



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

REGULAR MEETING MINUTES

THURSDAY, MAY 13, 2021 – 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 and posted on the Borough Hall Bulletin Board showing the said meeting's date, place, and time.

ROLL CALL

Councilman Len Badolato – ABSENT
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
Dwayne Harris, Clerk/Administrator
Michaela Bosler, Deputy Clerk
Debra DiMattia, CFO

APPROVAL OF MINUTES:

March 11, 2021	Executive Session
April 8, 2021	Workshop Meeting
April 8, 2021	Regular Meeting
April 8, 2021	Executive Session

Simone abstained from the Workshop Meeting, Regular Meeting, and Executive Session of April 8, 2021.

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

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- BUILDINGS, PARKS, & RECREATION – Councilman Len Badolato was absent. On Councilman Badolato’s behalf, Councilman Hohing reported that the DBRC will be hosting the Strawberry Festival on Borough Hall complex on May 23rd. Mayor Miller reported that the ICCA have decided that they will not hold the Fourth of July parade this year. Mayor Miller further commented that these events are organized by these outside organizations, and it is their discretion whether they want to hold them.
- PUBLIC WORKS, STREETS & ROADS - Councilman Andrew Simone reported the DPW is maintaining vegetation and landscaping along Borough properties. Road resurfacing projects are being coordinated with Waterford and Winslow, utility companies, and
- WATER & SEWER - Councilwoman Patricia Cummings reported that phase 1 of meter replacement project is continuing with approximately 775 meters replaced. For water department, 80 utility mark out request completed and routine monthly maintenance at water plant were completed. Required by the Water Quality Accountability Act, a crew has been inspecting and exercising 1,700 water valves and will be expected to comply by NJDEP deadline of October 2021. Hydrant flushing is complete. For sewer department, completed all routine monthly maintenance at 10 pumping stations and the emergency backup generators at the pumping stations. Sewer pump stasis system is ongoing. Fences at Haverhill, Enclave, and New Freedom Village Pump Stations have been removed and new fences were installed. Stormwater report was submitted by April 30th as required by NJDEP
- PUBLIC SAFETY – Council President Pearce reported that the Fire Department received 87 calls for service and continued to receive training on Tuesday nights. Berlin Ambulance responded to 197 calls; 90 were within Berlin Borough; no member COVID-19 cases and almost all members are fully vaccinated. OEM is continuing to receive PPE through the Camden County OEM. For Police Department, the department responded to 1,379 calls. The Data-Driven Approach to Crime and Traffic Safety (D.D.A.C.T.S.) focused on Route 30 and Franklin, Rt. 30 and Cross Keys, Rt. 30 and Jackson, Jackson and Taunton, and Thackara and Taunton. No need to speed campaign focused on Gardens and Chestnut Ave. Police Department put out a video for law enforcement week to the schools.
- COMMUNICATION – Councilman Keith Hohing reported that he attended various committee meetings. Attended budget meetings and upkept social media and website maintenance.
- FINANCE – Chairman Jake Miller reported the revenues collected during the month. The budget will be introduced at this meeting. Municipal tax rate is at a low rate of 1.05 increase which equates to approximately average increase of \$33.65.
- SOLICITOR – Solicitor Howard Long suggested that Mayor and Council consider an ordinance which would opt out of the operation of cannabis businesses in the geographical boundaries of the Borough of Berlin. The Solicitor explained that the State has given municipalities until

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August to pass an ordinance to opt out. The State's regulations have not been put in place at this time, and the passage of this ordinance gives Mayor and Council some additional time to study the issue, look at areas for feasibility, look at the type of licenses, etc.. The Solicitor stated that if Mayor and Council do not opt out now, then the state regulations will be in effect for a minimum of 5 years. If Council opts out, they can adopt an ordinance at any time to opt in. Additionally, the Solicitor commented there will be a litigation matter for executive session discussion.

- MAYOR – Mayor Rick Miller thanked Council for their hard work in preparing the budget.

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. 2021-05 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK

Mayor Miller opened the public hearing on Ordinance 2021-05.

There were no comments from the public.

Pearce motioned to close the public hearing on Ordinance 2021-05. Cummings seconded the motion, which passed with all members present voting in favor in a Voice Vote.

Hohing motioned to adopt Ordinance 2021-05. Cummings seconded the motion, which passed with all members present voting in favor in a Roll Call Vote.

NEW BUSINESS

- RES. 2021-061 RESOLUTION AUTHORIZING THE 2021 MUNICIPAL BUDGET TO BE READ BY TITLE

Cummings motioned to approve Resolution 2021-061. Hohing seconded the motion, which passed with all members present voting in favor in a Roll Call Vote.

- RES. 2021-064 A RESOLUTION OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZE THE ADOPTION OF THE 2021 ANNUAL BUDGET

Mayor Miller opened the public hearing on the 2021 Municipal Budget.

There were no comments from the public.

Miller motioned to close the public hearing on the 2021 Municipal Budget. Simone seconded the motion, which passed with all members present voting in favor in a Voice Vote.

Simone motioned to approve Resolution 2021-064. Miller seconded the motion, which passed with all members present voting in favor in a Roll Call Vote.

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The Clerk read the following Resolutions as a Consent Agenda into the record:

- RES. 2021-056 REIMBURSING OVERPAYMENT OF WATER BILL FROM SURETY TITLE CO.
- RES. 2021-057 APPOINTING DONNA L. ASHBAUGH AS A SCHOOL CROSSING GUARD FOR THE BOROUGH OF BERLIN
- RES. 2021-058 RESOLUTION APPOINTING AMANDA WHITE AS SPECIAL LAW ENFORCEMENT OFFICER CLASS II FOR THE BERLIN POLICE DEPARTMENT
- RES. 2021-059 RESOLUTION CANCELLING TAXES ON STATE-OWNED PROPERTY
- RES. 2021-060 RESOLUTION APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER
- RES. 2021-062 PAYMENT OF BILLS – \$3,708,888.55
- RES. 2021-063 RESOLUTION SUPPORTING AND ENDORSING THE SUBMITTAL OF A FORMAL GRANT APPLICATION FOR THE BERLIN PUBLIC LIBRARY THROUGH THE NEW JERSEY LIBRARY CONSTRUCTION BOND ACT PROGRAM SET FORTH IN N.J.A.C. 15:24-1 ET SEQ.

Mayor Miller opened the meeting to the public to comment on the consent agenda.

There were no comments from the public.

Pearce motioned to remove Resolution 2021-060 from the consent agenda. Simone seconded the motion with all members present voting in favor in a Voice Vote.

Pearce motioned to approve Resolution 2021-060. Hohing seconded the motion, with all members present opposed voting in a Roll Call Vote.

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

READING ORDINANCES

- ORD. 2021-07 BOND ORDINANCE APPROPRIATING THE SUM OF \$1,023,000 FOR 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 AND 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 \$1,023,000

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The Clerk stated this is the first reading and introduction; the public hearing for Ordinance 2021-07 will be on June 10, 2021 at 7:00 PM.

Miller motioned to introduce Ordinance 2021-07. Cummings seconded the motion with all members present voting in favor in a Roll Call Vote.

- ORD. 2021-08 BOND ORDINANCE APPROPRIATING THE SUM OF \$1,606,000 FOR 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 AND 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 \$1,525,700

The Clerk stated this is the first reading and introduction; the public hearing for Ordinance 2021-08 will be on June 10, 2021 at 7:00 PM.

Simone motioned to introduce Ordinance 2021-08. Hohing seconded the motion with all members present voting in favor in a Roll Call Vote.

- ORD. 2021-09 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 PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES

The Clerk stated this is the first reading and introduction; the public hearing for Ordinance 2021-09 will be on June 10, 2021 at 7:00 PM.

Cummings motioned to introduce Ordinance 2021-09. Simone seconded the motion with all members present voting in favor in a Roll Call Vote.

PRIVILEGE OF THE FLOOR

- Michael Dancer – 2 Laurel Ave. – Stated that he and his neighbors came to tonight’s meeting to bring to Mayor and Council’s attention an issue they are having regarding the level of noise that is made by T Built Performance, a dirt bike shop located on Atlantic Ave, directly behind their properties. Mr. Dancer provided a sound recording of the noise. The Mayor agreed the level of noise is not acceptable and deferred to the Solicitor for options. The Solicitor stated the Borough has a noise ordinance, and they can work in conjunction with the County Health Department to read the decimal rating of the noise. The Solicitor additionally recommended that the Zoning Officer review the site’s permitted usage. The Clerk stated the Borough has their own decimal reader and the business in question is not licensed. Council President Pearce stated he would like the have the Police Chief designate an officer to assist the residents through this issue.

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GOOD OF THE ORDER

Pearce wished everyone a Happy Memorial Day and a Happy Mothers Day.

EXECUTIVE SESSION

- RES. 2021-064A EXECUTIVE SESSION

Item: Attorney Client Privilege – Litigation – Borough of Berlin v. County of Camden

Cummings motioned to close the meeting to the public at 7:43 PM. Miller seconded the motion with all members present voting in favor in a Roll Call Vote.

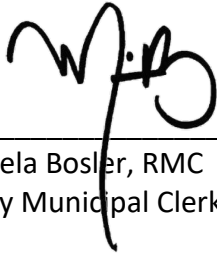
Simone motioned to open the meeting to the public at 7:56 PM. Cummings seconded the motion with all members present voting in favor in a Voice Vote.

No action was taken in executive session. All members that were present before the executive session were present upon return to open session.

ADJOURN

Pearce motioned to adjourn the meeting at 7:57 PM. Cummings seconded the motion with all members present voting in favor in a Voice Vote.

Minutes respectfully submitted by:



Michaela Bosler, RMC
Deputy Municipal Clerk