH OF BERLIN, NEW JERSEY BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS EQUIPMENT AND THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS FOR THE SEWER UTILITY SYSTEM IN AND FOR THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF $530,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $530,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.

Motion to introduce made by Pearce, seconded by Miller. All were in favor.

**BOND ORDINANCE NO. 2020-07** BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT AND THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF $1,477,225 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $1,403,364; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.

Motion to introduce was made by Miller seconded by Badolato. All were in favor with exception of Councilman Simone who could not be heard thru this live stream.

**RESOLUTIONS:**

**RESOLUTION R5-2;2010**, A Resolution ratifying the order of the Mayor of the Borough of Berlin prohibiting all hotels, motels, guests houses and/or private residence or parts therefor within the Borough of Berlin from accepting new transient guests or seasonal tenants until a determination has been made by the Governor of the State of New Jersey that the State of emergency declared under Executive Order No. 103 has ended.

**RESOLUTION R5-3;2020**, Authorization from Borough council to enter into agreement with CME of Camden, N. J. Consulting and Municipal engineers for Affordable housing services per court compliance for an amount of $2000.00 (CFO has certified the funds)

**RESOLUTION R5-4;2020,** A Resolution affirming that $0.015 was adopted for the 2020 open space budget line.

**RESOLUTION R5-5;2020,** A Resolution confirming the appointment of Deputy Registrar Dana McGarvey to Registrar for the Borough of Berlin effective immediately for an additional salary amount of $3000. 00

**RESOLUTION R5-6;2020,** Authorization from Borough Council to have the mayor execute the release document of the right of entry for Archaeological investigation on the Berlin-Cross Keys Road Roadway and Drainage Improvements, Block 1311, lot 2.

**RESOLUTION R5-7;2020**, A resolution authorizing the 2020 Camp counselors and rates starting July 6 and ending August 13 for Camp Long-A-Coming contingent upon no camp changes for 2020 as follows;

Marie Majuri

Barbara Caruso

Luke Weichmann

Brent Woods

Lori Benchoff

John Meo

Andrew Viereck

Jessica McGowan

All $20.00 per hour

Michelle Squillace

$10.00 per hour

Michael Schuenemann

Karleigh Bard-March

$7.75 per hour

Emma Kostyo

$7.50 per hour

Hunter McCall

Hann

All $7.25 per hour

**RESOLUTION R5-8;2020,** A resolution authorizing the mayor to execute a letter of interest to remain a tenant under a new lease agreement with New Jersey Transit Corporation.

**RESOLUTION R5-9;2020**, A resolution authorizing the execution of a retirement agreement by and between the Borough of Berlin and Lois Sahina, Clerk.

**RESOLUTION R5-10;2020**, Authorization to approve the hiring of Dwayne M Harris for the position of Municipal Clerk with Administrative duties effective May 26, 2020 at a salary that coincides with the Borough Salary Ordinance.

**RESOLUTION R5-11;2020**, Approval from Environmental Resolutions to reduce the performance bond for sewer and water per request from Nexus Properties, Inc. by 70 percent as all inspections have been approved to date from $2,410,430.12 to $723,129.04.

**RESOLUTION R5-12:2020**(A resolution amending Resolution R3-01;2020 that authorized the approval of a purchase order in the amount not to exceed $68,700 for Pennoni Associates for the start of the 2020 roadway improvement program to a new amount of $55,800 for the anticipated summer construction due to estimated construction cost going from $322,000 to $265,000.

**RESOLUTION R5-13;2020**, Authorization from Borough Council to approve ***a reduction*** of the performance guarantee for the Gardens at Berlin, Phase 1, Block 1700, Lots 1 & 3 per ***recommendation*** of CME Associates from $376,830.00 to $113,049.00 for performance, $339,247.00 to ***$101,744.00*** for surety bond or letter of credit and from ***$37,683.00*** to ***$11,305.00*** for cash guarantee as based on inspections that there has been partial completion of the required site improvements.”

**RESOLUTION R5-14;2020,** Authorization from Borough Council to approve the NJDOT FY2021 Municipal Aide Grant Application for 2021 for Delaware, Pennsylvania, Florence Avenues, Florence Drive, Aristone Drive, Phase 1, New Freedom to Brandywine and Stafford Court for the professional services from Pennoni Associates in the amount of $1800.00 (CFO has certified the funds)

**RESOLUTION R5-15;2020**, A resolution to establish an estimated municipal tax levy pursuant to Chapter 72, P. L. 1994

**RESOLUTION R5-16;2020**, A resolution authorizing utility bill adjustments for the property 202 Rich Avenue for unbilled consumption-backwards meter in the amount of $1,154.10.

**RESOLUTION R5-17;2020**, A resolution authorizing the tax refund due to mortgage company overpayment for **Block/Lot Name Address Ovrpymnt**

1308/6.01 Carmen 112 Estaugh Ave. $1,539.93

1900/29 Mattia 3 Gatsby Lane $2,259.40

1900/30 Emmett 5 Gatsby Lane $3,230.76

2401/1 Jaspan 132 Kennedy Lane $1,996.00

**RESOLUTION R5-18;2020**, A resolution from the Governing Body of the Borough of Berlin to approve non-contractual employees to receive a 2% cost of living increase to base salaries effective (or retroactive to) January 1, 2020.

Meeting open to the public on Resolutions R5-2;2020 through R5-18:2020

New clerk asked if the salaries for the camp counselors is in line with the NJ minimum salary requirement. Solicitor will advise.

Meeting closed to the public.

Motion to adopt Resolutions R5-2;2020 through R5-18;2020 made by Badolato, seconded by Pearce contingent upon verification for Resolution R5-7;2020 subject to compliance to wage and salary laws. All were in favor.

Mayor Miller goes on record that one of the road improvements will be on his street Aristone Drive, however, these selected streets for repaving, etc. went into the five-year plan and it is not being attended to due to him being the mayor. Councilman Simone also states that was a road program that was done by borough engineers as a five-year plan.

* PRIVILEGE OF FLOOR

No one from the public via remote or e-mailing administrator came on for questions.

* GOOD OF THE ORDER

Councilman Pearce states that some towns are anticipating that the Governor may be allowing restaurants to open this summer and he sees that some towns are amending their zoning laws allowing more outside seating asking solicitor how we can go about getting passed. He notes that some have outside seating and some do not. Solicitor states that the borough can investigate this, but his concern is the downtown areas too close to the road. It would have to be investigated with the interest of safety but can possibly be done on a temporary basis. Councilman Pearce understands there may be more information by the June meeting from the Governor.

Mayor Miller adds that due to upcoming graduations the governing body is working hard to make the 100 graduates this year feel recognized with 4 x 8 banners and is working with Voorhees and the school for other ideas that can be done for the graduates that the borough will take pleasure in.

Regarding the question about minimum wage, Solicitor states that the law states 85% of minimum wage for these summer age workers therefore the wages as listed on the resolution will be addressed. He will speak with the CFO and advise the council at the next meeting.

Councilman Badolato thanks Charleen Santora for stepping in when she did and for all the help, she gave the borough during their time of need.

Charleen Santora thanks the council for giving her the opportunity of helping and noting the leaving will be bittersweet.

Councilman Pearce thanks Charleen Santora again and welcomes newly appointed Dwayne Harris.

He spoke to Lois Sahina and extends Lois sentiment that she will miss the borough.

Motion to adjourn made by Cummings, seconded by Pearce. All were in favor.

Submitted;

Charleen Santora, Acting Administrator