

MINUTES OF THE BRIDGEWATER TOWNSHIP COUNCIL
SEPTEMBER 28, 2017 COUNCIL CHAMBERS

The Township Council of the Township of Bridgewater, County of Somerset, State of New Jersey, convened in a work session on Thursday, September 28, 2017 at 7:30 p.m. in Council Chambers in the Municipal Complex, Bridgewater, New Jersey 08807.

Council President Kurdyla:

Notice of Meeting

In compliance with the Open Public Meetings Act of New Jersey, adequate notice of this meeting was provided on January 9, 2017 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
Filipe Pedroso
Council Vice President Christine Henderson Rose (absent)
Council President Allen Kurdyla

Also Present: James T. Naples, Township Administrator
 Christopher Corsini, Township Attorney
 Scarlett Doyle, Township Planner
 Linda J. Doyle, Township Clerk

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

Minutes

SEPTEMBER 7, AND 18, 2017 - REGULAR SESSION
SEPTEMBER 18, 2017 - CLOSED SESSION

These minutes will be presented for approval at the next Council meeting.

Council Reports

Councilman Moench:

- Attended the Township’s “Turn the Town Teal” event. It’s an ovarian cancer awareness campaign that was started by Renee Edwards, wife of Police officer Jamie Edwards who passed away almost a year ago from ovarian cancer. This was a nice event that highlighted ovarian cancer if detected in its earliest form is curable but is very hard to detect.

Councilman Norgalis:

- Attended the Somerset County Alliance for Action meeting. William Birch, Executive Director of DOT announced that the 202/206 merge with the 287 exit by the Municipal Complex is being engineered with a 2019 construction date
- Somerset County has sent out a Cancellation Notice on the reconstruction bid of Washington Valley. Councilman Norgalis talked to County Engineer Loper who said they needed to do some additional engineering work
- The last Bulky Trash drop off date is this Saturday Sept. 30th. He along with Councilman Kurdyla were at the dump last Saturday and the resident feedback regarding this township service is overwhelming positive. At least three people agreed to send thank you notes to the Mayor due to the support offered by the Department of Public Works
- Attended the bid opening for a dump truck last week and for the first time ever, there were no bids even though five companies took bid packages. The truck will be rebid
- Congratulated Councilman Filipe Pedroso on the startup of his new venture.

Councilman Pedroso

- Nothing new to report

Council President Kurdyla

- Has been contacted by some residents regarding various concerns in the Township and also concerning an Ordinance from 2009. Councilman Kurdyla has forwarded same to Township Administrator Naples for action by the Township
- Attended the last bulky trash date and echoed Councilman Norgalis' comments that there was a lot of positive feedback about this event and the public works department did a great job
- Also congratulated Councilman Pedroso on his new business venture

Mayor's Reports

Township Administrator Naples stated that he along with David Battaglia, Director of Municipal Services & Township Engineer went to visit Mr. Quast to discuss his concerns and determine best way to remedy his drainage situation. Mr. Quast is a gentlemen, he's patient and is willing to wait and see if Phase I of the improvements underway will satisfy his concerns.

**Public
Comment**

On motion of Councilman Norgalis, seconded by Councilman Pedroso, 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.

Wesley Mersinger, 3 Hoagland Court was present. He discussed the need to amend the laws regarding privacy fencing in Bridgewater stating he owns a smaller size lot with an unsightly drainage ditch at the back of his property. He opined it would be best if the law was flexible for situations such as his where the need for a fence is cosmetic and not causing anyone undue harm.

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

**Introduction
of
Ordinances**

AN ORDINANCE AMENDING CHAPTER 126 ENTITLED "LAND USE," SECTION 333 ENTITLED "AGRICULTURE" TO PERMIT THE KEEPING AND HARVESTING OF CHICKENS AND THEIR PRODUCTS AS AN ACCESSORY USE UNDER CERTAIN CIRCUMSTANCES

Township Administrator Naples stated there has been an increased interest by residents to rear chickens for personal use. Our Ordinances are currently silent on this issue which makes it a non-permitted use. Some residents have asked if we can consider having an Ordinance that would guide the rearing of chickens, not for commercial purposes but for residential use.

Township Administrator Naples thanked Township Planner Doyle and Chris Poulsen, Director of Human Services for putting together the regulations on the proposed Ordinance.

Councilman Norgalis stated he is interested in what other Townships of our size have done in terms of Ordinances such as this. In addition, he is interested in what the Somerset County Farm Bureau has said about maintaining chickens so that we have an Ordinance that is well thought out and consistent with our goals to maintain quality of life in the Township. He expressed concerns with the odor stemming from the chicken manure and whether the chicken compound can be right up against the neighbor's fence.

Township Planner Doyle explained that although the issue of chickens is new to the Township Council, it is not new to the planning and zoning departments. They have been dealing with this since 2013 when there was a surge of interest from the residents who wanted to have more control over their food products. Being that this issue is not specifically permitted on our Ordinances, then it is

prohibited and as such, residents have been cited and have therefore asked for an Ordinance that would address this.

Township Planner Doyle stated that the provisions in the proposed Ordinance restrict chickens to the back and side yards only. Dogs on the other hand are unrestricted. She added that this Ordinance provides that chicken owners must have a management plan approved by our health officer before they are allowed to have chickens. This management plan addresses things like where the chickens will be located and how chicken dung will be disposed off. In addition, our Ordinance does not permit roosters.

Councilman Moench expressed concerns with the management plan including does it get updated when a chicken owner increases the amount of chickens? How involved is the health department in ensuring the management plan is current?

Township Planner Doyle continued to field questions from the governing body. Council was in consensus to remove this item from the agenda until it is cleaned up and Council concerns are addressed.

AN ORDINANCE AMENDING CHAPTER 126 ENTITLED "LAND USE," SECTION 126-2 ENTITLED "DEFINITIONS" AND 126-339 ENTITLED "REQUIREMENTS FOR SPECIFIC ACCESSORY USES" AND CHAPTER 125 ENTITLED "SWIMMING POOLS," TO REPEAL CHAPTER SECTION 126-194 ENTITLED "FENCES" AND TO CREATE A NEW CHAPTER 196 ENTITLED "FENCES AND RETAINING WALLS" TO CONSOLIDATE AND AMEND THE TOWNSHIP'S REQUIREMENTS RELATED TO CERTAIN PRIVACY FENCES

Township Administrator Naples discussed the proposed Ordinance noting the intent is to bring our Ordinances up to par with the current times as residents have requested privacy fences which today are more cosmetically appealing. In addition, our Ordinance allows 50% open privacy fences whose interpretation is sometimes difficult to enforce. A study has been conducted of surrounding towns and it has been determined that a majority of them allow solid fences.

Councilman Norgalis stated that although he has no problem with privacy fences, he prefers additional regulations in order that there is no impact to the character of Bridgewater neighborhoods.

Councilman Pedroso addressed the reporter present in the courtroom and asked that they let Bridgewater residents know the Council will be addressing the issue with fences and Council would like resident input.

Councilman Moench opined we find ways that make sure we recognize the hardship that our current Ordinance provides while at the same time maintaining the integrity of the character of Bridgewater neighborhoods.

Council was in consensus to remove this item from the agenda until it is cleaned up and Council concerns are addressed.

Resolutions

AWARD TO BEYER FORD TO PURCHASE, TWO 2017 POLICE SUV INTERCEPTOR BLACK AND WHITES AND TWO 2017 POLICE AWD SEDAN INTERCEPTOR FULL LIGHT BAR BLACK AND WHITES IN THE TOTAL AMOUNT OF \$178,873.46 TO BE FUNDED THRU THE SOMERSET COUNTY IMPROVEMENT AUTHORITY SOMERSET MUNICIPAL BANC PROGRAM

Councilman Norgalis stated he would like the police vehicle to have roof markings.

AUTHORIZING THE SALE OF MUNICIPAL PERSONAL PROPERTY OWNED BY THE TOWNSHIP OF BRIDGEWATER THROUGH THE COUNTY OF SOMERSET

There was no comment/discussion.

AUTHORIZING CANCELLATION OF 2016 SEWER BILLING FOR BLOCK 581 LOT 2 QUAL CO1 IN THE AMOUNT OF \$29,127.00 AND REPLACING IT WITH THE NEW BILLING FOR 2016 IN THE AMOUNT OF \$1,197.00 FOR 3 UNITS

Township Administrator Naples explained the need to cancel the sewer billing is because this property has been vacant for the entire year in 2016 and no equipment was maintained in the building. This cancellation is consistent with other times in past years.

AUTHORIZING AN EXTENSION OF AN OPTION AGREEMENT WITH RENDAS PARTNERSHIP, LLP FOR PROPERTY LOCATED AT 360 MILLTOWN ROAD KNOWN AS BLOCK 165, LOT 2 AS SHOWN ON THE BRIDGEWATER TOWNSHIP TAX MAP FOR AN OPTION PRICE OF \$10,000 UNTIL SEPTEMBER 23, 2018

There was no comment/discussion.

TOWNSHIP SUPPORT OF COMPLETE STREETS WHENEVER IT IS REASONABLE AND FEASIBLE TO DO SO AS PROJECTS ARE UNDERTAKEN BY THE TOWNSHIP, INCLUDING BOTH NEW CONSTRUCTION AND RECONSTRUCTION IN ORDER TO SAFELY ACCOMMODATE TRAVEL BY PEDESTRIANS, BICYCLISTS, OTHER FORMS OF ALTERNATIVE TRANSPORTATION, PUBLIC TRANSIT, AND MOTORIZED VEHICLES AND THEIR PASSENGERS

Township Administrator Naples explained while we are supportive of the concept of complete streets, this resolution has been drafted in order that we have the ability to make decisions based on reality.

AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEE IN THE AMOUNT OF \$85,344.00, ACCEPTANCE OF THE SITE IMPROVEMENTS AND ACCEPTANCE OF THE MAINTENANCE GUARANTEE IN THE AMOUNT OF \$12,801.60 SURETY MAINTENANCE BOND FOR STANDARD ALTERNATIVE (AKA THERMO FISHER SCIENTIFIC) - BLOCK 163, LOT 1, 755 ROUTE 202, BRIDGEWATER, NJ 08807

There was no comment/discussion.

AUTHORIZING CHANGE ORDER NO. 1/ FINAL CHANGE ORDER INCREASING THE PRICE FROM \$155,538.70 TO \$157,795.11, WHICH IS AN INCREASE OF 1.45% OR (\$2,256.41) FROM THE ORIGINAL CONTRACT AMOUNT, AND FINAL PAYMENT TO TOP LINE CONSTRUCTION CORP., AND AUTHORIZING ACCEPTANCE OF THE PROJECT AND RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF THE MAINTENANCE BOND FOR THE COUNTRY CLUB ROAD, SECTION VIII IMPROVEMENT PROJECT TO BE FUNDED THROUGH THE 2017 MUNICIPAL AID FUND

There was no comment/discussion.

Motion to Set Agenda

On motion of Councilman Moench, seconded by Councilman Norgalis, the agenda was set without items 11a and 11b for the October 2, 2017 Township Council regular meeting.

Adjourn

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

Respectfully Submitted,

Linda J. Doyle, RMC
Municipal Clerk

Allen Kurdyla
Council President