

MINUTES OF THE BRIDGEWATER TOWNSHIP COUNCIL
February 1, 2016 COUNCIL CHAMBERS

The Township Council of the Township of Bridgewater, County of Somerset, State of New Jersey, convened in a regular session on Monday, February 1, 2016 at 7:30 p.m. in Council Chambers in the Municipal Complex, Bridgewater, New Jersey 08807.

Council President Pedroso 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 4, 2016 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:

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

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

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

Council Reports

Councilman Moench:

- Nothing new to report.

Councilwoman Rose:

- Advised the budget from the animal shelter will be delayed slightly. The Board will take action on the budget in their February meeting then bring it before Council in March. There was also a resignation on the Board and will need to appoint someone new
- Advised that Bridgewater resident John Ament was selected by the Somerville Elks as their Elk of the year.

Council vice-president Kurdyla:

- Advised the road crews and contractors continue to resolve the issues

arising from snow storm Jonas

- Commended the emergency responders who spent a lot of time away from their families attending to various issues within the township due to the blizzard
- Congratulated Mike Camerino, Esq of Mauro, Savo, Camerino & Grant for being chosen Somerset County's person of the year.

Councilman Pedroso:

- Attended the Somerset County's ELC (employer legislative committee) luncheon where Senator Kip Bateman was the guest speaker.

Mayor's Report

Township Administrator Naples:

- Commended township employees, public works department, police department and anyone who contributed in the snow removal efforts.

Discussion

GREEN KNOLL GRILLE

Pasquale Marago, Esq. was present on behalf of Green Knoll Grille (GKG).

In August, Councilman Moench, Councilman Norgalis and Ms. Balduci had a meeting to discuss some of the modifications that GKG would like made to their liquor license. The request is summed up as follows:

1. Please place the outdoor music permission (paragraph 2 of Resolution # 13-07-15-168) into all resolutions going forward, including any changes thereto that may result from this discussion.
2. As to use of patio, GKG requests that it be permitted to allow use of patio year-round and that GKG management should have total discretion over which dates the patio is used. (paragraph 10 - Resolution 14-06-16-171)
3. As to outdoor live music, GKG respectfully requests that it be permitted to extend the hours of the outdoor music to begin at noon on any day of the week that outdoor music is permitted. (paragraph 2 - Resolution 14-06-16-171)
4. As to live indoor music, GKG respectfully requests that same be permitted on any day of the week and that the music may continue to as late as 1:30 a.m. (paragraph 2 - Resolution 14-06-16-171)
5. Remove the restriction that the occupancy of the patio be reduced to 150 as of 1:00 a.m. To the best of GKG's knowledge, there have been no noise complaints prior to 1:00 a.m. that result from patio occupancy and

it is logistically difficult to effectuate this regulation while business is being conducted. How does GKG select which customers are removed at 1:00 a.m. if the then-occupancy is greater than 150? (paragraph 7 - Resolution 14-06-16-171)

6. It is respectfully requested that violations of paragraphs 2, 3 and 4 are removed from enforcement by negotiated disciplinary actions as they do not directly impact on patron safety. (paragraph 12 - Resolution 14-06-16-171)

Council agreed to deliberate on the above at a later date when Councilman Norgalis will be present.

**Public
Comment**

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

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

Karen Ennis, 613 South Avenue, Bridgewater, NJ 08807 was present. She expressed disappointment about snow removal during snow storm Jonas noting her street was not plowed for an extended period of time. Ms. Ennis provided a letter of complaint to Administrator Naples for Mayor Hayes.

Timothy Ring, 17 Lawton Road, Bridgewater, NJ 08807 was present. He advised the Township has an Ordinance that requires all residents, businesses and organizations within the township that have a sidewalk adjoining their property within 12-hours of daylight, to clear the snow off their sidewalk. The town has a right, if the residents do not comply, to go out and perform the work then bill the resident or organization in the form of a lien. There is also a \$500.00/day penalty. He advised there is a sidewalk section of North Bridge Street by the Township library and the sidewalks along Prince Rodgers by the ballpark, both properties belonging to the Township, that do not get plowed. Township Administrator Naples stated he will address this matter.

Michael Bessasparis of Somerset Hills Towing in Bridgewater was present. He expressed he feels harassed by the police department. He stated there were complaints against him in 2015 that were dismissed in Court. Today a letter denying him a 2016 towing license was hand delivered to his office. He requested reasons for denial and received another letter that he feels uses the same materials used in the summons as the basis to deny Somerset Hills Towing a license. Township Attorney Savo advised the case was dismissed on a technicality. He advised this is not the right forum to discuss this matter.

Somerset Hills has a right to have a hearing on the decision denying him a license and same has been scheduled for March.

Laura Whalen, 1238 Mount Vernon Road was present. She expressed concerns of the redevelopment plan noting she is opposed to it. She discussed traffic concerns and overcrowding in the classrooms.

On motion of Councilman Moench, seconded by Councilwoman Rose, the public comment portion was closed.

**Introduction
of
Ordinances**

Township Planner Scarlett Doyle was present to discuss the below land use Ordinances noting the Ordinances were completely vetted before being presented to the Council. The engineering, code, zoning and planning departments looked at same and fashioned them through Township Attorney Savo. These Ordinances are intended to do three things:

1. Add clarity
2. Improve enforcement
3. Address equity

Township Planner Doyle went through all the ordinances to describe and detail the changes.

AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING SECTION 126-195 (SIGNS) OF ARTICLE XXIV (DESIGN DETAILS AND CRITERIA) OF PART 8 (SITE PLAN REVIEW) OF CHAPTER 126 (LAND USE) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO AMEND SUBSECTION F (GENERAL REGULATIONS), TO NEW SUBSECTION 7c, BY SETTING FORTH THE METHOD OF COMPUTATION UTILIZED TO DETERMINE THE SQUARE FOOTAGE OF TWO SIDED FREESTANDING SIGNS

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

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

THE ORDINANCE WAS INTRODUCED.

A copy of resolution [#16-02-01-054](#) is appended to the official minutes

Linda 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 7th day of March 2016, 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.

AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING SECTION 126-201 (INTERPRETATION; VARIANCES) OF ARTICLE XXV (TITLE; INTERPRETATION) OF PART 9 (SUBDIVISIONS) OF CHAPTER 126 (LAND USE) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO CLARIFY THAT, UNDER CERTAIN CIRCUMSTANCES, DEVELOPMENT SHALL ALSO BE IN ACCORDANCE WITH PART 8 (SITE PLAN REVIEW)

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

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

THE ORDINANCE WAS INTRODUCED.

A copy of resolution [#16-02-01-055](#) is appended to the official minutes

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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.

AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING SECTION 126-314.2 (GC GENERAL COMMERCIAL ZONE) OF ARTICLE XLII (USE REGULATIONS) OF PART 12 (ZONING) OF CHAPTER 126 (LAND USE) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO AMEND SUBSECTION 7 (MAXIMUM FLOOR AREA FOR A TWO STORY OR HIGHER RETAIL OFFICE MIXED USE STRUCTURE) OF SUBSECTION F (BULK REQUIREMENTS FOR THE GC ZONE) OF SECTION 126-314.2 (GC GENERAL COMMERCIAL ZONE) SO AS TO CHANGE THE MAXIMUM FLOOR AREA FOR A TWO STORY OR HIGHER RETAIL OFFICE MIXED USE STRUCTURE FROM 0.50 TO 0.40 UNDER CERTAIN CIRCUMSTANCES

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

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

THE ORDINANCE WAS INTRODUCED.

A copy of resolution [#16-02-01-056](#) is appended to the official minutes

Linda 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 7th day of March 2016, 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.

AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING SECTION 126-329 (IMPROVED LOT COVERAGE) OF ARTICLE XLIV (SUPPLEMENTARY LOT, HEIGHT AND YARD REGULATIONS) OF PART 12 (ZONING) OF CHAPTER 126 (LAND USE) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO 1) DELETE THE TITLE OF SUBSECTION A ENTITLED "RESIDENTIAL USES" WITH ALL OTHER LANGUAGE OF SUBSECTION A REMAINING, 2) DELETE THE ENTIRETY OF SUBSECTION B (INSTITUTIONAL AND CONDITIONAL USES) AND 3) DELETE THE ENTIRETY OF SUBSECTION C (BONUS FOR DECREASE IN IMPROVED LOT COVERAGE); SUBSECTION D (BUILDING, GRAVEL AND/OR OTHER STONE

SURFACES USED FOR PARKING, DRIVEWAYS OR WALKWAYS) SHALL REMAIN IN ITS ENTIRETY

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

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

THE ORDINANCE WAS INTRODUCED.

A copy of resolution [#16-02-01-057](#) is appended to the official minutes

Linda 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 7th day of March 2016, 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.

AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING SUBSECTION C (CRITERIA FOR CLUSTER DEVELOPMENT) OF SECTION 126-349 (CLUSTER DEVELOPMENT) OF ARTICLE XLVI (CONDITIONAL USES) OF PART 12 (ZONING) OF CHAPTER 126 (LAND USE) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO ADD A NEW SUBSECTION (5) a & b FOR THE PURPOSE OF SETTING FORTH THE METHOD OF COMPUTATION OF LOT AREA, LOT COVERAGE, LOT WIDTH AND FLOOR AREA RATIO (FAR) FOR EACH LOT

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

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

THE ORDINANCE WAS INTRODUCED.

A copy of resolution [#16-02-01-058](#) is appended to the official minutes

Linda 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 7th day of March 2016, 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.

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO CREATE A NEW CHAPTER 153 ENTITLED "DEALERS OF PRECIOUS METALS AND SECONDHAND GOODS; LICENSING AND REGULATION"

Chief of Police Manny Caravela was present to discuss this Ordinance. He has crafted this Ordinance based upon a model ordinance that has been circulated throughout the state. He has worked with Township Attorney Savo's office extensively on crafting an ordinance that will suit our needs in Bridgewater in helping us track some of the precious metals and secondhand goods. This ordinance will assist law enforcement to recover stolen items.

After discussion, Council was in consensus to move the introduction of this Ordinance to March 7, 2016 in order to allow them more time to review same in more detail.

Resolutions

AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF BRIDGEWATER AND THE BOROUGH OF RARITAN PROVIDING FOR INSPECTION SERVICES FOR ELECTRIC SUBCODE OFFICIAL/INSPECTOR SERVICES

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

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

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#16-02-01-060](#) is appended to the official minutes

AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF BRIDGEWATER AND THE BRIDGEWATER-RARITAN BOARD OF EDUCATION FOR 2015-2016 HAZARDOUS BUSING IN THE AMOUNT OF \$ 244,852.10

Township Administrator Naples stated Chief Caravela has conducted an audit of the selected routes and finds them all to be in order.

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

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

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#16-02-01-061](#) is appended to the official minutes

Councilman Kurdyla noted the names and addresses of the children that will be utilizing this service are on the record and expressed this would pose a safety concern should this recorded be requested through OPRA (open public records act)

Councilman Kurdyla made motion to redact the names of children that will utilize this service from the public record. The motion was seconded by Councilwoman Rose and carried on the following roll call vote:

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

AUTHORIZING SUBMISSION OF THE FISCAL YEAR 2016-17 BRIDGEWATER/RARITAN MUNICIPAL ALLIANCE REQUEST FOR APPLICATION WITH SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS FOR THE DRUG ENFORCEMENT AND DEMAND REDUCTION (DEDR) ACT IN THE AMOUNT OF \$36,208.25, THE CASH MATCH OF \$9,052,25 AND THE IN-KIND AMOUNT OF \$27,156.50 FOR A TOTAL AMOUNT OF \$72,417

Township Administrator Naples noted this has been a very successful program for

us. We continue to offer a number of different type programs that address alcohol and drug awareness

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

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

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#16-02-01-064](#) is appended to the official minutes

COUNCIL PRESIDENT PEDROSO READ THE FOLLOWING RESOLUTIONS BY TITLE AND CALLED FOR A CONSENT VOTE:

On motion of Councilman Moench, seconded by Councilwoman Rose, the following resolutions were proposed. The vote was as follows:

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

AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO GIBBONS, P.C. AS BOND COUNSEL FOR THE 2016 CALENDAR YEAR

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#16-02-01-059](#) is appended to the official minutes

AUTHORIZATION FOR A CIRCUS PERMIT FOR THE BIG APPLE TO HOST THE CIRCUS AT THE TD BANK, SOMERSET PATRIOTS BALLPARK BETWEEN THE DATES OF FEBRUARY 11 THROUGH MARCH 13, 2016

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#16-02-01-062](#) is appended to the official minutes

ACCEPTING THE PUBLIC IMPROVEMENTS, INCLUDING THE RIGHT OF WAY OF LOLLER DRIVE AND PUBLIC EASEMENTS SHOWN ON THE FIELD MAP ENTITLED "FINAL MAP FOR MARC PROPERTIES - SECTION 1, LOT 29 BLOCK 906, BRIDGEWATER TOWNSHIP, SOMERSET COUNTY, NEW JERSEY" AND AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR MARC

PROPERTIES, SECTIONS 1 AND 2 (AKA BLACKTREE ASSOCIATES) MAJOR SUBDIVISION OF BLOCK 906 LOT 29 LOCATED ON LOLLER DRIVE INCLUDING PRESENT LOTS 29.02 THROUGH 29.12 INCLUSIVE IN BLOCK 906 LOCATED ON BOTH SIDES OF LOLLER DRIVE

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#16-02-01-063](#) is appended to the official minutes

AUTHORIZING CHANGE ORDER NO. 1/ FINAL CHANGE ORDER DECREASING THE PRICE FROM \$271,484.00 TO \$229,502.10, WHICH IS A DECREASE OF 15.46% OR (\$41,981.90) FROM THE ORIGINAL CONTRACT AMOUNT, AND FINAL PAYMENT TO JTG CONSTRUCTION, INC., AND AUTHORIZING ACCEPTANCE OF THE PROJECT AND RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF THE MAINTENANCE BOND FOR THE GREGORY AVENUE ROAD IMPROVEMENT PROJECT

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#16-02-01-065](#) is appended to the official minutes

PERSON TO PERSON PLENARY RETAIL CONSUMPTION LIQUOR LICENSE TRANSFER FROM GOTT, LLC COMMONLY KNOWN AS MARTINSVILLE INN, POCKET LICENSE #1806-33-017-004 TO STAVOLA BRIDGEWATER LIQUOR LICENSE, LLC, NEW LICENSE NUMBER 1806-33-017-005

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#16-02-01-066](#) is appended to the official minutes

Closed
Session

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

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 Councilman Moench, seconded by Councilwoman Rose, Council convened in closed session at approximately 8:45 p.m.

A copy of resolution [#16-02-01-067](#) is appended to the official minutes.

On the motion of Councilwoman Rose, seconded by Councilman Kurdyla, the meeting reconvened to open session at approximately 8:55 p.m. and adjourned

immediately thereafter.

Respectfully Submitted,

Linda J. Doyle, RMC
Municipal Clerk

Filipe Pedroso
Council President