



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

REGULAR MEETING MINUTES

THURSDAY, MARCH 10, 2022 – 7:00 PM

CALL TO ORDER AND FLAG SALUTE

Mayor Rick Miller called the meeting to order at 7:06 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 – PRESENT
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:

February 10, 2022 Workshop Meeting
February 10, 2022 Executive Session
February 10, 2022 Regular Meeting

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Simone abstained from the approval of Workshop Meeting, Regular Meeting, and Executive Session of February 10, 2022.

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

COUNCIL REPORTS

- **BUILDINGS, PARKS, & RECREATION** – Councilman Len Badolato reported that the employee lunch room in Borough Hall has been cleaned up and repainted. He further reported that a vacant, unused office is in the process of being cleaned up for the property maintenance officer. He reported that there were issues with key fobs and locks with the assistance of the Project Coordinator. Additionally, he's been made aware that the Traffic Calming plan has been approved by the NJ Department of Transportation.
- **PUBLIC WORKS, STREETS & ROADS** - Councilman Andrew Simone reported that is nothing major to report with Streets and Road. He mentioned that both the county and borough have service request portals for potholes and curbing issues. For public works, the street sweeper is expected to be delivered in May or June due to parts being unavailable. Additionally, he expects to put together some community outreach projects such as pedestrian paths and community gardens.
- **WATER & SEWER** - Councilwoman Patricia Cummings reported for water, all routine maintenance at Cross Keys treatment plant was completed. 60 utility mark outs were done. She commented that hydrant flushing will begin on April 1st and continue through April 29th. For sewer, completed all routine monthly maintenance at our 10 pump stations. Completed all routine monthly maintenance on our 10 emergency back up generators at the sewer pump stations. Replaced a faulty relay at the Villages pump stations. Recalibrated the float system at the Villages pump station. Crew did camera inspections of the sewer main and stormwater piping on Florence Ave ahead of the repaving project.
- **PUBLIC SAFETY** – Council President Pearce reported that Fire Department for the month of December 2021 responded to 78 calls for service, and continued to receive training on Tuesday nights which included RIT review, forceable entry training, rescue training, and continue to staff weekly safe for grants. For OEM, the budget committee met with the department for 2022 budget requests. The OEM Coordinator will continue to get PPE and help with community outreach programs with Spring Oaks. For EMS, responded to 201 calls in February 2022, and of those calls 89 were in Berlin Borough.
- **COMMUNICATION** – Councilman Keith Hohing reported that there is the drive thru free rabies clinic on April 9th. He commented that he did extensive updates to the website and encouraged anyone with comments about format or updates to reach out to him. He has attended various budget committee meetings with the departments and commended the departments for their dedication and efforts.

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- FINANCE – Chairman Jake Miller reported the total revenues collected for the month of February 2022 are as follows:

Permit Fees	\$	8,681.00
Rental Inspection Fees	\$	500.00
Zoning Fees	\$	450.00
Resale Inspection Fees	\$	1,000.00
Community Center Fees		N/A
Tax Collector	\$	2,034,343.81
Utility Collector	\$	172,800.61
Animal Licensing Fees	\$	992.00
Clerks Office	\$	7,201.40
Court Office	\$	18,793.27

He further commented that the departments truly have the residents best interests when submitting their proposals to the committee, and thanked all of the department heads for their efforts.

- SOLICITOR – Solicitor Howard Long had nothing to report.
- MAYOR – Mayor Rick Miller recognized Dr. Campisi in the audience. He reported that he had a conversation with the Commissioner of DOT regarding McClellan Ave. DOT agreed to re-evaluate all other railroad crossings within the Borough with their Emergency Management team. They will be restarting the entire process. Mayor Miller indicated the DOT’s recommendation and outcome may not be any different, but the Borough will be more involved with the process this time. Mayor Miller thanked everyone for their efforts. Mayor Miller indicated that the town wide yard sale will be on April 30th, sponsored by Gen Haldeman. Anyone who wishes to be included in their map can email genhaldemanrealtor@gmail.com.

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

UNFINISHED BUSINESS

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

Pearce motioned to open the public hearing on Ordinance 2022:01. Cummings seconded the motion, which passed with all members present voting in favor in a Voice Vote.

There were no comments from the public.

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Miller motioned to close the public hearing on Ordinance 2022:01. Hohing seconded the motion, which passed with all members present voting in favor in a Voice Vote.

Simone motioned to adopt Ordinance 2022:01. Badolato seconded the motion, which passed 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

Hohing motioned to open the public hearing on Ordinance 2022:02. Cummings 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 public hearing on Ordinance 2022:02. Cummings seconded the motion, which passed with all members present voting in favor in a Voice Vote.

Simone motioned to adopt Ordinance 2022:02. Badolato seconded the motion, which passed with all members present voting in favor in a Roll Call Vote.

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

The Mayor announced that Ordinance 2022:03 will be postponed until further notice.

NEW BUSINESS

- ORD. 2022:04 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Mayor Miller stated this is the first reading and introduction; the public hearing for Ordinance 2022:04 will be on April 14, 2022 at 7:00 PM.

Badolato motioned to introduce Ordinance 2022:04. Cummings 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.

- RES. 2022:034 APPOINTING RACHEL VON DER TANN AS DEPUTY MUNICIPAL CLERK

WHEREAS, a vacancy exists in the office of the Deputy Municipal Clerk; and

WHEREAS, § 46-28 of the Borough Code created and established the position of Deputy Municipal Clerk who shall be nominated by the Mayor and appointed with the advice and consent of Borough Council. The Deputy

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Municipal Clerk shall hold office at the pleasure of the Borough Council, and unless sooner removed, shall hold office until December 31 of the year in which he/she shall have been appointed; and

WHEREAS, during the absence or disability of the Municipal Clerk, the Deputy Municipal Clerk shall have all the powers of the Municipal Clerk and shall perform the functions and duties of such office as outlined in section§ 46-29 Duties and responsibilities of the Borough Code; and

WHEREAS, the recommendation of Rachel von der Tann has been made to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Berlin in the County of Camden, State of New Jersey, that Rachel von der Tann is hereby appointed Deputy Municipal Clerk in the Borough of Berlin effective March 14, 2022, for the unexpired term ending December 31, 2022, at the salary of \$40,950.00 per year.

- RES. 2022:035 APPROVE CHANGE ORDER #1 – 2020 BERLIN BOROUGH ROADWAY IMPROVEMENT PROJECT

WHEREAS, the Borough of Berlin has entered a contract with All J’s Services, as authorized by Resolution 2021:038 and has committed sufficient funds to pay for the 2020 Berlin Borough Roadway Improvement Project; and

WHEREAS, Pennoni Associates, Inc., has recommended changes that will decrease the original contract price of \$269,814.05, as modified by Change Order #1, dated March 1, 2022, by \$16,975.52 to a revised contract price of \$252,838.53; and

WHEREAS, N.J.A.C. 5:30-11 et seq., requires that changes in payment for activities within the scope of activities of a contract shall be effectuated by a written change order authorized by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Berlin, in the County of Camden, State of New Jersey, that Change Order #1 for the 2020 Berlin Borough Roadway Improvement Project is approved.

- RES. 2022:036 AUTHORIZE PARTICIPATION IN THE STATE FIREFIGHTER CERTIFICATION PROGRAM

WHEREAS, the New Jersey Division of Fire Safety is accepting applications from municipal Fire Departments desiring to obtain Eligible Organization status recognized by the Division of Fire Safety. The issuance of an Eligible Organization Number will permit our Berlin Fire Department to conduct fire service “certified” training to be delivered at the local level, which will be recognized and sanctioned by the Division of Fire Safety; and

WHEREAS, the state has created a voluntary program to certify firefighters; and

WHEREAS, the Mayor and Council of the Borough of Berlin has reviewed, discussed, and voted to participate in the program; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Berlin appoints Chief of the Fire Department as the Authorized Signatory to sign any documents necessary to implement the Firefighter Certification Program in the Borough of Berlin

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- RES. 2022:037 PAYMENT OF BILLS – MARCH 2022

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

Current Fund (1-01):	\$8,623.00
Water Utility Fund (1-05):	\$11,576.60
Current Fund (2-01):	\$824,886.17
Water Utility Fund (2-05):	\$8,667.38
Sewer Utility Fund (2-07):	\$4,331.30
Escrow Fund (2-17):	\$14,599.42
Capital Fund (C-04):	\$40,224.74
Water Capital (C-06):	\$21,417.80
State/Federal Grant Fund (G-02):	\$9,489.20
Trust Other (T-03):	\$1,179.20
Prior Payments:	\$1,359,067.16
 TOTAL:	 \$2,304,061.97

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 \$2,304,061.97 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.

- RES. 2022:038 AUTHORIZING BOROUGH WATER AND SEWER ENGINEER, PENNONI ASSOCIATES INC., TO PERFORM PROFESSIONAL SERVICES ASSOCIATED WITH THE WATER METER REPLACEMENT PROJECT IN ACCORDANCE WITH ITS WRITTEN PROPOSAL DATED MARCH 1, 2022

WHEREAS, the Borough of Berlin (“Borough”) has a need for engineering services associated with Phase-2 of the Water Meter Replacement Project; and

WHEREAS, on or about January 5, 2020, pursuant to Resolution 2022:04, Hugh J. Dougherty, PE of Pennoni Associates, Inc., was appointed as the Borough’s Water and Sewer Engineer, for a term of one (1) year and was appointed in accordance with the Fair and Open Process set forth in N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Hugh J. Dougherty, PE, CME, an engineer licensed by the State of New Jersey, Water and Sewer Engineer, submitted a proposal numbered BBWSX 21005 and dated March 1, 2022 in the amount of \$30,000.00 to perform design, bidding work and contract administration; and

WHEREAS, all purchase orders placed by the Borough of Berlin for engineering services, will be subject to such controls or approvals as required by the governing body or another administrative agency; and

WHEREAS, the Chief Financial Officer for the Borough of Berlin shall ensure that funds are available for such purposes through either an encumbrance or certification of availability of funds, each time a purchase order is placed.

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NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Berlin, County of Camden, State of New Jersey, that Hugh J. Dougherty, PE, CME, with the firm Pennoni Associates Inc. is hereby authorized to perform the engineering services associated with Phase-2 of the Water Meter Replacement Program in an amount not to exceed \$30,000.00.

- RES. 2022:039 AUTHORIZING BOROUGH WATER AND SEWER ENGINEER, PENNONI ASSOCIATES INC., TO PERFORM PROFESSIONAL SERVICES ASSOCIATED WITH THE EDGEWOOD AVENUE WATER MAIN IN ACCORDANCE WITH ITS WRITTEN PROPOSAL DATED OCTOBER 15, 2021

WHEREAS, the Borough of Berlin (“Borough”) has a need for engineering services associated with Edgewood Avenue Water Main; and

WHEREAS, on or about January 5, 2022, pursuant to Resolution 2022:04, Hugh J. Dougherty, PE of Pennoni Associates, Inc., was appointed as the Borough’s Water and Sewer Engineer, for a term of one (1) year and was appointed in accordance with the Fair and Open Process set forth in N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Hugh J. Dougherty, PE, CME, an engineer licensed by the State of New Jersey, Water and Sewer Engineer, submitted a proposal numbered BBWSX 21006 and dated October 15, 2021 in the amount of \$58,450.00 to perform design, bidding work and contract administration; and

WHEREAS, all purchase orders placed by the Borough of Berlin for engineering services, will be subject to such controls or approvals as required by the governing body or another administrative agency; and

WHEREAS, the Chief Financial Officer for the Borough of Berlin shall ensure that funds are available for such purposes through either an encumbrance or certification of availability of funds, each time a purchase order is placed.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Berlin, County of Camden, State of New Jersey, that Hugh J. Dougherty, PE, CME, with the firm Pennoni Associates Inc. is hereby authorized to perform the engineering services associated with Edgewood Avenue Water Main in an amount not to exceed \$58,450.00.

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

There were no comments from the public.

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

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

PRIVILEGE OF THE FLOOR

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

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- Joe Maloney – 110 Garden Ct., Linwood, NJ – discussed his concerns regarding his water bill for a rental property in West Berlin. The Solicitor commented that it illegal for the Borough to shut off the water. Discussion about the situation ensued.

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

GOOD OF THE ORDER

None

ADJOURN

Badolato motioned to adjourn the meeting at 7:35 PM. Pearce seconded the motion with all members present voting in favor in a Voice Vote.

Minutes respectfully submitted by:

Michaela Bosler

Michaela Bosler, RMC
Municipal Clerk