

MINUTES OF THE BRIDGEWATER TOWNSHIP COUNCIL
MARCH 18, 2019 COUNCIL CHAMBERS

Acting Council President Norgalis 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 9, 2019 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
Filipe Pedroso
Christine Henderson-Rose
Council Vice President Howard Norgalis
Council President Matthew C. Moench (Absent)

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

Acting Council President Norgalis led the audience in the Pledge of Allegiance.

Minutes

FEBRUARY 28, 2019 - AGENDA SESSION
MARCH 4, 2019 - REGULAR SESSION

On motion of Councilwoman Rose, seconded by Councilman Pedroso, the February 28, 2019 agenda session minutes and March 4, 2019 regular session minutes were moved for approval and passed unanimously on a voice call vote.

Council Reports

Councilman Kurdyla

- Reported he was on vacation where he enjoyed the sun and water and was glad to be back.

Councilwoman Rose:

- Was sad to report that Tom Flynn, longtime resident of Bridgewater succumbed to his battle with cancer last week. She added he was a NY City Police Officer who was active during the 911 attack.
- She asked Mr. Naples to provide a schedule for the residents on Leghorn Ave who were advised in the Spring that their roadwork would continue.

Councilman Pedroso

- Attended a Bridgewater Republican Municipal meeting. Congratulated Michael Kirsh and Timothy Ring for receiving the endorsement of the Bridgewater Republican municipal organization while noting their contributions and involvement in Bridgewater Township.

Council Vice President Norgalis:

- The Planning Board met last Tuesday and concurred in the Council ordinance regarding placing solar panels on detached garages and buildings on protected farm land. There was one issue regarding whether a detached building such as an out building capable of being used as a garage fell under this ordinance. Mr. Savo will discuss this issue with the Planner Doyle.
- At that same Planning Board meeting a group of seven residents attended with the express purpose of speaking against the COE plan which is currently not active. Planning Board Attorney Collins would not allow them to speak citing case law that, since the applicant was not present to defend their project they could not object. The Open to the Public wording in the planning board will be modified to specify that that pending cases cannot be talked about.
- Next week's Planning Board meeting is canceled to lack of application.
- The township website dealing with pothole repair requires a separate report for each pothole. Some residents who wish to report an entire section of a street are unhappy with this reporting arrangement. I have told them that for a large hole capable of damaging a car it needs a separate report.
- One section of street that is badly in need of overlay is the short stretch of Old Farm Rd. from 202/206 to Cedarbrook Rd. Mr. Naples has advised that this section will be sewerred in the coming months and the section overlayed at that time.
- Attended the wake for Retired New York City Police Officer Thomas Flynn, husband of Joan Flynn, who is active in Bridgewater politics.

Mayor's Reports

Mr. Naples had no report.

**Public
Comment**

On motion of Councilwoman Rose, 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.

No one wished to be heard.

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

**Public
Hearing &
Final Action
Ordinances**

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE 2019 CALENDAR YEAR (N.J.S.A. 40A: 4-45.14)

Mr. Naples stated this is something we do every year. It is not expenditure but rather an Ordinance that allows us to exceed the cap in the event that it is necessary. This ordinance is consistent with similar ones over the years.

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

No one wished to be heard.

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

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

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

THE ORDINANCE WAS ADOPTED.

A copy of resolution [#19-03-18-083](#) is appended to the official minutes

AN ORDINANCE AMENDING CHAPTER 126 (LAND USE), ARTICLE XLV (SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES), SECTION 126-335 ENTITLED RENEWABLE ENERGY FACILITIES OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO PERMIT RENEWABLE ENERGY FACILITIES ON DETACHED RESIDENTIAL GARAGES

Councilman Norgalis raised concern and offered during discussion with Scarlett Doyle, Township Planner that the ordinance may be too broad in not discriminating what is considered a garage.

Mr. Savo offered the ordinance makes clear the definition of a garage but it can be amended should a problem arise.

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

No one wished to be heard.

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

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

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

THE ORDINANCE WAS ADOPTED.

A copy of resolution [#19-03-18-084](#) is appended to the official minutes

Introduction of Ordinance **AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING SECTION 126-326 PROVIDING FOR A NEW SECTION H REGULATING APPROVED LOT COVERAGE, LOT AREA COVERAGE, IMPERVIOUS LOT AREA COVERAGE, LOT WIDTH AND FLOOR AREA RATIO FOR LOTS THAT ARE SUBDIVIDED OR ACQUIRED BY GIFT OR PURCHASE BY A PUBLIC ENTITY FOR PERMANENT OPEN SPACE**

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

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

THE ORDINANCE WAS INTRODUCED.

A copy of resolution [#18-03-18-085](#) is appended to the official minutes

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

BE IT FURTHER RESOLVED, that the said pending ordinance be passed on first reading and advertised as required by statute fixing the 15th day of April, 2019 at 7:30 p.m. prevailing time on said day as the time and the Bridgewater Township Municipal Court Chambers at 100 Commons Way in said Township as the place for hearing and final action.

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.

FURTHER RESOLVED, the ordinance will be forwarded to the Planning Board for the session on April 9, 2019 to review and prepare a recommendation.

Resolutions AUTHORIZING BUDGET TRANSFERS FOR APPROPRIATION RESERVE IN THE AMOUNT OF \$382,200.00

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

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

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-03-18-086](#) is appended to the official minutes

APPOINTMENT OF WILLIAM T. KELLEHER AS CHIEF MUNICIPAL JUDGE

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

Councilman Kurdyla	Aye
Councilman Pedroso	Aye
Councilwoman Rose	Aye
Council Vice-President Norgalis	Aye

Council President Moench

Absent

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-03-18-087](#) is appended to the official minutes

There being no questions concerning the following resolutions, Council Vice President Norgalis read the resolutions by title and called for a consent vote:

AUTHORIZING A REDUCTION IN THE PERFORMANCE GUARANTEE FROM \$1,885,629.60 to \$565,688.88 FOR BRIAD DEVELOPMENT, LLC, 600 SOMERSET CORPORATE BOULEVARD, BLOCK 411, LOTS 39.02 & 39.11

AUTHORIZING CHANGE ORDER NO. 1/FINAL CHANGE ORDER DECREASING THE PRICE FROM \$218,006.75 TO \$211,166.67 A DECREASE OF 3.14% OR (\$6,840.08), AND FINAL PAYMENT TO JTG CONSTRUCTION INC., AND AUTHORIZING ACCEPTANCE OF THE PROJECT AND RELEASE OF PERFORMANCE BOND AND ACCEPTANCE OF MAINTENANCE BOND FOR THE TALAMINI ROAD IMPROVEMENT PROJECT-PHASE IV BY JTG CONSTRUCTION, INC. (188 JEFFERSON STREET, SUITE 387, NEWARK, NJ 07105), FUNDED THROUGH THE 2017 CAPITAL FUND

AUTHORIZING CHANGE ORDER NO. 1/FINAL CHANGE ORDER DECREASING THE PRICE FROM \$348,920.51 TO \$322,429.15 A DECREASE OF 7.59% OR (\$26,491.36), AND FINAL PAYMENT TO TOP LINE CONSTRUCTION CORP., AND AUTHORIZING ACCEPTANCE OF THE PROJECT AND RELEASE OF PERFORMANCE BOND AND ACCEPTANCE OF MAINTENANCE BOND FOR THE MORGAN LANE IMPROVEMENT PROJECT BY TOP LINE CONSTRUCTION CORP. (22 FIFTH STREET, SOMERVILLE, NJ 08876), FUNDED THROUGH THE 2018 CAPITAL FUND

AUTHORIZING CHANGE ORDER NO. 1/FINAL CHANGE ORDER INCREASING THE PRICE FROM \$413,166.40 TO \$423,338.12 AN INCREASE OF 2.46% OR \$10,171.72 AND FINAL PAYMENT TO REIVAX CONTRACTING CORP., AND AUTHORIZING ACCEPTANCE OF THE PROJECT AND RELEASE OF PERFORMANCE BOND AND ACCEPTANCE OF MAINTENANCE BOND FOR THE BWT-2 ROAD IMPROVEMENT PROJECT - DONOHUE ROAD (FROM THOMPSON AVENUE TO ROUTE 22) AND THE ENTIRE LENGTH OF KRAMS TRAIL BY REIVAX CONTRACTING CORP. (356 THOMAS STREET, NEWARK, NJ 07114), FUNDED THROUGH THE 2017 CAPITAL FUND

AUTHORIZING CHANGE ORDER NO. 1/FINAL CHANGE ORDER DECREASING THE PRICE FROM \$252,855.72 TO \$204,544.24 A DECREASE OF 19.11% OR

\$48,311.48 AND FINAL PAYMENT TO REIVAX CONTRACTING CORP., AND AUTHORIZING ACCEPTANCE OF THE PROJECT AND RELEASE OF PERFORMANCE BOND AND ACCEPTANCE OF MAINTENANCE BOND FOR THE HAUCK ROAD IMPROVEMENT PROJECT BY REIVAX CONTRACTING CORP. (356 THOMAS STREET, NEWARK, NJ 07114), FUNDED THROUGH THE 2017 CAPITAL FUND

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

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

THE RESOLUTIONS WERE ADOPTED.

Copies of resolutions [#19-03-18-088 thru #19-03-18-092](#) are appended to the official minutes

REJECTING ALL BIDS FOR THE MANAGEMENT, OPERATION AND MAINTENANCE OF THE TOWNSHIP OF BRIDGEWATER'S VEGETATIVE DROPOFF CENTER

Mr. Naples advised the bids were rejected as they all came in higher than anticipated and will be rebid in September, 2019.

Vice President Norgalis stated the Vegetative Waste Center has been a significant benefit for a number of years operating at no cost to the Township and the Township has received revenue of \$50,000.00.

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

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

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-03-18-093](#) is appended to the official minutes

REQUEST FOR WAIVER OF BUILDING, PLUMBING, ELECTRICAL AND FIRE PROTECTION PERMIT FEES IN THE TOTAL AMOUNT OF \$803.00 FOR THE

**SOMERVILLE LODGE #1068 LOCATED AT 375 UNION AVE, BRIDGEWATER, NJ
08807**

This resolution was withdrawn from the agenda at the request of Councilwoman Rose.

On the motion of Councilman Kurdyla, seconded by Councilwoman Rose, the meeting adjourned at approximately 7:50 pm.

Respectfully Submitted,

Linda J. Doyle, RMC
Municipal Clerk

Howard V. Norgalis
Council Vice President