

BOROUGH OF BERLIN  
SPECIAL MEETING MINUTES  
THURSDAY, OCTOBER 04, 2016  
MUNICIPAL BUILDING  
59 SO WHITE HORSE PIKE  
BERLIN, NJ 08009  
7:00 P.M.

MEETING CALLED TO ORDER:

FLAG SALUTE:

SUNSHINE NOTICE: Adequate notice of this meeting has 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 date, place and time of said meeting.

ROLL CALL: Mayor Jim Bilella, Council President Jim Pearce, Council Members Kupchik, Miller, Badolato, Rocco and Buchanan.

PRESENT ALSO: Solicitor, Howard Long, Acting Municipal Clerk Lois J. Sahina and Administrator/CFO Mike Kwasizur, Environmental Resolutions, Christopher Noll, Mayor Magazzu from West Berlin, Councilman Morris from West Berlin, Berlin Borough Superintendent of Public Works - John Alisebrook

OCTOBER 13, 2016 COUNCIL MEETING AGENDA DISCUSSION will be tabled due to the Water Quality Discussion:

AGENDA HAS BEEN CHANGED TO A SPECIAL MEETING TO DISCUSS THE TOPIC OF WATER QUALITY;

Mayor Bilella - A news article published by a national environmental group called EWG siting certain issues relative to a certain chemical/compound known as Chromium 6 and the impact that has on water quality and the health of people across America. That article was published and there were many discussions about it, siting the borough and the water quality that we have here in the borough. I would like to ask Chris Noll our former water engineer for the borough and our special projects engineer to discuss what he knows about the issue some of the results that we had done about some of the special tests were done by the borough in conformance with EPA requirements and to highlight some of the more technical details of the issue.

Mr. Noll - stated that the Chromium Test was established in April 2012 and the EPA notified all public water systems serving greater than 10,000 people. They had to monitor unregulated contaminants in drinking water and to identify no more than 30 contaminants to be monitored every five years. This is part of the "Safe Drinking Water Act". It is part of the unregulated contaminated monitoring rules. One of these contaminates was Chromium 6. The purpose, to

monitor and regulate these contaminants in the future to protect public health. The federal regulation for total Chromium is 100 parts per billion. The State of NJ also follows these regulation limits and that includes other Chromium's besides Chromium 6. The EPA required that water tests be conducted at Plant 1- Cross Keys, Plant 2 - Evanine Drive and in the distribution system that has the maximum resident time which is at the Mount Construction site on White Horse Pike. All wells and treatment plant water systems had no detection of Chromium 6 at the well out puts. At the distribution system, the readings were .33 (in January) and .14 per parts per billion (in June) which is well below the 100 parts per billion which is allowed by regulation.

Berlin gets its water from two sources. Its own wells and NJ American Water Company. As part of the direction of the DEP Berlin was required to purchase 600,000 gallons per day, every day because the DEP was restricting the amount of water we could pump through our wells. We were directed to purchase water from NJ American. NJ American has Chromium 6 in their water 1.5 and 2.5 etc....

Mayor Bilella – We want you to know that we take these concerns very seriously to provide good water quality for our residents and surrounding towns of Berlin Township, Winslow and Voorhees. We pump great water out of our system. We are required to purchase water from NJ American, but we want to make sure we are aware of your concerns, that is why we wrote the letter to the Courier Post. We notified our residents of what our action plan is and our DPW superintendent, solicitor, and Councilman Rocco have been working very diligently to address this issue.

Mr. Long- On September 21, 2016 is when the story broke that there were numerous locations throughout NJ that have Chromium 6 in their water. The mayor and I started an investigation immediately and reached out to Special Projects Engineer, Mr. Noll. He is a past Water Engineer for the Borough. We wanted to determine what, if any, available avenues of relief we could seek to resolve this problem. The Mayor indicated of most importance was that we commence an determine what the root source of the contaminant was and determine whether the mixture of the water of NJ American was the source of that contamination.

The Mayor also indicated he wants to analysis if the berlin water wells could sustain the production of water without the use of NJ American Water Companies mandated infusion of water and fully satisfy our customer's needs.

I am now reviewing the existing contract between the Borough of Berlin and what we were required to execute with the NJ American Water Company and determine if it could be modified in anyway.

Finally, I was also directed to file an immediate request with the DEP seeking relief of the burdens that have been put on the Boroughs water system, which limits the amount of clean no chromium 6 detectable water that is coming out of our Berlin Borough publicly owned water system.

We are still investigating other avenues which some I can't speak of tonight because of litigation. I have put together three resolutions and will go over them tonight and also explain how and why we are in the situation that we are in.

Resolution 10-1;2016 – (Summary of Resolution) - Chromium 6 detected in the water distribution systems. – Special Projects engineer, Chris Noll, from ERI is detecting the problem of our water quality issue. There was no Chromium 6 detected in the Berlin Water but the Borough of Berlin was mandated by the NJDEP to purchase 600,000 gallons a day from NJ American Water Company. This is not in the best interest of the health and wellbeing of our residents and other water customers to continue purchasing water from NJ American Water Company. This resolution shall take effect immediately.

Motion to Approve- Council President Pearce  
Second- Council Member Rocco  
Roll Call- All present approved

Resolution – 10-2;2016 (Summary of Resolution)

I request and ask consideration from council to authorize the Borough Solicitor to review, assess and evaluate the existing document formally known as the “Commodity Demand Regional Water Agreement” by and between the NJ American Water Company and the Borough of Berlin dated Aug 3, 2006. Develop legal determinations about this contract and then review the terms of this agreement.

Also, to petition the NJDEP for relief from certain water allocation restrictions. These restrictions are out dated and should be reevaluated. Especially in view of the recent report of the Chromium 6 issue. This places an owners burden on the Berlin Borough and its tax payers of the Borough of Berlin and water customers. These water allocation restrictions have severely impacted the borough economically and the effectiveness to serve to its customers.

Solicitor will make determinations and work with special projects engineer, ERI, staff and council to address this issue for the health, public safety and welfare.  
This resolution shall take effect immediately

Motion to Approve- Councilmember Rocco  
Second- Council President Pearce  
Roll Call – All present approved

Resolution 10-3;2016 – (Summary of Resolution)

Urging the Governor, Senate and Assembly of NJ, to draft and adopt legislation requiring the NJDEP to study, develop, create, safe drinking water standards for Chromium 6. Independent of the existing United States Department of Environmental Protection standards.

At present, NJ does not specifically regulate the presence of Chromium 6 in New Jersey's drinking water supply other than to adopt the federal standards. We are asking them to consider the health risk of Chromium 6 and adopt safe drinking water standards and enact a bill for the health, public safety and welfare of not just Berlin Borough but for all the residents of NJ.

Motion to Approve – Council Member Rocco  
Second – Council Member Buchanan  
Roll Call- All present approved

PRIVILEGE OF THE FLOOR:

Loretta Mulculski  
323 Powell Ave.  
West Berlin, NJ  
Business Owner in Berlin, of South Jersey Breast Cancer Coalition

Ms. Mulculski- How was ERI selected?

Mayor Bilella – ERI was a former water engineer, familiar with our system and many other systems in the area

Ms. Mulculski How do you think you are going to move things along so it doesn't get lost in legislature?

Mayor Bilella -We will do everything in our power to try and get this resolved. It may not be as quickly fixed in the US or State, however all we have to do is to stop buying water from NJ

Mayor Maggazu  
West Berlin NJ

Thank you for being on top of this and please keep us informed.

My question is, I live at Cooper and Rt73 and I want to know if I have more Chromium 6 in my water than other locations?

Mr. Noll – Because of your location yes, you would.

Donna Navarro  
361 Harrison Ave  
West Berlin, NJ

Ms. Navarro -I have a serious problem with water other than Chromium 6. It is dirty and discolored. It is orange with particles floating in the tub and toilet. Is flushing of the lines creating this dirty water? Why must they always flush the system out?

Mayor Bilella - There are problems with the infrastructure of the system and water distribution pipes. There is settlement in the water and that is what you are seeing. We are taking the insinuate to fix and correct this problem with plastic piping in the future. We realize that this is a problem and are trying to address this going forward.

Mayor Maggazu- Everybody in this area is having this same problem with the discoloration of the water.

Joe Bishimi  
27 Holly Drive  
West Berlin, NJ

Mr. Bishimi -I've talked to you previously about my water being brown and the last three or four months it has been clear. What are you doing differently?

Mayor Bilella- Now that the water is being used could be making a difference.

John Mitchard  
10 Canyon Drive  
Berlin, NJ

Mr. Mitchard – In the Ordinance for Election signs, Ch 235 it states that election signs can't be placed 30 days before election Day. I request that the people you give the signs to follow the ordinance before they are fined.

Roger Strong  
14 New York Ave  
Berlin, NJ

Mr. Strong-If we are purchasing 600,000 gallons of water per day, if we don't purchase the water do we have enough water in the wells to provide to our customers?

Mr. Noll - Wells can pump 18 million per month, our highest month in August was 41.5 million gallons @1.1 to 1.2 million per day. Currently,we are on a restriction of how much we can pump.

Mr. Strong -If the we don't purchase the water where would we get this water?

Mayor Bilella- this is not a technical problem, it is a restriction being placed on us.

Mr. Strong Will it be difficult to get out of this contract?

Mr. Long- That is a good question and that is what I am going to look into.

Stephanie Richardson  
28 Summit Ave  
Berlin, NJ

Ms. Richardson -Should we be worried about drinking the water at this point?

Mr. Noll- The water is well below the DEP and the NJ and California requirements.

Ms. Richardson -If I have filtered water would that take out the Chromium 6?

Mr. Noll -No, a filter would not take out parts per billion. The only way to get rid of the Chromium 6 is to disconnect from NJ American Water.

Jim Melic  
18 Leroy Ave  
Berlin, NJ

Mr. Melic -When they did the testing and the levels were detected was the total Chromium or specific to Chromium 6?

Mr.Noll- No it was specific for Chromium 6

Mr. Melic -Has there been testing at the point of interconnection with NJ American?

Mr. Noll- No that has not been tested.

Mr. Melic-When you test the wells in Berlin, is there treatment?

Mr. Noll- Yes, Well 1 & 2, after the treatment, before it enters the system.

Mr. Melic- Do you add chlorine to the water? Could this Chromium 6 be caused by the chlorine?

Mr. Noll – No, it is a natural accruing substance. It can also come from certain industrial processes. It could come from paint. It's likely from the Delaware River and because it is not completely treated.

Mr. Melic- Can the Borough test annually or monthly to determine where it is in our system?

Mayor Bilella- Yes going forward, we will be doing frequent testing

Debbie Scelso

4 Evans Court

Berlin, NJ

Ms. Scelso-I was reading there was some kind of filter that you can put on your home for the water?

Mr. Noll- We will look into that but parts per billion is very hard to eliminate.

Ms. Scelso-Where was the testing done?

Mr. Noll – At Each plant. Evanine Drive, Cross Keys Road and Mount Construction locations.

Ms. Scelso- As far as the ordinance for the signs. Mr. Pearce said he is unaware and can't control what other people do. I know for a fact, I have a photograph that you have two signs on your property?

Mr. Pearce- I will address it right away

Ms. Scelso - I would like the ordinance addressed

Mayor Bilella – ok we will

Ms. Scelso – and Mr. Bansch as well

Mayor Bilella - ok thank you

Close of Public portion of Meeting

Motion to adjourn; Council President Pearce Sec.; Council Member Buchanan

Lois J. Sahina

Acting Municipal Clerk

October 04, 2016

*Lois J. Sahina*  
*Acting Clerk 10-4-16*