

**MINUTES OF THE BRIDGEWATER TOWNSHIP COUNCIL**  
**DECEMBER 1, 2014      COUNCIL CHAMBERS**

The Township Council of the Township of Bridgewater, County of Somerset, State of New Jersey, convened in a regular session on Monday, December 1, 2014 at 7:30 p.m. in Council Chambers in the Municipal Complex, Bridgewater, New Jersey 08807.

Council President Moench read the following announcement:

**Notice of Meeting**

In compliance with the Open Public Meetings Act of New Jersey, adequate notice of this meeting was provided on January 7, 2014 by sending written and electronic notice to the Courier News and the Star Ledger, posting on the Township website and on the bulletin board in the Municipal Building, and filing with the Township Clerk.

On call of the roll, the following Council members were present:

Allen Kurdyla  
Howard V. Norgalis  
Filipe Pedroso      (absent)  
Christine Henderson Rose  
Council President Matthew C. Moench

Also Present:      James T. Naples, Township Administrator  
William Savo, Township Attorney  
Linda J. Doyle, Township Clerk

Council President Moench led the audience in the Pledge of Allegiance.

**Closed Session**

BE IT RESOLVED, by the Bridgewater Township Council that this body will now hold a closed meeting to discuss litigation and contract negotiations.

When and if the matters discussed become public record, this will be made known to the public at that time.

The public is excluded from said meeting and further notice thereof is dispensed with all in accordance with Sections 8 and 4a of the Open Public Meetings Act.

On the motion of Councilwoman Rose, seconded by Councilman Kurdyla, Council convened in closed session at 7:32 p.m.

A copy of resolution #14-12-01-293 is appended to the official minutes.

On the motion of Councilwoman Rose, seconded by Councilman Kurdyla, the meeting reconvened to open session at approximately 7:45 p.m.

## Council Reports

Councilman Norgalis reported the following:

- Attended the Veterans memorial ceremony in Martinsville on 11/11
- Attended a sanofi good neighbor dinner
- Attended a ribbon cutting ceremony for Valeant Pharmaceuticals which currently has 400 employees but expects this number to increase to 1000
- Attended a 200 Club luncheon, an organization that assists families of EMS, police and fire
- Attended the 2014 NJ League conference
- Attended the RVCC focus group on planning for the future
- Received some negative feedback from a resident concerning the Country Club Road Improvement project

Councilman Kurdyla reported as follows:

- Attended the 2014 NJ League conference and found it to be valuable
- He spoke to a resident on an Open Space parcel. Details will be provided later in closed session
- Attended a session regarding American Cyanamid which held a presentation on progress and remediation
- He was the guest speaker at the Veteran's Day Ceremony in Martinsville on November 11
- He thanked Audrey Levine Blumberg for the pictures from the veteran's day ceremony
- Attended the ribbon cutting for Valeant Pharmaceuticals

Councilwoman Christine Henderson Rose reported the following:

- She too attended the Veteran's Day Ceremony in Martinsville
- Attended the NJ League conference which included a session on Green School Collaboration
- Reported The Brokaw house grant is under review
- Attended an animal shelter board meeting where volunteers, staffing and personnel matters were discussed
- Advised there will be a service at the Somerville Elks on 12/7 in honor of the Late Charles Harrison and encouraged all to attend

Council President Moench reported the following:

- He too attended the NJ League conference and the sanofi good neighbor dinner
- He spoke at the Valeant Pharmaceuticals ribbon cutting ceremony

- Advised there will be a special meeting for the Planning Board on December 2
- As he has done the last two years, he will host another drive for the Raritan Pregnancy Aid Center which although is located in Raritan also serves the Bridgewater Community of pregnant women and mothers in need.

## Mayor's Report

Mayor Hayes reported as follows:

- Attended the sanofi good neighbor dinner
- Conducted a chair of honor ceremony in honor of the soldiers who have given the ultimate sacrifice, or held Prisoner of War, listed as Missing in Action, whose remains have not been recovered, and to those currently serving
- Was unable to attend the Valeant ribbon cutting ceremony but applauded the efforts of administration in maintaining their presence in Bridgewater
- At the league of municipalities, he was chosen to chair a panel on land use. The topic of discussion was the economic trends that are negatively impacting municipalities particularly in the area of office space and the large campuses that pharmaceuticals are exiting and what municipalities can do to limit the impact of that.

## Resolutions

### **AUTHORIZING SETTLEMENT OF LITIGATION BETWEEN THE AL FALAH CENTER TOGETHER WITH INDIVIDUAL PLAINTIFFS (COLLECTIVELY REFERRED TO AS "AL FALAH"), THE TOWNSHIP OF BRIDGEWATER, AND THE TOWNSHIP COUNCIL OF BRIDGEWATER**

Kevin Coakley, Esq. was present. He serves as outside counsel with respect to litigation by Al-Falah Center. He stated that after extensive negotiations between the Township Planning Board and Al-Falah's representatives, the litigation has been settled in full. The settlement is two-fold and was summarized as follows:

1. The insurance company will pay to Al-Falah a sum of money that will resolve all monetary claims of Al-Falah. This will be made without any contribution by the Township.
2. It is contemplated that there will be a property exchange between the Township and Al-Falah where Al-Falah will ultimately be able to build its Mosque on a property known as the Reid property located on Routes 202 / 206 in Bridgewater, and the Township will become owner of the present Al-Falah center property known as the Redwood Inn.

Due diligence is a requirement for both sides and includes:

- Dismissal of all litigation
- Releases

- Payment of monies
- Agreement to move forward with the Reid property settlement
- Al-Falah will have 20-months from the time of initial filing of their application to obtain all approvals necessary to move the process along
- The Planning Board will certify a resolution to approve the settlement agreement.

Mayor Hayes and Township Attorney Savo recommended that Council favorably consider the settlement resolution as this settlement achieves our overall goals, preserves our residential area, leaves our Ordinance intact and allows all parties to move forward.

Council President Moench stated although he feels the Township has acted properly at all times, he supports the settlement. Moving forward with litigation comes with the possibility of losing which would expose us to an enormous sum of money that would be paid by the taxpayers. This settlement avoids that potential by securing a settlement within our insurance policy limits so that the monetary burden is not borne by the taxpayers. Council was in consensus.

On motion of Councilwoman Rose, seconded by Councilman Kurdyla, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-278 is appended to the official minutes

**Introduction  
of New  
Ordinances**

**ORDINANCE OF THE BRIDGEWATER TOWNSHIP COUNCIL AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR THE TOWNSHIP TO ACQUIRE LAND IDENTIFIED AS LOT 18, IN BLOCK 477 CONTAINING APPROXIMATELY 15 ACRES LOCATED ON ROUTE 202-206 NORTH FOR THE PURCHASE PRICE OF \$2,750,000 TO BE PAID FROM THE PROCEEDS OF A BOND ORDINANCE TO BE ADOPTED IN THE AMOUNT OF \$1,935,000 AND \$815,000 FROM OPEN SPACE TRUST FUNDS**

On motion of Councilwoman Rose, seconded by Councilman Norgalis, the foregoing Ordinance was proposed for introduction. The vote was as follows:

Councilman Kurdyla	Aye
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Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

Linda J. Doyle, Township Clerk read the following report:

BE IT RESOLVED that the said pending ordinance be passed on first reading and advertised as required by statute fixing the 15<sup>th</sup> day of December 2014, at 7:30 p.m. prevailing time on said day and time and at Bridgewater Township Municipal Court Chambers - 100 Commons Way as the place for hearing and final action; and

BE IT FURTHER RESOLVED that the Township Clerk shall forthwith post on the bulletin board in the Township Municipal Building at 100 Commons Way, a true copy of said ordinance and make copies available to members of the general public and spread the same upon the minutes of the meeting.

**THE ORDINANCE WAS INTRODUCED.**

A copy of resolution #14-12-01-279 is appended to the official minutes.

**Resolutions**

**2015 - STAVOLA QUARRY OPERATING LICENSE**

Thomas Branch conducted the presentation. He stated that he is the Vice President and Planner of Stavola Construction Materials who are the owners/operators of the Stavola Quarry located along Route 22 on Chimney Rock Rd. Per Township Ordinances regarding Quarry manning, Stavola is required to submit a renewal application every year in order to continue their business and as such, an application was filed with Chip Mills, PE of the Engineering Department and found to be complete.

Mr. Branch added they are overseen by the federal and state government, county government and municipal government. They have had an excellent year as far as safety. Mr. Branch discussed the 2015 mine and reclamation plan and asked for approval of their 2015 operating license.

He did reference one noise complaint on blasting in which the sound level was recorded as one decibel above the permitted state level. In a NJ State hearing this ruled as being within the noise machine margin of error and the charge was dismissed.

On motion of Councilman Kurdyla, seconded by Councilman Norgalis, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-280 is appended to the official minutes

**Public  
Comment**

On motion of Councilman Norgalis, seconded by Councilman Kurdyla, the meeting was opened to the public for discussion.

Members of the public wishing to address the Council on any matter will be allowed two minutes to speak, unless there are unusual circumstances.

No one wished to speak.

On motion of Councilman Norgalis, seconded by Councilman Kurdyla, the public comment portion was closed.

**Public  
Hearing &  
Final Action  
Ordinance**

**AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING CHAPTER 4 (ADMINISTRATIVE ORGANIZATION), ARTICLE XIV (DEPARTMENT OF POLICE), SECTION 4 - 83 (PROMOTIONS), SUBSECTIONS B (PROMOTION TO SERGEANT), C (PROMOTION TO LIEUTENANT), D (PROMOTION TO CAPTAIN) AND E (MISCELLANEOUS) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO FURTHER CLARIFY, REFINE AND AMEND THE PROCESS FOR PROMOTING POLICE OFFICERS, AS AMENDED**

On motion of Councilman Norgalis, seconded by Councilman Kurdyla, the meeting was opened to the public.

No one wished to speak.

On motion of Councilwoman Rose, seconded by Councilman Norgalis, the public hearing portion of this meeting was closed.

On motion of Councilman Norgalis, seconded by Councilwoman Rose, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Nay

**THE ORDINANCE WAS ADOPTED.**

A copy of resolution #14-12-01-281 is appended to the official

**Resolutions**

**AUTHORIZING SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$7,500.00 TO THE STATE OF NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY FOR THE DRIVE SOBER OR GET PULLED OVER 2014 YEAR END CRACKDOWN**

Township Administrator Naples advised a report will be provided to Council following the patrol.

On motion of Councilwoman Rose, seconded by Councilman Kurdyla, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-282 is appended to the official minutes

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2014 HIGHWAY SAFETY FUND (SAFE CORRIDORS GRANT) IN AN AMOUNT UP TO \$167,842.59 FOR THE PURCHASE OF FOUR (4) FULLY EQUIPPED POLICE VEHICLES AND ONE (1) ELECTRONIC MESSAGE BOARD**

This resolution will allow for the purchase of 4 fully equipped marked police vehicles and 1 electronic message board.

On motion of Councilwoman Rose, seconded by Councilman Norgalis, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-283 is appended to the official minutes

**AWARD OF CONTRACT TO BEYER FORD TO PURCHASE TWO 2014 FORD POLICE INTERCEPTOR SUV'S AND ONE 2014 FORD INTERCEPTOR SEDANS IN THE TOTAL AMOUNT OF \$122,671.00 TO BE FUNDED THRU THE SAFE CORRIDOR GRANT**

On motion of Councilman Norgalis, seconded by Councilwoman Rose, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-284 is appended to the official minutes

**AWARD OF CONTRACT TO ROUTE 46 CHEVROLET TO PURCHASE ONE 2015 CHEVY IMPALA IN AMOUNT OF \$23,393.26 TO BE FUNDED THRU THE SAFE CORRIDOR GRANT**

On motion of Councilman Norgalis, seconded by Councilwoman Rose, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-285 is appended to the official minutes

Public  
Hearing &  
Final Action  
Ordinance

**SIGHT EASEMENT, 30 FEET IN WIDTH, 100 FEET IN LENGTH AND TRIANGULAR IN SHAPE LOCATED ON BLOCK 188.01, LOT 7 (formerly Block 2408.13 Lot 7), LOCATED AT 35 MURPHY DRIVE IN THE TOWNSHIP OF BRIDGEWATER, SOMERSET COUNTY, NEW JERSEY AND SET FORTH ON A FILED MAP ENTITLED "FINAL MAP, VISTANA WOODS, TOWNSHIP OF BRIDGEWATER, SOMERSET COUNTY, NEW JERSEY, LOT 22 BLOCK 2408, TAX MAP 34" AS PREPARED BY STEPHEN M. FISK, P.L.S. #23919 DATED OCTOBER 6, 1997, AND FILED WITH SOMERSET COUNTY AS MAP # 3305 ON NOVEMBER 26, 1997;**

On motion of Councilman Kurdyla, seconded by Councilwoman Rose, the meeting was opened to the public.

No one wished to speak.

On motion of Councilwoman Rose, seconded by Councilman Norgalis, the public hearing portion of this meeting was closed.

On motion of Councilman Norgalis, seconded by Councilman Kurdyla, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Nay

**THE ORDINANCE WAS ADOPTED.**

A copy of resolution #14-12-01-286 is appended to the official

**Resolutions**

**SOMERSET COUNTY JOINT INSURANCE FUND RENEWAL OF MEMBERSHIP**

On motion of Councilwoman Rose, seconded by Councilman Kurdyla, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-287 is appended to the official minutes

**AUTHORIZATION TO CANCEL RECEIVABLE BALANCES AND CORRESPONDING RESERVE BALANCES FOR VARIOUS GRANT RECEIVABLES AND APPROPRIATED RESERVES**

On motion of Councilwoman Rose, seconded by Councilman Kurdyla, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-288 is appended to the official minutes

**AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEE, IN THE AMOUNT OF \$184,245.60 (THE SERVICE INSURANCE COMPANY, INC BOND NO. 33232) AND ACCEPTANCE OF THE SITE IMPROVEMENTS AND ACCEPTANCE OF THE MAINTENANCE GUARANTEE IN THE AMOUNT OF \$23,031 (THE SERVICE INSURANCE COMPANY, INC BOND NO. 34794) FROM GENOVA BUILT, LLC, FOR HARRISON COURT - BLOCK 577, LOTS 1, 4, 9, 12, 15 & 15.01**

On motion of Councilwoman Rose, seconded by Councilman Kurdyla, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-289 is appended to the official minutes

**AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEE, IN THE AMOUNT OF \$9,705.60, A CASH BOND IN THE AMOUNT OF \$9,705.60, ACCEPTANCE OF THE SITE IMPROVEMENTS AND ACCEPTANCE OF THE MAINTENANCE GUARANTEE IN THE AMOUNT OF \$1,455.84 FOR WALNUT STREET BUILDERS, LLC, 86 AND 88 WALNUT STREET - BLOCK 142, LOTS 7 & 8**

On motion of Councilwoman Rose, seconded by Councilman Kurdyla, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-290 is appended to the official minutes

**APPOINTMENT OF JOHN FALLONE TO THE BOARD OF ADJUSTMENT AS ALTERNATE #4 MEMBER FOR TERM EXPIRING DECEMBER 31, 2015**

On motion of Councilwoman Rose, seconded by Councilman Kurdyla, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
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Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Aye

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-291 is appended to the official minutes

**AWARD OF CONTRACT TO DIRECT ENERGY, INC. FOR THE SUPPLY AND DELIVERY OF NATURAL GAS FOR A FIXED PRICE OF 0.6445/THERM PLUS NJ SUT TAX OF 7% FOR A PERIOD OF 12 MONTHS AND CON-ED SOLUTIONS FOR THE SUPPLY OF ELECTRICITY FOR A PERIOD OF 12 MONTHS AT A FIXED PRICE OF \$0.1167 KWH PLUS NITS OF 0.002/KWH FOR BRIDGEWATER TOWNSHIP OWNED FACILITIES**

Township Administrator Naples advised we have done this in the past. This resolution will allow a guaranteed savings of at least \$50,000.00. Councilman Norgalis asked for quarterly reports on how we are doing with this.

On motion of Councilwoman Rose, seconded by Councilman Kurdyla, the foregoing resolution was proposed. The vote was as follows:

Councilman Kurdyla	Aye
Councilman Norgalis	Aye
Councilman Pedroso	Absent
Councilwoman Rose	Aye
Council President Moench	Abstain

**THE RESOLUTION WAS ADOPTED.**

A copy of resolution #14-12-01-292 is appended to the official minutes

On the motion of Councilwoman Rose, seconded by Councilman Norgalis, the meeting adjourned at approximately 8:20 p.m.

Respectfully Submitted,

Linda J. Doyle, RMC  
Municipal Clerk

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Matthew C. Moench  
Council President