

BRIDGEWATER TOWNSHIP PLANNING BOARD
Reorganization & Regular Meeting
Tuesday, January 8, 2013
—MINUTES—

CALL MEETING TO ORDER:

Board Attorney Thomas Molica called the meeting to order at 7:00 p.m. in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On January 13, 2012, proper notice was sent to the Courier Newspaper and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building.

Please be aware of the Planning Board policy for public hearings: no new applications will be heard after 10:00 pm and no new testimony will be taken after 10:15 pm. Hearing Assistance is available upon request.

SALUTE TO FLAG:

There was salute to colors.

SWEAR IN MEMBERS:

Board Attorney Molica read the Oath of Office and each of the following members was sworn in: Stephen Rodzinak, Class II; Barbara Kane, Class IV; James Franco, Class IV; and Councilman Howard Norgalis.

Robert E. Albano, Alt. #1, was not present and he will be sworn in at the next meeting.

ROLL CALL:

Stephen Rodzinak – present	Ron Charles – present
James Franco – present	Barbara Kane – present
Joanne Kane – present	Mayor Dan Hayes – present
Councilman Howard Norgalis – present	Robert Albano, Alt. #1 – absent

Others present: Board Attorney Thomas Molica, Board Engineer Robert C. Bogart, Board Planner Scarlett Doyle, Land Use Administrator Marie L. Broughman

RESOLUTIONS FOR REORGANIZATION:

Election of Chairperson

Mayor Hayes nominated Joanne Kane as Chairwoman for 2013.

Motion by Mayor Hayes, second by Councilman Norgalis, Joanne Kane was elected Chairwoman on unanimous voice vote of those present.

Election of Vice-Chairperson

Mayor Hayes nominated Barbara Kane as Vice-Chairwoman for 2013.

Motion by Mayor Hayes, second by Councilman Norgalis, Barbara Kane was elected Vice-Chairwoman on unanimous voice vote of those present.

Appointment of Board Secretary

Mayor Hayes nominated Planner Scarlett Doyle as Board Secretary.

Motion by Mayor Hayes, second by Councilman Norgalis, Planner Scarlett Doyle was appointed Board Secretary for 2013 on unanimous voice vote of those present.

Appointment of Assistant Board Secretary

The Board did not appoint an Assistant Board Secretary. No action was taken.

Appointment of Board/Service Professionals:

**RESOLUTION OF THE PLANNING BOARD OF THE
TOWNSHIP OF BRIDGEWATER RATIFYING AND AUTHORIZING
THE AWARD OF A CONTRACT FOR PROFESSIONAL
SERVICES TO THOMAS F. COLLINS, JR., ESQ. OF
THE LAW FIRM OF VOGEL, CHAIT, COLLINS & SCHNEIDER**

WHEREAS, the Planning Board of the Township of Bridgewater will require professional services for legal services; and

WHEREAS, the above-mentioned services can be performed adequately and effectively by Thomas F. Collins, Jr., Esq., a Member of the Firm of Vogel, Chait, Collins & Schneider; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, it is the intent of the Planning Board of the Township of Bridgewater to approve an agreement with Thomas F. Collins, Jr. at an hourly rate of \$165.00 per hour; and

WHEREAS, such award of contract shall be made **as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5,**

WHEREAS, the Thomas F. Collins, Jr., Esq. and Vogel, Chait, Collins & Schneider has completed and submitted a **Business Entity Disclosure Certification to the Township, prior to the adoption of this Resolution**, which certifies that Thomas F. Collins, Jr., Esq. (including any individual with an ownership “interest” or control of more than 10% of its profits or assets or 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Howard Norgalis, Matthew Moench, Allen Kurdyla, Chris Rose and/or Mayor Daniel J. Hayes Jr. and that the contract will prohibit Thomas F. Collins, Jr., Esq. from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of their contract with the municipality; and

WHEREAS, Thomas F. Collins, Jr., Esq. and Vogel, Chait, Collins & Schneider have completed and submitted to the Township, in accordance with the New Jersey Local Unit Pay to Play Laws (N.J.S.A. 19:44A-20.4 et seq.) a **Political Contribution Disclosure Form** (submitted

at least 10 days prior to the adoption of this Resolution) as well as a **New Jersey Business Registration Certificate and a Stockholder Disclosure Certification** (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provisions within the Township Professional Services Agreement which Thomas F. Collins, Jr., Esq. and Vogel, Chait, Collins & Schneider will be required to sign; and

WHEREAS, James T. Naples, the Township Administrator, has determined and certified in writing that the value of the acquisition of such services will exceed \$17,500, that document being entitled **Certificate of Value**; and

WHEREAS, a **certification affirming the availability of funds** in accordance with N.J.A.C. 5:34-5.1 et seq. has been provided by the Chief Financial Officer of the Township and is attached hereto and made a party hereof, and

WHEREAS, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Planning Board of the Township of Bridgewater hereby approves the contract with Thomas F. Collins, Jr., Esq. from **January 1, 2013 through December 31, 2013**.
2. The Chairman and Secretary of the Planning Board are authorized and directed to enter into a contract with Thomas F. Collins, Jr., Esq. for legal services for the period from **January 1, 2013 through December 31, 2013** in accordance with the contract attached hereto and made a part hereof.
3. This contract is entered into without competitive bidding as a "professional service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of that law.
4. Notification of this appointment will be published in the Planning Board's official newspaper, within ten (10) days of passage as required by law.

Motion by Mayor Hayes, second by Mrs. Barbara Kane, the Board appointed Attorney Thomas Collins as Board Attorney for 2013, which carried on unanimous voice vote of those present.

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
BRIDGEWATER APPOINTING THE TOWNSHIP ENGINEER, ROBERT C. BOGART,
P.E. AS THE PLANNING BOARD ENGINEER**

WHEREAS, the Planning Board of the Township of Bridgewater will require engineering services for the Board; and

WHEREAS, the above mentioned services can be performed adequately by Robert C. Bogart who is employed as the Township Engineer of the Township of Bridgewater; and

WHEREAS, it is the intent of the Planning Board of the Township of Bridgewater to appoint Robert C. Bogart, P.E as the Board Engineer commencing January 1, 2013 thru December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Planning Board of the Township of Bridgewater hereby appoints Robert C. Bogart, P.E. as the Board Engineer for 2013, commencing January 1, 2013 thru December 31, 2013.

Motion by Mayor Hayes, second by Mrs. Barbara Kane, the Board appointed Robert C. Bogart, PE as the Board Engineer for 2013 on unanimous voice vote of those present.

**RESOLUTION OF THE PLANNING BOARD OF THE
TOWNSHIP OF BRIDGEWATER RATIFYING AND AUTHORIZING
THE AWARD OF A CONTRACT FOR PROFESSIONAL
SERVICES TO SCARLETT DOYLE, P.P. OF
THE FIRM OF JOHN CILO ASSOCIATES, INC.**

WHEREAS, the Planning Board of the Township of Bridgewater will require professional services for planning services; and

WHEREAS, the above-mentioned services can be performed adequately and effectively by Scarlett Doyle, P.P., a Member of the Firm of John Cilo Associates, Inc.; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, it is the intent of the Planning Board of the Township of Bridgewater to approve an agreement with Scarlett Doyle at an hourly rate of \$110.00 per hour; and

WHEREAS, such award of contract shall be made **as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5**,

WHEREAS, James T. Naples, the Township Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

WHEREAS, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

WHEREAS, Scarlett Doyle, P.P. and John Cilo Associates, Inc. completed and submitted a **Business Entity Disclosure Certification to the township, prior to the adoption of this Resolution**, which certifies that Scarlett Doyle, P.P. (including any individual with an ownership “interest” or control of more than 10% of its profits or assets for 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Allen Kurdyla, Howard Norgalis, Chris Rose, Matthew Moench, and/or Mayor Daniel J. Hayes, Jr. and that the contract will prohibit Scarlett Doyle, P.P. and John Cilo Associates, Inc. from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of their contract with the municipality; and

WHEREAS, Scarlett Doyle, P.P. and John Cilo Associates, Inc. have completed and submitted to the Township, in accordance with the New Jersey Local Pay to Play Laws (N.J.S.A. 19:44A-20.4 et seq.) a **Political Contribution Disclosure Form** (submitted at least 10 days prior to the adoption of this Resolution) as well as a **New Jersey Business Registration Certificate and a Stockholder Disclosure Certification** (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey

Election Law Enforcement Commission are contained as separate provision within the Township Professional Services Agreement which Scarlett Doyle, P.P. and John Cilo Associates, Inc. will be required to sign; and

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Planning Board of the Township of Bridgewater hereby approves the contract with Scarlett Doyle from January 1, 2013 through December 31, 2013.

2. The Chairman and Secretary of the Planning Board are authorized and directed to enter into a contract with Scarlett Doyle for planning services for the period from January 1, 2013 through December 31, 2013 in accordance with the contract attached hereto and made a part hereof.

3. This contract is entered into without competitive bidding as a "professional service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of that law.

4. A copy of this resolution will be published in the Planning Board's official newspaper, within ten (10) days of passage as required by law.

Motion by Mayor Hayes, second by Mr. Franco, the Board appointed Scarlett Doyle as Board Planner on unanimous voice vote of those present.

Designation of Meeting Dates, Time and Place

BE IT RESOLVED by the Planning Board of the Township of Bridgewater that the following schedule of dates and times for Regular Meetings respectively be established for 2013 and that all scheduled meetings shall convene at 7:00 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ.

January 8, 28	February 12, 25	March 12, 25	April 9, 22
May 14	June 11, 24	July 9, 22	August 13, 26
September 10, 23	October 8, 28	November 12, 25	December 10, 23

BE IT FURTHER RESOLVED that the 2014 Annual Reorganization Meeting followed by the Regular Meeting shall be held on January 7, 2014, at 7:00 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ.

Motion by Motion by Mrs. Barbara Kane, second by Mr. Charles, the foregoing designation of meeting dates, time and place were adopted on unanimous voice vote of those present.

Designation of Official Newspapers

BE IT RESOLVED by the Planning Board of the Township of Bridgewater that **The Courier News** is hereby designated the official newspaper of the Planning Board for **2013**; and

BE IT FURTHER RESOLVED, that **The Courier News** and **The Star Ledger** are hereby designated to receive all notices of Planning Board meetings in **2013** as required under the Open Public Meetings Act.

Motion by Mr. Rodzinak, second by Mrs. Barbara Kane, the foregoing designation of official newspapers was adopted on unanimous voice vote of those present.

APPROVAL OF BOARD MINUTES:

December 10, 2012 Special Meeting – Motion by Mr. Rodzinak, second by Mrs. Barbara Kane, the foregoing minutes were adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Mrs. Barbara Kane,
Chairwoman Kane, Mayor Hayes

ABSENT: Mr. Albano

NOT ELIGIBLE: Councilman Norgalis

December 11, 2012 Regular Meeting – Motion by Mr. Charles, second by Mrs. Barbara Kane, the foregoing minutes were adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Mrs. Barbara Kane,
Chairwoman Kane, Mayor Hayes

ABSENT: Mr. Albano

NOT ELIGIBLE: Councilman Norgalis

MEMORIALIZATION OF RESOLUTIONS:

LANG – Twin Oaks Road/ Foothill Road (pending)

Block 712, Lots 4&7; Block 718, Lot 63

#29-11-PB, Preliminary Major Subdivision with Variances (create 17-lots and construct two roads)

DECISION: Approved w/conditions 12/11/12

Eligible to Vote: Mr. Rodzinak, Mr. Charles, Mrs. Barbara Kane, Chairwoman Kane, Mr. Albano

The foregoing resolution will be memorialized at the next Board meeting. No action was taken.

LAND DEVELOPMENT APPLICATIONS:

SOMERSET COUNTY EDUCATIONAL SERVICES COMMENSION – CAREER CENTER

Block 303 Lot 5 – 7 FINDERNE AVENUE

#12-029-PB, Courtesy Review – Capital Project

Attorney Richard J. Angowski, Jr., was present to represent the Applicant. Sworn testimony was presented by Architect Gregory Somjen.

Architect Somjen explained the proposed capital improvement plans stating that the capital improvement at the existing building located at the subject property will create a career development center for low-functioning, 9th through 12th grade children who will seek everyday careers upon completion of the 12th grade or 12th grade equivalent. An addition will be made to the existing warehouse located on the subject property to house the proposed career development center. There will be some demolition to the existing building in order to construct the proposed addition. The existing building footprint will actually be decreased, while the existing building will be improved by the addition and construction of the career development center.

Architect Somjen agreed to act in accordance with the recommendations of the Board Engineer dated 1/3/13, Board Planner dated 12/27/12, and Fire Official dated 1/3/13. The lock box will be installed immediately and it will face the street for easy access for the Fire Department. Students will be bused from sending school districts to the Career Center.

Motion by Mr. Franco, second by Mr. Charles, the Board provided a favorable recommendation for the SOMERSET COUNTY EDUCATIONAL SERVICES COMMENSION – CAREER CENTER capital improvement project and authorized Board Attorney Molica to prepare a letter for the Applicant in advance of the memorializing resolution, on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Mrs. Barbara Kane,
Chairwoman Kane, Mayor Hayes, Councilman Norgalis
ABSENT: Mr. Albano

BRIDGEWATER TOWNSHIP MUNICIPAL COMPLEX: SOLAR PROJECT
Block 411.01 Lot 41 - 100 Commons Way
#12-033-PB, Courtesy Review – Capital Project

Thomas J. Forsythe, PE, Deputy Director of Municipal Services discussed the revisions to the Municipal Complex Solar Project stating that the solar panels originally designed as a parking canopy over the Police parking lot has been changed and relocated over the detention basin area located down Hanlen Drive with the Somerset County Animal Shelter on the left with the detention basin at the right rear along the highway. In addition, the size of the solar system has increased. Board Engineer Bogart stated that the parking canopy would have detracted from the appeal of the new municipal building. Additional landscaping is not proposed along Route 202; however, a chain link fence will surround the solar system and detention basin. A pedestrian pathway around the basin with additional landscaping will remain intact.

Motion by Mr. Rodzinak, second by Councilman Norgalis the Board provided a favorable recommendation and requested black chain link fence at 4-ft in height to match the existing fencing on the playing fields, carried on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Mrs. Barbara Kane,
Chairwoman Kane, Mayor Hayes, Councilman Norgalis
ABSENT: Mr. Albano

MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to address the Board on any matter not listed on the agenda.

BOARD BUSINESS:

Board Engineer Bogart discussed the Quarry Ordinance which requires the Quarry Master/Township Engineer to submit quarterly reports to the Planning Board based on Quarry inspections made. This has not occurred in the past; however, this year the Quarry Master/Township Engineer will be sending quarterly reports to the Planning Board.

Chairwoman Kane discussed the possibility of holding educational workshops for the Board members. Board Attorney Collins will discuss Municipal Land Use Law, Board Planner Doyle will discuss the MLUL, landscaping and lighting requirements, and Board Engineer Bogart will discuss onsite/offsite improvements and contributions plus sewer capacity. The Board was receptive to holding educational workshops.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 8:00 pm.

Respectfully submitted,
Marie L. Broughman
Land Use Administrator

ADOPTED as amended 2/12/13