



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

REGULAR MEETING MINUTES

THURSDAY, FEBRUARY 10, 2022 – 7:00 PM

CALL TO ORDER AND FLAG SALUTE

Mayor Rick Miller called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

SUNSHINE NOTICE

Mayor Miller stated that adequate notice of this meeting had been given in accordance with the Open Public Meeting Act, Pursuant to Public Law 1975, Chapter 231. Said notice has been advertised in the Courier-Post, The Philadelphia Inquirer, and posted on the Borough Hall Bulletin Board showing the said meeting's date, place, and time.

ROLL CALL

Councilman Len Badolato – PRESENT
Councilwoman Patricia Cummings – PRESENT
Councilman Keith Hohing – PRESENT
Councilman Jake Miller – PRESENT
Councilman Andrew Simone – ABSENT
Council President Jim Pearce – PRESENT
Mayor Rick Miller – PRESENT

Also, Present: Howard Long, Solicitor
Debra DiMattia, CFO/Administrator
Michaela Bosler, Municipal Clerk
William Behnke, Project Coordinator/Fire Marshal
Millard Wilkinson, Police Chief
Rachel Von der Tann, Administrative Clerk

APPROVAL OF MINUTES:

January 5, 2022 Reorganization Meeting

Pearce motioned to approve the minutes. Miller seconded the motion, which passed with all members present voting in favor in a Roll Call Vote.

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COUNCIL REPORTS

- **BUILDINGS, PARKS, & RECREATION** – Councilman Len Badolato reported that the locks for the Community Center had become faulty due to an issue with the internet modem. The issues have been addressed. He further reported that Camp Long-A-Coming will be back in session for the Summer 2022. He reported that there were 5 street lights out, and Atlantic City Electric is working on repairing them. He proposed introducing an ordinance to amend the fees for the community center. The Solicitor indicated that they can introduce said ordinance by title only tonight.
- **PUBLIC WORKS, STREETS & ROADS** - Councilman Andrew Simone was not present to give a report.
- **WATER & SEWER** - Councilwoman Patricia Cummings reported all routine maintenance at both water plants were completed. Both line pump at plant #1 have been rebuilt and all piping in the line feeder system has been replaced. The 2-inch water main on Abbot Ave and Lafayette Ave has been upgrade to a 6-inch main. Two new fire hydrants were installed to improve fire protection in that area. For sewer, completed all routine monthly maintenance at our 10 pump stations. Completed all routine monthly maintenance on our 10 emergency backup generators at the sewer pump stations. Phase 2 of the SCADA installation is continuing. The project should be completed by mid-summer. Routine sewer main jetting was completed on Tansboro Road.
- **PUBLIC SAFETY** – Council President Pearce reported that OEM is continuing to do training and has additional PPE for the Borough if needed. He thanked every department for their help getting through the most recent winter storms. Police Department for December 2021, handled 1,583 calls. No need to speed campaign focused on Glenview Avenue, Gardens Ave., Route 30 and Franklin Ave, and Presidential Ave. For the month of January 2022, the Police Department handled a total of 1,807 calls. No need to speed focused on all of the same roads as the previous month. EMS for the entire year of 2021 answered 2807 calls; 1,191 of those calls were within Berlin Borough. For January 2022, EMS responded to 266 calls, and of those calls 86 were in Berlin Borough. Fire Department for the month of December 2021 responded to 52 calls for service, and had a successful Christmas Tree Sale. For the year 2021, they responded to 682 calls for service. For the month of January 2022, Fire department handled a total of 59 calls, and continued to receive their training on Tuesday nights, and thanked Mayor and Council and residents for all of their support.
- **COMMUNICATION** – Councilman Keith Hohing reported that there were extensive website updates throughout all of the departments. He attended 8x8 administrative training for the phone system. The Borough received about 6500 calls for the month of January. He thanked Council for repurposing their phone lines to other departments.
- **FINANCE** – Chairman Jake Miller reported the total revenues collected for the month of December 2021, year end report for 2021, and January 2022 are as follows:

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	DEC 2021	YEAR END 2021	JAN 2022
Permit Fees	\$ 7,328.00	\$ 311,200.00	\$ 7,167.00
Rental Inspection Fees	\$ 100.00	\$ 41,850.00	\$ 1,500.00
Zoning Fees	\$ 350.00	\$ 11,024.00	\$ 350.00
Resale Inspection Fees	\$ 1,570.00	\$ 33,670.00	\$ 700.00
Community Center Fees	N/A	N/A	N/A
Tax Collector	\$ 465,979.27	\$ 26,431,371.30	\$ 4,077,678.67
Utility Collector	\$ 710,342.91	\$ 3,800,407.70	\$ 260,964.16
Animal Licensing Fees	\$ 13.00	\$ 8,218.00	\$ 776.00
Clerks Office	\$ 23,646.00	\$ 115,966.00	\$ 19,293.00
Court Office	\$ 14,895.55	\$285,519.58	\$ 13,785.19

He further reported the CFO has received the budget proposals from each department, and the Finance Committee will be sitting down to discuss in the next few weeks.

- SOLICITOR – Solicitor Howard Long had nothing to report.
- MAYOR – Mayor Rick Miller reported that the Borough has received the DOT’s recommendation to close McClellan Ave. as expected on January 7, 2022. The Mayor stated he requested a meeting with engineer Snead after several attempts has not received a date for such. The Mayor explained that he reached out to the Commissioner’s office, and spoke with the Deputy Commissioner. The Deputy Commissioner indicated that he was not aware of the situation as it had not come across his desk yet, and is going to look into it. The next step is a hearing with the State, which the Mayor confirmed that he will share with residents once he is made aware of it.

Badolato motioned to approve the monthly reports. Hohing seconded the motion, which passed with all members present voting in favor in a Roll Call Vote.

UNFINISHED BUSINESS NONE

NEW BUSINESS

- ORD. 2022:01 AN ORDINANCE AMENDING CHAPTER 87 OF THE CODE OF THE BOROUGH OF BERLIN GOVERNING THE “GAMES, AUTOMATIC AND COMMERCIAL”

Mayor Miller stated this is the first reading and introduction; the public hearing for Ordinance 2022:01 will be on March 10, 2022 at 7:00 PM.

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Miller motioned to introduce Ordinance 2022:01. Badolato seconded the motion with all members present voting in favor in a Roll Call Vote.

- ORD. 2022:02 AN ORDINANCE AMENDING CHAPTER 46, OFFICER AND EMPLOYEES, OF THE CODE OF THE BOROUGH OF BERLIN TO ADD ARTICLE X, CERTIFIED PUBLIC WORKS MANAGER

Mayor Miller stated this is the first reading and introduction; the public hearing for Ordinance 2022:02 will be on March 10, 2022 at 7:00 PM.

Hohing motioned to introduce Ordinance 2022:02. Cummings seconded the motion with all members present voting in favor in a Roll Call Vote.

- ORD. 2022:03 AN ORDINANCE AMENDING FEES FOR THE COMMUNITY CENTER

The Solicitor stated this is the first reading and introduction; the public hearing for Ordinance 2022:03 will be on March 10, 2022 at 7:00 PM.

Badolato motioned to introduce Ordinance 2022:03. Miller seconded the motion with all members present voting in favor in a Roll Call Vote.

RESOLUTIONS

The Mayor stated the following resolutions are to be approved as a consent agenda. Council can at this time request to remove any of the resolutions from the consent agenda and they can be voted on separately.

The Mayor removed Resolution 2022:025 and Resolution 2022:031 from the consent agenda.

- RES. 2022:022 APPOINTMENT OF ALBERT HALLWORTH III AS CONSTRUCTION OFFICIAL AND BUILDING SUBCODE OFFICIAL

WHEREAS, a vacancy exists within the Borough of Berlin for the position of Construction Official and Building Subcode Official; and

WHEREAS, the recommendation has been to the Governing Body of Albert Hallworth III as Construction Official and Building Subcode Official;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Berlin, to appoint Albert Hallworth III as the Construction Official and Building Sub-Code Official for the Berlin Borough Construction Department effective February 1, 2022 with a pay rate of \$30,000 per year.

- RES. 2022:023 APPOINTMENT OF LESLIE TEMPLETON AS PLUMBING SUBCODE OFFICIAL AND MECHANICAL SUBCODE OFFICIAL

WHEREAS, a vacancy exists within the Borough of Berlin for the position of Plumbing Subcode Official; and

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WHEREAS, the recommendation has been to the Governing Body of Leslie Templeton as Plumbing Subcode Official;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Berlin, to appoint Leslie Templeton as the Plumbing Sub-Code Official for the Berlin Borough Construction Department effective February 1, 2022 with a pay rate of \$10,000 per year.

- **RES. 2022:024 AUTHORIZE EXECUTION OF EMPLOYMENT CONTRACT WITH JOHN ALLSEBROOK AS DPW SUPERINTENDENT**

WHEREAS, the Mayor and Council of the Borough of Berlin wishes to enter into a new employment contract with DPW Superintendent John Allsebrook for the Berlin Borough Department of Public Works and;

WHEREAS, the effective starting period will begin January 1, 2022 through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Berlin, County of Camden, State of New Jersey, authorize the execution of employment contract between the Borough of Berlin and John Allsebrook, Department of Public Works Superintendent.

- **RES. 2022:026 AUTHORIZE EXECUTION OF RETIREMENT AGREEMENT WITH PATROLMAN THOMAS LOCKE**

WHEREAS, Patrolman Thomas Locke notified the Borough of Berlin of his intent to retire; and

WHEREAS, Locke has provided sufficient and timely notice of his intent to exercise retirement effective May 1, 2022; and

WHEREAS the Borough of Berlin (“Borough”) and Locke desire to establish certain terms and conditions to be satisfied in consideration of the Locke’s notice to retirement effective May 1, 2022; and

WHEREAS the Borough and Locke have agreed upon all of the terms and conditions contained in a Retirement Agreement attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Berlin, County of Camden, State of New Jersey as follows:

1. The provisions of the WHEREAS clauses set forth above are incorporated herein by reference and made a part hereof.
2. The Mayor and Director of Public Safety are hereby authorized to execute the attached Retirement Agreement in the form attached hereto and the Borough staff are directed to take any and all actions necessary to effectuate in the intent of the Agreement.

- **RES. 2022:027 AUTHORIZING EXECUTION OF AGREEMENT WITH VOORHEES ANIMAL ORPHANAGE FOR ANIMAL SHELTER SERVICES FOR 2022**

WHEREAS, Voorhees Animal Orphanage is able to provide required animal sheltered services for the Borough of Berlin; and

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WHEREAS, the Borough of Berlin and the Voorhees Animal Orphanage wish to enter into an agreement for animal shelter services;

WHEREAS, the term of this agreement shall be for one year commencing on January 1, 2022 through January 1, 2023; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Berlin, County of Camden, State of New Jersey is hereby authorized to execute animal shelter services with Voorhees Animal Orphanage for the year 2022.

- RES. 2022:028 AUTHORIZING EXECUTION OF EMPLOYMENT CONTRACT WITH PBA LOCAL 362

WHEREAS, The Borough of Berlin and the PBA Local 362 have come to an agreement for a new employment contract covering the period in time of January 1, 2022 through December 31, 2025; and

WHEREAS, both parties have agreed to the aforementioned contract above; and

WHEREAS, the execution of the aforementioned contract is subject to the review of the Borough Solicitor;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Berlin is hereby authorized to execute employment contract with PBA Local 362.

- RES. 2022:029 PAYMENT OF BILLS – FEBRUARY 2022

WHEREAS certain numbered vouchers have been submitted to the Borough of Berlin for payment from a list prepared and dated February 8, 2022 which totals as follows:

Current Fund (1-01):	\$88,428.82
Water Utility Fund (1-05):	\$12,454.13
Sewer Utility Fund (1-07):	\$1,344.81
Current Fund (2-01):	\$2,398,272.58
Water Utility Fund (2-05):	\$86,297.42
Sewer Utility Fund (2-07):	\$3,767.01
Escrow Fund (2-17):	\$2,788.50
Capital Fund (C-04):	\$13,339.85
Water Capital (C-06):	\$13,269.75
State/Federal Grant Fund (G-02):	\$7,516.76
Payroll Agency Account (P-13):	\$27,049.83
Trust Other (T-03):	\$2,820.00
Prior Payments:	\$2,596,188.72
 TOTAL:	 \$5,253,538.18

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 \$5,253,538.18 be paid to the person[s] named, for the

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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.

- RES. 2022:030 APPOINTMENT OF SADIE PILLING AS COURT SOUND RECORDER

WHEREAS, a vacancy exists within the Municipal Court of the Borough of Berlin of a Court Sound Recorder; and

WHEREAS, the recommendation has been made to the Governing Body of Sadie Pilling as Court Sound Recorder;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Berlin, to appoint Sadie Pilling as Court Sound Recorder effective immediately with a pay rate of \$80.00 per court session.

- RES. 2022:032 DECLARING THAT THE REDEVELOPMENT STUDY AREA IDENTIFIED AS BLOCK 1100, LOT 6 ARE AREAS IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL") provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, N.J.S.A. 40A:12-6 authorizes the Governing Body of any municipality, by Resolution, to have its Planning Board conduct a preliminary investigation to determine whether any area of the municipality is either a condemnation or non-condemnation redevelopment area; and

WHEREAS, by virtue of Resolution 2021:102 adopted on August 12, 2021 (Exhibit "A"), the Mayor and Borough Council of the Borough of Berlin authorized the Berlin Borough Planning Board (the "Planning Board") to undertake an investigation pursuant to the LRHL to determine if the properties known and designated as Block 1100, Lot 6 on the Berlin Borough Tax Map (the "Study Area") are in need of non-condemnation redevelopment; and

WHEREAS, the Planning Board undertook a preliminary investigation pursuant to N.J.S.A. 40A:12-6 to determine whether the properties in the Study Area qualify as an area in need of non-condemnation redevelopment; and

WHEREAS, the Planning Board appointed and/or designated professional planners at CME Associates, LLC, to conduct a redevelopment study; and

WHEREAS, Christopher N. Dochney, AICP, PP, professional planner at CME Associates, LLC, prepared a report entitled "Non-Condensation Area in Need of Redevelopment Preliminary Investigation Report, Borough of Berlin, Camden County, New Jersey, Block 1100 Lot 6 " dated September 28, 2021 (the "Report"), which document is adopted and incorporated herein by reference; and

WHEREAS, on November 8, 2021, the Planning Board conducted a public hearing on the Report with respect to the recommendation of its professional planners as to the possible designation of the properties within the Study Area as a non-condemnation redevelopment area; and

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WHEREAS, pursuant to N.J.S.A. 40A:12-6, the Planning Board prepared a map showing the boundaries of the proposed redevelopment Study Areas and the location of the various parcels of property included therein, and appended to the map was a statement setting forth the basis for the investigation; and

WHEREAS, pursuant to N.J.S.A. 40A:12-6, due notice of the public hearing before the Planning Board was given to the property owners of all properties within the Study Area and all other persons as mandated by the aforesaid statute, and notice of the public hearing also was posted and published in accordance with the requirements of law; and

WHEREAS, Christopher N. Dochney, AICP, PP, the professional planner retained by the Planning Board, presented the Report and the findings and recommendations contained therein to the Planning Board at the public hearing thereon; and

WHEREAS, the said Planning Board meeting was open to the public and all members of the public had an opportunity to address questions and comments to the Planning Board regarding the Report and the findings and recommendations contained therein; and

WHEREAS, the members of the Planning Board reviewed the Report, considered the testimony of Mr. Dochney and considered the public comment thereon, if any; and

WHEREAS, upon consideration of the Report and all testimony presented at the public hearing, the Planning Board made the following findings of fact and drew the following conclusions of law:

1. Mr. Dochney, presented substantial credible evidence that all of the properties within the Study Area, namely Block 1100, Lot 6, qualify as Non-Condemnation Redevelopment Areas consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(c) and N.J.S.A. 40A:12A-5(e), for the following reasons:
 - (a) Consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(b), (c) and (h) and Section 3, the Planning Board found the Study Area was previously used as an automobile dealership and is partially wooded, containing the remains of a structure which was demolished and is overgrown with vegetation and has remained in such unimproved, stagnant and undeveloped state for more than 10 years and has not otherwise shown the potential for being developed through the means of private enterprise and/or with private capital alone. In addition, the Study Area is within a Smart Growth Area.

WHEREAS, based upon the Planning Board's investigation, including the Report and the public hearing conducted thereon, the Planning Board found that Block 1100, Lot 6 should be declared an Area in Need of Non-Condemnation Redevelopment; and

WHEREAS, on December 13, 2021, the Planning Board adopted Resolution No. 21-19 (Exhibit "B") as its official report and recommendation to the Mayor and Borough Council that the above noted Study Area satisfies the statutory requirements set forth in N.J.S.A. 40A:12A-5(c) and N.J.S.A. 40A:12A-5(e) and therefore qualifies for designation as a non-condemnation redevelopment area; and

WHEREAS, the Governing Body has reviewed the recommendations of the Planning Board and the Report upon which same is based, and determines that it is in the best interests of the Borough of Berlin to declare the Study Area identified as Block 1100, Lot 6 as an Area in Need of Non-Condemnation Redevelopment pursuant to the criteria of the LRHL as set forth in the Report and the recommendations of the Planning Board thereon.

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NOW THEREFORE BE IT RESOLVED, by Mayor and Council of the Borough of Berlin, County of Camden, State of New Jersey, that the Governing Body adopts the recommendations of the Berlin Borough Planning Board in full for the reasons set forth hereinabove and, in accordance with the recommendations of the Berlin Borough Planning Board, hereby determines and declares that Block 1100, Lot 6 is a Non-Condensation Redevelopment Area.

BE IT FURTHER RESOLVED that the Borough Clerk shall forthwith transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs pursuant to N.J.S.A. 40A:12A-6(b)(5)(c).

BE IT FURTHER RESOLVED that, pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), within 10 days of the date of adoption of this Resolution the Borough Clerk also shall serve notice of the Governing Body's determination herein on all owners of record of the properties located within the designated Non-Condensation Redevelopment Area, upon all persons listed on the tax assessor's records for each of the affected properties, and upon each person who filed a written objection to the designation of any of the said properties as being an area in need of redevelopment.

BE IT FURTHER RESOLVED that the Clerk shall publish such notice, if any, as required under the law.

Cummings motioned to open the meeting for public comment on the resolutions. Badolato seconded the motion, which passed with all members present voting in favor in a Voice Vote. There were no comments from the public.

Hohing motioned to close the meeting for public comment on the resolutions. Miller seconded the motion, which passed with all members present voting in favor in a Voice Vote.

Hohing motioned to approve the consent agenda. Cummings seconded the motion, which passed with all members present voting in favor in a Roll Call Vote.

- RES. 2022:025 APPOINTING ANDREW JARVIS AS FULL TIME PATROLMAN FOR BERLIN
BOROUGH POLICE DEPARTMENT

WHEREAS, the Berlin Borough Police Department is in need of hiring an additional full-time patrolman; and

WHEREAS, the recommendation has been submitted to the Governing Body by the Berlin Police Department that Andrew Jarvis be appointed to the position of full time Patrolman; and

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the Borough of Berlin as follows:

1. The provisions of the WHEREAS clauses set forth above are incorporated herein by reference and made a part hereof.
2. The Council of the Borough of Berlin hereby appoints Andrew Jarvis as full-time Patrolman effective February 11, 2022 with a pay rate pursuant to the January 1, 2022 PBA Collective Bargaining Agreement at a starting salary of \$43,153.00.

Pearce motioned to approve Resolution 2022:025. Hohing seconded the motion, which passed with all members present voting in favor in a Roll Call Vote.

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- RES. 2022:031 APPOINTMENT OF K-9 UNIT POLICE SERVICE DOG CLYDE

WHEREAS, K-9 Unit Clyde is being hired as a K-9 Officer of the Borough of Berlin Police Department; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Berlin, County of Camden, State of New Jersey to appoint K-9 unit Clyde as Police Service Dog for the Borough of Berlin.

Pearce motioned to approve Resolution 2022:031. Miller seconded the motion, which passed with all members present voting in favor in a Roll Call Vote.

OATH OF OFFICE

Oath of Office was administered to Patrolman Andrew Jarvis by Mayor Miller. His mother and father held the bible.

PRESENTATION

Council President Pearce introduced K9 Unit – Clyde. Clyde was donated by Joe Nick of K9 Training LLC. Clyde will be the single purpose K9 unit moving forward. He has already been working for Berlin and has gotten illegal firearms off the street. He completed his academy training in January 2022. He is handled by Officer Steve Palma.

PRIVILEGE OF THE FLOOR

Cummings motioned to open the meeting to the public for privilege of the floor. Pearce seconded the motion, which passed with all members present voting in favor in a Voice Vote.

There were no comments from the public.

Hohing motioned to close the meeting to the public for privilege of the floor. Pearce seconded the motion, which passed with all members present voting in favor in a Voice Vote.

GOOD OF THE ORDER

None

ADJOURN

Pearce motioned to adjourn the meeting at 7:28 PM. Badolato seconded the motion with all members present voting in favor in a Voice Vote.

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Minutes respectfully submitted by:

Michaela Bosler

Michaela Bosler, RMC
Municipal Clerk