

BOROUGH OF BERLIN
COUNCIL MEETING MINUTES
THURSDAY, JULY 12, 2018
MUNICIPAL BUILDING
59 SOUTH 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 Rick Miller, Council Members Pearce, Badolato, Rocco, Buchanan, & MacDonnell.

ABSENT – Council President Miller, Councilman Pearce, Councilman MacDonnell

Mr. Long – We do have a quorum

PRESENT ALSO: Solicitor Howard Long, Municipal Clerk Lois J. Sahina and Chief Financial Officer Michael T. Kwasizur

APPROVAL OF MINUTES

06/07/18- Council Meeting Work Session Minutes

06/07/18 – Council Meeting Work Session Closed Session Minutes

Motion to approve adoption of the minutes; Councilman Buchanan

Sec.; Councilman Badolato

All present were in Favor

DEPARTMENT HEAD REPORTS FOR THE MONTH OF JUNE 2018

Permit fees	\$ 19,498.00
Zoning fees	\$ 535.00
Re-sale inspection fees	\$ 1200.00
Rental Inspections	\$ 350.00
Community Center fees	\$ 1950.00
Tax collector's report	\$ 205,643.41
Utility report	\$ 633,625.61
Clerks report	\$ 21,421.00
Animal report	\$ 1181.00
Court Administrator	\$25,632.84

Motion to approve department head reports; Councilman Buchanan
Sec.; Councilman Badolato
All present were in favor

PAYMENT OF THE BILLS FOR THE MONTH OF JULY 2018 IN THE AMOUNT OF \$2,252,552.85

Motion to approve payment of the bills; Councilman Buchanan
Sec.; Councilman Badolato
All present were in favor

COUNCIL REPORTS:

- **BUILDINGS, PARKS, & RECREATION, Chairman Len Badolato**
 - **Signage** - Cindy Williams and Lois Sahina have been working on the signage. We are looking forward to submitting the finalized plans for completion.
 - **Quotes for Painting of the Hotel** - I have been working with Anthony LaRossa to get quotes for the painting of the hotel part of the library. We have three interested parties but to date only Elite Painting Services has picked up the specs at the Clerks' Office
 - **HVAC System** - Nancy Wilson from Pennoni is in the process of checking our HVAC System to make sure all of the levels meet state standards.
 - **Free Trees** - I am still working on obtaining the free trees from the Electric Company.

- **WATER & SEWER, Chairman Ron Rocco**
 - **SCADA System** - Our new SCADA system is operating at 1,2 & well 15. The finalization of the system which operates both water stations is almost complete. The system is now run directly from DPW and has the ability to shut down automatically in case of an emergency or shut off one water station and switch to another if the system is alerted that there is a problem. This new system will save on overtime hours on weekends and holidays. It will automatically test the water, send a report directly to our DPW Supervisor along with calculating the monthly reports with out error. All of this used to be done manually. This new system will pay for its self and operate at maximum efficiency for the Borough.
 - There was one pump that needed to be sent out for service. This will be back on July 28th.
 - **Statistics** - All of the income statistics, water connections and maintenance reports were given for June 2017 vs. June 2018.
 - There were no water complaints for the month of June

Mayor Bilella – Thank you Councilman Rocco for taking control and getting the new SCADA system implemented. This was long overdue.

Councilman Rocco -This was a group effort between our DPW Supervisor, our Engineer, CFO and the DWP Department employees. We all worked together to get this done.

- **PUBLIC WORKS, STREETS & ROADS, Chairman Dan MacDonnell** – Mayor Bilella gave report for Councilman MacDonnell
 - **Road Program for 2018** - You will see a resolution on tonight’s agenda for the upcoming Road Program for 2018. The lowest most responsible bidder was Landberg Construction, LLC. We were given twice as much funding this year than last year because of the gas tax that was implemented.
- **PUBLIC SAFETY, Chairman Jim Pearce** - No report was given
- **COMMUNICATIONS, Chairman Rick Miller** - No report was given
- **FINANCE, Chairman Mike Buchanan**
 - **Current Debt** - Our CFO has been working diligently to keep Berlin ahead of the curve in relationship to the current debt.
 - **Tabled Issue** - I would like to know if the tabled discussion from our last meeting can be un-tabled so we can have more discussion on this topic? And if it can be un-tabled just for discussion only and no motion to vote?
Mr. Long – Yes, we can un-table a motion to discuss, without making a motion to vote on this issue. We will do this later in the meeting.
- **ECONOMIC DEVELOPMENT & REAL ESTATE, Mayor Bilella**
 - **Energy Audit** -We are looking into a free energy audit given by The Bureau of Public Utilities. This audit would show how the Borough can save money on energy. All borough buildings, sewer and water would be reviewed.
 - **Third Round COAH Compliance** - We have completed our third round COAH compliance and been approved until 2025. We were approved without adding more units. We do have to add 11 additional already exiting units to our affordable housing program. This must be done within the year.
- **SOLICITOR, Howard Long** – No report was given
- **Mr. Long and Councilman Buchanan went into Discussion about the Marijuana Dispensary**
 - **Mr. Long** explained to Councilman Buchanan that the motion to approve one medical marijuana dispensary in Berlin Borough was what was tabled at the last meeting
 - **Councilman Buchanan** - I don’t want to un-table this item, however from what I have been hearing the state is on a fast track to legalize marijuana in New Jersey. I think we should give the residents a voice in this decision. I don’t think this governing body should be making a decision for all of the residents. I went to all the houses on Harker Avenue and talked to the residents who live on this street. The proposed dispensary would be located at the end of their block on Harker Avenue. None of the residents had a problem with having a dispensary in this location. I think we should consider a referendum.
 - **Mr. Long** - In order to have a non- binding referendum on the ballot for the November general election, we would have to submit this request to the County Clerk 81 days before the election. This would mean we would have to submit this request by August 17th. We would also have to pass and ordinance. There is also the time element of advertising.

There must be an introduction and then it must be advertised within 7 days after introduction, then a second reading of approval must be done, along with an advertisement by title only of approval. If we wanted to take this approach then there would be a conflict of meeting dates and the needed time for advertising. Either the July 31st work session meeting would have to be moved up or the August 9, 2018 would have to be moved back. The decision to move up the July 31st meeting was made. It will be moved to July 24th and this meeting change will be advertised in the Courier Post by our Clerk.

Councilman Badolato – I am not against a referendum

Mayor Bilella – I also like the idea of a referendum, but I think it is still premature to make a decision because legislation hasn't been fully stated. We would also have to consider what question would be stated on the ballot. We still don't know if this will be handled like liquor licenses or like a general license. We don't have an ordinance in place and the Zoning Board will also have to approve the location. I believe we still have time to see what direction the state will take and what we would be allowed or not be allowed. We will also see what the state regulations and laws will be and how it will be directly related to our municipality.

Mr. Long – Once the state budget is resolved this will move very quickly. If compared to other towns some have done ordinances but to my knowledge none have done a referendum. If we do decide to put a question on the ballot the working of the question is very important. This must be explained to the voters. All of the governing body must have input. This could be introduced at our next work session meeting.

Councilman Buchanan – I think that the business owner in town who approached us about applying to the state for a dispensary was pressed for time. This put us in the position of not being ready to make a decision at that time.

Councilman Badolato – I think the problem was we felt rushed into making a decision. This issue is one that needs discussion before a decision is made.

Mr. Long- After Councils discussions, the conclusion was made to move the next work Session Meeting to July 24th along with if we want to endorse a resolution or letter to have a marijuana dispensary in our town or to put it on the ballot as a question for the people to answer.

- **CHIEF FINANCIAL OFFICER, Michael T. Kwasizur**- No report was given

2ND READING ORDINANCES

ORDINANCE NO. 2018-15

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 67 OF THE CODE OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY ENTITLED "WATER RATES"

HEARING OPEN TO THE PUBLIC ON ORDINANCE 2018-15 – No one spoke

HEARING CLOSED TO THE PUBLIC

Motion to Adopt: Councilman Rocco

Sec.: Councilman Buchanan

All present were in favor

ORDINANCE NO. 2018-16

ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

HEARING OPEN TO THE PUBLIC ON ORDINANCE 2018-16 – No one spoke

HEARING CLOSED TO THE PUBLIC

Motion to Adopt: Councilman Badolato

Sec.; Councilman Rocco

All present were in favor

ORDINANCE NO. 2018-17

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 335, ENTITLED “ZONING AND LAND USE,” OF THE CODE OF THE BOROUGH OF BERLIN TO BE CONSISTENT WITH THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN AMENDMENTS

HEARING OPEN TO THE PUBLIC ON ORDINANCE 2018-17 – No one spoke

HEARING CLOSED TO THE PUBLIC

Motion to Adopt: Councilman Rocco

Sec.; Councilman Badolato

All present were in favor

ORDINANCE NO. 2018-18

ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 2017-15, WHICH CODIFIED AND IMPLEMENTED THE PROVISIONS OF THE JANUARY 12, 2017 HOUSING ELEMENT AND FAIR SHARE PLAN THE JUNE 28, 2017 LAND USE ELEMENT OF THE MASTER PLAN AND SATISFIED OTHER LEGAL REQUIREMENTS ASSOCIATED THEREWITH

HEARING OPEN TO THE PUBLIC ON ORDINANCE 2018-18 – No one spoke

HEARING CLOSED TO THE PUBLIC

Motion to Adopt: Councilman Rocco

Sec.; Councilman Buchanan

All present were in favor

1st READING ORDINANCES

ORDINANCE NO. 2018-20

ORDINANCE OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH OF BERLIN TO ESTABLISH A “DO NOT KNOCK REGISTRY”

Motion to Introduce: Councilman Badolato

Sec.; Councilman Buchanan

All present were in favor

READING RESOLUTIONS R07-01; 2018 THROUGH R07-11; 2018

MEETING OPEN TO THE PUBLIC ON RESOLUTIONS R07-01; 2018 THROUGH R07-11; 2018 - No one spoke

MR LONG - Resolution R07-11; 2018 supporting an application to the NJDOT to prohibit left hand turns onto route 30 for the Royal Farms project will be added to the resolutions tonight.

MEETING CLOSED TO THE PUBLIC

RESOLUTION R07-01; 2018

RESOLUTION FROM THE GOVERNING BODY OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AFFIRMING THAT \$.015 WAS ADOPTED FOR THE 2018 OPEN SPACE BUDGET LINE

RESOLUTION R07-02; 2018

A RESOLUTION AUTHORIZING THE BOROUGH TO APPROVE UTILITY BILLING ADJUSTMENTS

RESOLUTION R07-03; 2018

A RESOLUTION AUTHORIZING THE BOROUGH TO REFUND TAXES TO AN EXEMPT VETERAN FOR PAYMENT OF THE HOMESTEAD CREDIT LOCATED AT BLOCK 2209, LOT 20

RESOLUTION R07-04; 2018

A RESOLUTION AUTHORIZING THE BOROUGH TO APPROVE A CHAPTER 159 INSERTION FOR THE FISCAL YEAR 2018 CLEAN COMMUNITIES GRANT IN THE AMOUNT OF \$15,181.51

RESOLUTION R07-05; 2018

A RESOLUTION ACCEPTING THE ANNUAL AUDIT OF ITS BOOKS, ACCOUNTS AND FINANCIAL TRANSACTIONS FOR THE YEAR 2017

RESOLUTION R07-06; 2018

A RESOLUTION AUTHORIZING THE BOROUGH TO REFUND TAXES TO AN EXEMPT VETERAN FOR PAYMENT OF THE HOMESTEAD CREDIT LOACTED AT BLOCK 2211, LOT 16

RESOLUTION R07-07; 2018

A RESOLUTION AUTHORIZING THE BOROUGH TO HIRE 2 ADDITIONAL CAMP EMPLOYEES RETROACTIVE TO THE START OF CAMP

RESOLUTION R07-08; 2018

A RESOLUTION AUTHORIZING THE BOROUGH TO HIRE ANDREA SCHUENEMANN AS PART-TIME COURT CLERK RETROACTIVE TO JULY 3, 2018

RESOLUTION R07-09; 2018

A RESOLUTION AUTHORIZING A COMMUNITY CENTER REFUND IN THE AMOUNT OF \$575 TO SUSAN GOYINS

RESOLUTION R07-10; 2018

A RESOLUTION AWARDDING THE 2018 ROAD PROGRAM BID TO LANDBERG CONSTRUCTION IN THE AMOUNT OF A \$424,138.00 BASE BID AND AWARDDING THE ALTERNATE IN THE AMOUNT OF \$7,500.00 FOR A TOTAL CONTRACT AMOUNT OF \$431,638.00

RESOLUTION R07-11; 2018 – (walk on)

RESOLUTION IN SUPPORT OF APPLICATION TO THE NJDOT (#-30-S-11650-2017) TO PROHIBIT LEFT HAND TURNS ONTO STATE ROUTE 30 (WHITE HORSE PIKE) FOR THE ROYAL FARMS PROJECT LOCATED ON BLOCK 1300, LOTS 2 AND 4

Motion to approve Resolutions R07-01 through R07-11; 2018 - Councilman Badolato

Sec.; Councilman Rocco

All present were in favor

PRIVILEGE OF THE FLOOR

Joe McGukin
18 London Avenue
Berlin, NJ 08009

Mr. McGukin addressed Mayor and Council about a problem that he and his neighbors are having with motorist driving down his street at 50 & 60 mph to get to a dog grooming business that is newly located at the end of his street. Some of these motorists don't have their dogs restrained and are sitting on the laps of the motorist while talking on their phones while speeding down the road. These are just more distractions when these motorists are already going over the posted speed limit signs. He is very concerned because there are a number of children that live on this street. He is afraid someone is going to get hurt. He asked for the speed limit signs to change from 25 mph to 15 mph. He also asked if speed bumps could be installed on the street to help slow down traffic. He also commented that for 50 years this has been a quiet street

and now it has become a very busy road since this business was approved to be located at the end of his street.

Mayor Bilella - I will send out the code official to talk to the residents on your street.

Mr. McGukin- This has already been done and nothing is working.

Mayor Bilella - I will talk to Councilman MacDonnell and see if speed humps can be worked into our road program for this year. This also was a concern to the Planning Board when this business owner came to the Planning Board for approval. She assured us that this would not be a problem. Under these conditions she was granted the approval. We will also address the business owner.

Mr. Long - A police counter can be put on the street to get readings of the number of motorist that are travelling down this road on a daily basis. We can also do a traffic study to measure the motorist speed. The borough engineer will be contacted and will work with the police to try and come up with a solution. This is a very common problem throughout New Jersey.

Mr. McGukin – When will all of this be done? And how long will this take?

Mayor Bilella – There is a Distraction Law that the police can use when a dog is not restrained, and for phone use while driving. There is a \$250.00 fine connected with such offences.

GOOD OF THE ORDER- No one spoke

Motion to adjourn; Councilman Buchanan

Sec., Councilman Badolato

All present were in Favor

Lois J. Sahina

Registered Municipal Clerk

July 12, 2018