



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

**REGULAR MEETING MINUTES**

THURSDAY, APRIL 14, 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 – PRESENT  
Council President Jim Pearce – PRESENT  
Mayor Rick Miller – PRESENT

Also, Present: Howard Long, Solicitor  
Debra DiMattia, CFO/Administrator  
Michaela Bosler, Municipal Clerk

**APPROVAL OF MINUTES:**

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

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



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Rental Inspection Fees	\$	9,600.00
Zoning Fees	\$	600.00
Resale Inspection Fees	\$	500.00
Community Center Fees	\$	360.00
Tax Collector	\$	300,960.61
Utility Collector	\$	740,837.42
Animal Licensing Fees	\$	1,593.00
Clerks Office	\$	6,210.00
Court Office	\$	14,881.43

- SOLICITOR – Solicitor Howard Long had nothing to report.
  
- MAYOR – Mayor Rick Miller reported that the rabies clinic on Saturday, April 9. He commented that several towns had cancelled their rabies clinic on the same day, which made the event more chaotic than expected. Last year there were only 51 vaccines administered; this year 125 vaccines were administered. Thanked the clerk and volunteers for their assistance. He reminded residents that the town wide yard sale will be April 30<sup>th</sup>. Thanked the Fire Department for having the Easter Bunny out this past Saturday. He reported that department heads met with an outside agency hired by NJDOT to replace crossings at Washington Ave. The Mayor reported he has no update on McClellan Ave.

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

**UNFINISHED 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)

Miller motioned to open the public hearing on Ordinance 2022:04. Hohing seconded the motion, which passed with all members present voting in favor in a Voice Vote.

There were no comments from the public.

Simone motioned to close the public hearing on Ordinance 2022:04. Cummings seconded the motion, which passed with all members present voting in favor in a Voice Vote.

Badolato motioned to adopt Ordinance 2022:04. Hohing seconded the motion, which passed with all members present voting in favor in a Roll Call Vote.

**NEW BUSINESS**

- ORD. 2022:05      AN ORDINANCE AMENDING CHAPTER 9 OF THE RULES AND REGULATIONS FOR THE OPERATION AND GOVERNMENT OF THE BERLIN BOROUGH POLICE DEPARTMENT THROUGH THE ADOPTION CERTAIN AMENDMENTS TO THE

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MANUAL ENTITLED "BERLIN BOROUGH POLICE DEPARTMENT RULES AND REGULATIONS"

Mayor Miller stated this is the first reading and introduction; the public hearing for Ordinance 2022:05 will be on May 12, 2022 at 7:00 PM.

Pearce motioned to introduce Ordinance 2022:05. Hohing seconded the motion with all members present voting in favor in a Roll Call Vote.

- RES. 2022:041 GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

Miller motioned to approve Resolution 2022:041. Pearce seconded the motion with all members present voting in favor in a Roll Call Vote.

- RES. 2022:042 AUTHORIZING LOCAL EXAMINATION OF THE 2022 BUDGET

Miller motioned to approve Resolution 2022:042. Hohing seconded the motion with all members present voting in favor in a Roll Call Vote.

- INTRODUCTION OF THE 2022 MUNICIPAL BUDGET

Mayor Miller stated this is the first reading and introduction; the public hearing for the 2022 Municipal Budget will be on May 12, 2022 at 7:00 PM.

Badolato motioned to introduce the 2022 Municipal Budget. 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. 2022:043 AUTHORIZE PLACE-TO-PLACE TRANSFER (EXTENSION OF PREMISES) – WOODBRIAR CORPORATION

WHEREAS, an application has been filed for a place-to-place transfer (expansion of premises) of Plenary Retail Consumption License 0405-33-006-003, for purposes of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Berlin does hereby approve, effective April 14, 2022, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 23 Clementon Road, Berlin, NJ 08009, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

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- RES. 2022:044      RESOLUTION URGING THE SWIFT PASSAGE OF S-330/A3804, WHICH SHALL RESTORE THE ENERGY TAX RECEIPTS TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Berlin, Camden County, urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities

- RES. 2022:045      APPROVE CHANGE ORDER #1 – PARK AVENUE WATER MAIN

WHEREAS, the Borough of Berlin has entered a contract with DSC Construction Inc., as authorized by Resolution R08-01;2019 and has committed sufficient funds to pay for the Park Avenue Water Main Project; and

WHEREAS, Pennoni Associates, Inc., has recommended changes that will decrease the original contract price of \$417,760.00, as modified by Change Order #1, dated April 8, 2022, by \$380.00 to a revised contract price of \$417,380.00; and

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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 Park Avenue Water Main Project is approved.

- RES. 2022:046      AUTHORIZING AWARD OF BID FOR EDGEWOOD WATER MAIN RENEWAL PROJECT TO THINK PAVERS IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW

WHEREAS, specifications were completed and bids were properly advertised by the Borough of Berlin ("Borough") for Contract BBWSX 21006 – Edgewood Water Main Renewal; and

WHEREAS, eight (8) vendors submitted bids for the specified contract as follows:

VENDOR	BASE BID (FOR EVALUATION PURPOSES ONLY)
1. Think Pavers	\$161,060.00
2. CTX Infrastructure	\$190,526.00
3. R.D. Zueli, Inc.	\$193,510.00
4. DiMeglio Construction	\$207,963.00
5. Mount Construction Co., Inc.	\$209,780.00
6. South State, Inc.	\$212,731.00
7. Neri's Construction + Rental Inc.	\$263,590.00
8. All J's Services	\$273,720.39

WHEREAS, the Borough Engineer has reviewed the bids and via letter dated March 29, 2022 recommended an award to Think Pavers Hardscaping, of Mt. Royal, NJ, as the lowest responsible bidder contingent upon review and approval of the Borough Solicitor; and

WHEREAS, the Borough of Berlin has therefore determined that Think Pavers Hardscaping is the lowest responsible bidder, having submitted a bid in accordance with the Bid Specifications and Advertisement; and

WHEREAS, the award of this bid is contingent upon review of the Borough Solicitor; and

NOW, THEREFORE BE IT RESOLVED, by the 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. Contract BBWSX 21006 – Edgewood Water Main Renewal on behalf of the Borough of Berlin is hereby awarded to Think Pavers Hardscaping.
3. The Borough Administrator and/or designee is hereby authorized and directed to take any and all steps necessary to effectuate the award and execution of this Contract.
4. Award of bid is contingent upon review of the Borough Solicitor.
5. Funds are available for payment of this Contract.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Berlin that authorization is hereby given to execute this contract with Think Pavers Hardscaping of Mt. Royal, NJ, for the Edgewood Water Main Renewal.

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- RES. 2022:047      AUTHORIZING AWARD OF BID FOR WATER METER REPLACEMENT - PHASE 2 PROJECT TO CORE & MAIN LP IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW

WHEREAS, specifications were completed and bids were properly advertised by the Borough of Berlin ("Borough") for Contract BBWSX 21005 – Water Meter Replacement – Phase 2; and

WHEREAS, one (1) vendor submitted bids for the specified contract as follows:

VENDOR	BASE BID (FOR EVALUATION PURPOSES ONLY)
1. Core & Main, LP	\$299,490.00 (base bid) + \$36,175.00 (add alt. 1)

WHEREAS, the Borough Engineer has reviewed the bids and via letter dated April 8, 2022 recommended an award to Core & Main LP, of Berlin, NJ, as the lowest responsible bidder contingent upon review and approval of the Borough Solicitor; and

WHEREAS, the Borough of Berlin has therefore determined that Core & Main LP is the lowest responsible bidder, having submitted a bid in accordance with the Bid Specifications and Advertisement; and

WHEREAS, the award of this bid is contingent upon review of the Borough Solicitor; and

NOW, THEREFORE BE IT RESOLVED, by the 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. Contract BBWSX 21005 – Water Meter Replacement – Phase 2 on behalf of the Borough of Berlin is hereby awarded to Core & Main LP.
3. The Borough Administrator and/or designee is hereby authorized and directed to take any and all steps necessary to effectuate the award and execution of this Contract.
4. Award of bid is contingent upon review of the Borough Solicitor.
5. Funds are available for payment of this Contract.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Berlin that authorization is hereby given to execute this contract with Core & Main LP of Berlin, NJ, for the Water Meter Replacement – Phase 2 Project.

- RES. 2022:048      RESOLUTION AUTHORIZING THE USE OF "FAIR AND OPEN" PROCESS FOR THE HIRING OF 2022 MUNICIPAL BOND COUNSEL

WHEREAS, the Borough of Berlin has adopted and set forth as a preference and policy that the Borough and any subordinate Boards or Commissions of the Borough should utilize a "fair and open" process in professional and extraordinary service contracts, having an anticipated aggregate value above \$17,500, under the guidelines and procedures outlined in the Pay-to-Play Laws, P.L. 2004, Chapter 19 and N.J.S.A. 19:44A-20.4 et seq.; and,

WHEREAS the Borough of Berlin desires to contract Borough Professionals for the calendar year 2022 for the following:

Municipal Bond Counsel

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WHEREAS the Borough Clerk/Administrator estimates that these contracts' costs will have an anticipated aggregate value of more than \$17,500;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Berlin that Request for Qualifications for the above mentioned, 2022 Professional positions, be authorized for advertisement under a "fair and open" process that provides for public solicitation of proposals or qualifications, which will be publicly opened on Tuesday, May 10, 2022, at 10:00 am, announced and subsequently awarded under the criteria established by the Governing Body and in N.J.S.A 40A: 11 4.1- 4.5 for competitive contracting.

BE IT FURTHER RESOLVED that the RFQ will be posted on the Borough website, and legal notice will be placed in the Borough's official newspaper, stating that an RFQ is available.

- RES. 2022:049      PAYMENT OF BILLS – APRIL 2022

WHEREAS certain numbered vouchers have been submitted to the Borough of Berlin for payment from a list prepared and dated April 12, 2022 which totals as follows:

Current Fund (1-01):	\$54,771.40
Water Utility Fund (1-05):	\$68.34
Sewer Utility Fund (1-07):	\$22.78
Current Fund (2-01):	\$841,255.80
Water Utility Fund (2-05):	\$153,946.38
Sewer Utility Fund (2-07):	\$16,247.17
Escrow Fund (2-17):	\$12,826.31
Capital Fund (C-04):	\$28,367.74
Water Capital (C-06):	\$86,251.15
State/Federal Grant Fund (G-02):	\$16,275.28
Payroll Agency Account (P-13):	\$31,900.24
Trust Other (T-03):	\$5,658.89
Prior Payments:	\$350,292.98
<b>TOTAL:</b>	<b>\$1,597,884.46</b>

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 \$1,597,884.46 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. 2022:050      RECOGNIZING THE INTER COMMUNITY CELEBRATION ASSOCIATION (ICCA)  
AS OFFICIAL PRESENTERS OF THE 75TH ANNUAL INDEPENDENCE DAY  
PARADE

WHEREAS, the annual Independence Day Parade is held on July 4th; and

WHEREAS, the Inter Community Celebration Association (ICCA) has traditionally presented the parade each year; and



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WHEREAS, the Governing Body wishes to formally recognize the ICCA as the official presenters of the annual Independence Day Parade for the year 2022;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Berlin that the Inter Community Celebration Association (ICCA) is hereby recognized as the official presenters of the annual Independence Day Parade for the year 2022.

- **RES. 2022:051      ACCEPTING RETIREMENT NOTICES OF CERTAIN BERLIN BOROUGH EMPLOYEES**

WHEREAS, the Borough of Berlin has received notices of retirement for the following employees:

Name	Date of Retirement
John Feger	August 1, 2022
Dawn Sayers	September 1, 2022
Christopher Eggert	December 1, 2022

WHEREAS, the Mayor and Council accepts the notices of the aforementioned retirements from said individuals; and

WHEREAS, the Mayor and Council appreciates and recognizes these individuals for their service and dedication to the Borough of Berlin;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Berlin, County of Camden, State of New Jersey, hereby accepts the retirement notices of the aforementioned individuals.

- **RES. 2022:052      APPROVING REQUEST FROM THE BERLIN BOROUGH FIRE COMPANY #1, STATION 211 TO CONDUCT A COIN DROP ON RT 30 AND WASHINGTON AVENUE ON MAY 28, 2022 AND SEPTEMBER 3, 2022**

WHEREAS permission is required from the Governing Body, Police Chief and the NJ Department of transportation Regional Operations-South for the Berlin Fire Company #1, Station 211 to conduct a Coin Drop; and

WHEREAS the dates of the proposed Coin Drop are Saturday, May 28, 2022 and Saturday, September 3, 2022 to be conducted on Rt 30, also known as White Horse Pike. and Washington Ave.; and

WHEREAS the Coin Drop will cause no diversions, interruptions, or delays in traffic patterns; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Berlin, County of Camden, State of New Jersey, that requested Coin Drop is hereby approved for the stated dates at the stated location.

- **RES. 2022:053      RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BERLIN AUTHORIZING THE APPROVAL AND RATIFICATION OF A COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE BERLIN BOROUGH POLICE DEPARTMENT, PBA LOCAL 362 AND THE BOROUGH OF BERLIN**

WHEREAS, the Borough of Berlin (“Borough”) and the Southern Camden County PBA Local

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#362 (“PBA Local #362”) have been in negotiations towards a successor Collective Bargaining Agreement (“CBA”) commencing January 1, 2022 through December 31, 2024; and

WHEREAS, by a vote of the majority of its membership of PBA Local #362 ratified the CBA during a vote of its full membership; and

WHEREAS, the Negotiating Committee of the Borough of Berlin, comprised of Council President James Pearce, Councilman Keith Hohing and Councilman Jake Miller, previously executed a Memorandum of Agreement, and are now recommending the ratification and adoptions of the CBA; and WHEREAS, the Borough Council believes that it is in the best interest of the Borough of Berlin to likewise ratify the CBA between the respective parties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Berlin, County of Camden and 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 Borough Council of the Borough of Berlin hereby ratifies the CBA in the form attached hereto and made a part hereof which has been approved by the Borough Solicitor as to form by letter opinion dated April 14, 2022.

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

**PRIVILEGE OF THE FLOOR**

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

There were no comments from the public.

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

**GOOD OF THE ORDER**

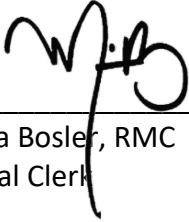
None

**ADJOURN**

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Miller motioned to adjourn the meeting at 7:21 PM. Pearce seconded the motion with all members present voting in favor in a Voice Vote.

Minutes respectfully submitted by:

A handwritten signature in black ink, appearing to read 'M. Bosler', is written over a horizontal line.

Michaela Bosler, RMC  
Municipal Clerk