

**WORKSHOP MEETING MINUTES**  
**TUESDAY, JUNE 05, 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 Jim Pearce, Badolato, Rocco, Buchanan, & MacDonnell.

**PRESENT ALSO:** Solicitor Howard Long, RMC Lois J. Sahina and CMFO Michael T. Kwasizur

**COUNCIL DISCUSSION:**

- **BUILDINGS, PARKS, & RECREATION, Chairman Len Badolato**
  - Ball Field Drainage Project went out to bid. Our lowest most responsible bid was \$89,450.00. Our CAF for this project is \$84,500.00. Council discussed if they wanted to move forward with this bid or rebid. Council all agreed to move forward with a resolution at our next meeting.
  - Re-bid for the Painting of the Hotel Section of the Library was \$114,725.00. Our CAF for this project is \$70,000.00. Mr. Long explained our next option since all the bids were again all over our allocated funds. A 2/3 vote of 4 yes votes from Council would be needed to move forward with negotiations and obtaining three quotes. The specs can be slightly narrowed, but not changed. The option of completing the project over 3 or 4 years was so discussed. We would have to stay under the threshold and this would allow us to not have to go through the bid process. Council decided this would be a better option. We will need to do a resolution rejecting all bids and then authorize to receive quotes. The bidders in this last re- bid must be contacted and informed that we will be accepting quotes if they are interested in submitting a quote. There is no time limit to complete this project, however under the original agreement with the library, we must complete this last step of the deferred maintenance. After completion, the Borough will have finished all of the responsibilities originally agreed upon. At that time, the Borough will no longer be responsible for any future maintenance of the library.

- **PUBLIC WORKS, STREETS & ROADS, Chairman Dan MacDonnell**

- 2018 Road Project is in the final planning stages. We were awarded \$3,730,000.00 from the County for 2018. Approximately \$8,000.00 of this total will be spent on adding four or more additional speed humps. The streets that will be included in this year's project are: Holly, Crest, Rondon, Glenside, New York, Dover and Coleman Avenues. Jeremy Noll from ERI has almost completed the long-term plan and analysis of our municipal owned streets.
- Cross Keys Road Traffic Light - Councilman Rocco asked if we will see any relief for the residents who live in Centennial Square and the Lone-a-Coming Developments. There is a desperate need for a traffic light between these two developments on Cross Keys Road. Mayor Bilella explained that the freeholders would need to be told to put a traffic light on Cross keys Road. Otherwise, this may not happen until the County decides to widen this road.

- **WATER & SEWER, Chairman Ron Rocco**

- "Water Act" -All of the information concerning the water allocations and upcoming "Water Act" state mandates were discussed at our last meeting. I sent a letter to everyone outlining every aspect of the changes and additions that need to be made. No one had any questions.

- **FINANCE, Chairman Mike Buchanan**

- Water Rates Increase & Nexus - I reviewed the letter Councilman Rocco sent to Mayor and Council in regards to the water rates increase and how the "Water Act" mandates and the Nexus Project will financial affect us. The work load and finances on management and DPW will be increased. Financially we will need to plan ahead for these changes. Our budget for this year has already been finalized. This will be factored into the budget starting next year. The Nexus project will be starting in the Fall and the Borough will be responsible for some of the water connection fees. We will have to negotiate at that time.

- **ECONOMIC DEVELOPMENT & REAL ESTATE, Mayor Jim Bilella**

- Economic Development Committee will be changing its name and focus to "The Business Advisory Committee". We will be adding this to our next agenda with a first reading ordinance. This change will concentrate on our existing businesses in Berlin. We welcome their ideas and input on any changes that need to be made within the business community.
- The Nexus Project is currently being worked on by the engineers and attorneys.
- Re-Zoning - At our next council meeting we will be amending our Zoning Ordinance. There are six houses located in the Lone-A-Coming development that are zoned R1A and should be zoned R1.

- **SOLICITOR, Howard Long**

Howard Long: Tonight, Lynn Kupchik would like to address and explain to the Mayor and Council about the changes that are coming to the "Compassionate Care Act" in New Jersey. Under this Act, Alternative Treatment Centers are licensed by the state and are governed by

executive order # 6. Ms. Kupchik will explain the new application process and how it will be affecting the state and municipalities of New Jersey.

- Lynn Kupchik: “The Compassionate Care Act” is governed under the State of New Jersey to dispense medical marijuana through Alternative Treatment Centers. Currently, the number of profit and nonprofit centers in the entire state of New Jersey is 6 to 7 centers. The state is adding an additional 40 centers. They are increasing this number to accommodate the growing number of patients who are in need of medical marijuana. These treatments help ease the pain and symptoms of many different medical conditions.

I would like to explain the application process to establish a new dispensary. When submitting an application, it is required that a resolution or letter of verification be including stating that the Mayor and Council all agree to consider having a dispensary in their Municipality. This letter of consent or resolution is merely stating that the Borough is not against having a treatment center. This is not a guarantee that the Municipality will be chosen as one of these 40 new locations. The deadline to submit the application is June 30, 2018.

Along with the application, the proposed location of the treatment center must be stated. I realize that the center would be subjected to Zoning Ordinances. The location that I am proposing is the small medical building across the street from the West Berlin Bus Company, located on the corner of Harker & Atlantic Ave. I have already spoken to the surrounding businesses and none of them have a problem with having an Alternative Care Treatment Center in this location. This is an opportunity to help people in and outside of our community.

This is the beginning of change. Our Municipality must decide what we want to do. I have drafted a letter of verification. At this point in order to file the application, I would need a letter of verification or resolution from the Mayor and Council to indorse a possible dispensary at this proposed location.

Mayor Bilella – I have reviewed your letter and I am not comfortable with this letter. This would have to be redone.

Lynn Kupchik - The center would have strict state-controlled regulations. The dispensary would be licensed by the State and Municipality. It would look and operate like any other medical office in town. The doctors who write and dispense these prescriptions would have to be state approved, monitored and abide by strict regulations. The patients receiving these prescriptions would also have to have a state issued ID prescription card. The medication comes in many different forms. It can also be dispensed by tables, capsules & food. Different types, treat different medical conditions. Most of the patients will be older or individuals with sever or terminal medical conditions.

Councilman MacDonnell – The State is also talking about making marijuana legal for recreation purposes. What would happen if recreational marijuana becomes legal in the state? What would happen to the dispensaries?

Mayor Bilella – We are not sure yet. That may not happen for a year or so. If that does happen, this will be left up to the municipalities to decide if they want recreational marijuana to be legal in their town, even if it is legal in the state.

In relationship to medical dispensaries, there would have to be restrictions to the location, zoning regulations, how much the license would cost at the municipal level and what benefits the Borough would be gaining from a dispensary. I don't feel comfortable about the proposed location. I feel that with a proposition of this nature that the public needs to be aware of what is going on. The businesses in that area may agree to this location, however there are 6 houses along Harker Avenue and these residents and all the other residents in town should be aware of what is being proposed. The communities input is very important and would help Mayor and Council decide if this fits the town of Berlin Borough. There are other locations in town that I think would be more suitable for a location, e.g. Malones Ice Cream property on Rt. 73.

Lynn Kupchik – We have looked at this property as a possibility, but there would be security issues at that location. The proposed location would be a much better choice for my investors. The dispensary would also be able to give back to the community in the form of monetary donations and involvement in the community.

Mayor Bilella - The Planning Board would have to fit this into the masterplan. An ordinance and resolution would have to be created and put on the agenda for approvals. This process would take longer than the deadline of June 30, 2018. The terms would have to be set into a plan before endorsing such a venture. I am not against this, but it must have restrictions and go through the proper steps before and if endorsed. There are a lot of issues that would need to be resolved before this would be considered.

Council President Miller, Councilman Badolato and MacDonnell said they are not against this idea. Councilman Pearce also said he was not against it but wants to talk to Chief Miller and get his input.

Lynn Kupchik – I would also like to meet with the Chief to discuss this proposal.

Councilman Rocco – I am very opposed to having a medical marijuana dispensary in this town. I will vote no and not sign my name to anything affiliated with this proposal.

Mayor Bilella – I feel that this governing body and myself feel rushed into making a decision by the deadline of June 30<sup>th</sup>. This is the first time we are hearing about this proposition. I feel we need more time to digest this idea and further discuss the pro's and con's of having a dispensary. We need to collectively decide if this is something we want or don't want in our municipality. I understand you have a deadline but we are not prepared tonight to move forward with an endorsement in the form of a letter or resolution.

Lynn Kupchik- When legislature passes the addition to the act and the budget is approved, this will move very quickly. This would be a win win for Berlin. If we don't take advantage of this opportunity at this time, all the other towns around us will also be offered the same opportunity and Berlin could miss out on a ground level opportunity.

Howard Long - At this time I suggest that we go into closed session to discuss Attorney Client Contractual Affairs

Motion made to go into closed session: Councilman Buchanan  
2<sup>nd</sup> Motion – Councilman MacDonnell

Closed Session

Motion made to go out of closed session: Councilman MacDonnell  
2<sup>nd</sup> Motion – Council President Miller

- **PUBLIC SAFETY, Chairman Jim Pearce** – No report was given
- **COMMUNICATIONS, Chairman Rick Miller** – No report was given
- **FINANCIAL OFFICER, Michael T. Kwasizur**
  - Water Rate Increase- It has been 8 years since the last increase. There will be an increase up to 9.5 %. This will increase the average house hold by approximately \$9 per quarter.
  - Resolutions Awarding Bids & New Hire - These resolutions will be on our next agenda: Award of the Ball Field Drainage Project, the Professional Appointment of JHarte, the DPW employee hired for summer help and the award of the 2018 Road Program.
  - Court Office Applications -There were 9 applications submitted for the part time job that was advertised for the Court Office. The top three will be selected and interviewed within the next couple of weeks.
- **PRIVILEGE OF THE FLOOR: No one spoke**
- **MEETING CLOSED TO THE PUBLIC**
- **GOOD OF THE ORDER, Mayor Bilella**
  - Louis Bay 2<sup>nd</sup> Scholarship Award Presentation – The winner, Christopher Bracchi will receive this award and be recognized at our next council meeting. This essay contest was sponsored and funded by the League of Municipalities.
  - Millard Wilkinson will be recognized at our next Council Meeting by the President of the ICCA, Bill Adair. Millard has been chosen as the local honoree for this year's 4<sup>th</sup> of July Celebration.
  - Proclamation of Retirement will be given to our retired Fire Chief Bill Behnke at our September meeting.

### **ATTACHED – PROPOSED JUNE 14, 2018 COUNCIL MEETING**

Motion to adjourn; Councilman MacDonnell  
Sec., Councilman Buchanan  
All present were in favor

Lois J. Sahina  
Registered Municipal Clerk

June 5, 2018