

MINUTES OF THE BRIDGEWATER TOWNSHIP COUNCIL
APRIL 15, 2019 COUNCIL CHAMBERS

The Township Council of the Township of Bridgewater, County of Somerset, State of New Jersey, convened in a regular session on Monday, April 15, 2019 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 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

Also Present: James T. Naples, Township Administrator
Natasha Turchan, Director of Finance
William B. Savo, Township Attorney
Linda J. Doyle, Township Clerk

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

Minutes

MARCH 28, 2019 - REGULAR SESSION
MARCH 28, 2019 - CLOSED SESSION

On motion of Councilman Norgalis, seconded by Councilman Pedroso, the March 28, 2019 regular session minutes were moved for approval and passed unanimously on a voice call vote. The closed session minutes were passed around for approval.

Council Reports

Councilman Kurdyla:

- Apologized to the Bridgewater Baseball and Bradley Gardens Little Loop for not attending their opening Day noting he assumed there would be no games due to rain. He wished the players, parents, coaches and everyone

involved best wishes and a great year.

Councilwoman Rose:

- Concurred with Councilman Kurdyla noting she too assumed the games would be cancelled due to inclement weather. She thanked the players and volunteers for all the work they do and wished them a great year.
- Spent considerable time working with the County and believes we now have acceptable language in the Lane Brokaw contract that is on the agenda for discussion later on tonight.

Councilman Norgalis:

- Attended the 2019 Bridgewater Baseball /Softball Incorporated Opening Day celebration. Despite heavy rains the night before, the celebration went on to recognize the opening of the sports season.
- Mayor Hayes sent out a personal political campaign letter to residents that included a quote that was there was a Council supported “massive \$1.7M (9%) tax increase in just one year”. Despite an exhaustive review of budget number no such increase could be found. Administrator Naples was asked, at the 4-15 public meeting, to have the CFO research this claim and report back to the Council.

Councilman Pedroso:

- Concurred with Councilman Norgalis noting he too would like to see a report in support of said claim.
- His thoughts prayers are with the people affected by the fire in Norte Dam Cathedral in Paris.
- Attended the Bridgewater Baseball opening day celebration.
- Introduced an ordinance on Thursday that would revoke the RC Development Area which involves the Center of Excellence. He stated that at the time, and at the request of this Council, the Ordinance was tabled in order to allow additional time for Township Attorney Savo to provide legal advice to the Council. As of today, no report has been forthcoming and he therefore requested for an update from the Administration. Township Attorney Savo stated he is waiting to hear from Township Planner Doyle who is away due to a family matter and will provide Council an update as soon as he is in a position to do so. Councilman Pedroso stated this matter is urgent and urged administration and Counsel to give this matter its priority attention.

Council President Moench:

- Spent a lot of time over the weekend speaking to the residents who have a lot of concerns with Washington Valley Road due to road closures and

the logistical problems associated with that project. In recent times, children have been on the bus for hours trying to get to school and in other cases, parents with multiple kids have had a difficult time trying to get their children to different schools. His understanding is that this road was not supposed to be closed in its entirety for the duration of the project. Councilman Moench stated he sent a letter to the County asking them to make sure the township and school district are all communicating and providing timely updates regarding this project. He also asked the County to have a town hall meeting in Bridgewater to advise and provide updates to the public about what is going on with this project and how they can alleviate the concerns of the residents.

Township Administrator Naples stated he spoke to Matthew Loper who is the Somerset County Engineer heading this project. This is a County led project and the Township has been passing on resident concerns to the County while trying to work collaboratively with the school district. Council President Moench offered that moving forward, it is important that issues are resolved quickly because the concerns that the residents have raised should not continue for much longer.

Following up on the Police study that we have been doing, Council President Moench inquired of Township Administrator Naples about the Status noting it was his expectation that we would be going out for a fair and open public bid and not for the Police Chief to solicit bids on his own.

Township Administrator Naples stated it was his understanding the Police Chief was charged with conducting a manpower study and it was not clearly stated to conduct a fair and open bid. The Chief has made solicitations and when he returns from vacation will provide administration with a report on what he did and how he is contracting to get the man power study conducted.

Council President Moench stated that if we are going to go through this exercise, if the process of selecting a consultant is not done in a fair and open process with input from the Council, the Council is likely to not accept that study.

Councilman Pedroso agreed that the study should be conducted by an impartial party, following a fair and open public bid process.

Township Administrator Naples asked that this conversation be revisited upon the Chief's return from vacation.

**Mayor's
Reports**

Township Administrator Naples had no report

**2019
Municipal
Budget**

On motion of Council President Moench, seconded by Councilman Pedroso, the meeting was opened to the public for comments regarding the 2019 Municipal Budget.

There was no public wishing to be heard.

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

**Public
Comment**

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

Donald Doyle, 61 Muirfield Lane was present. He is not in support of the proposed Center of Excellence project noting traffic concerns. He asked that the Township Council consider imposing a condition that no ground breaking for any improvements will be made until the traffic situation is either fully addressed and studied or that those improvements that have been proposed to the department of transportation are put into place. He added that one of his neighbors has raised concern that if traffic is not addressed, emergency vehicles may not be able to reach certain homes timely in case of fire or medical emergencies. He offered the traffic situation will worsen should the center of excellence come into play and expressed concern over same.

Council President Moench added it has come to his attention that Bedminster has announced the potential development of a hotel just North of Bridgewater Manor may be coming up. Although this project will not be in Bridgewater, it is as close to Bridgewater as one can get.

Laura Whalen, 1238 Mount Vernon Road was present. She expressed concern over a memo that Councilman Kurdyla tore up at a public meeting. Ms. Whalen offered that memo was paid for using resources provided by the residents. Councilman Kurdyla stated he appreciated Ms. Whalen's comments and added he was upset that our Township Attorney was not allowed sufficient time to review the information on that memo. He explained that typically, Ordinances are prepared by the Township Attorney whom we are legally responsible to and in this instance he was objecting to the disregard for protocol and not to Ms. Whalen or resident concerns.

Ms. Whalen also discussed Bridgewater Realty noting that there is an Ordinance

on tonight's agenda with regard to same. She added Bridgewater has an issue with overdevelopment and we cannot continue to allow developers to build more than what is allowable. She questioned whether this project is related to the Center of Excellence.

Council President Moench stated the two projects are not related and added everyone has a right to go before a Land use Board.

Councilman Pedroso offered Ms. Whalen makes a valid point and offered that the Planning Board needs to be cognizant that anytime they grant a waiver to an applicant, they are creating an overdevelopment situation in the Township. He added the Planning Board is appointed by the Mayor except for the one member that the Council appoints to represent them. Councilman Pedroso asked that Ms. Whalen address her comments with Mayor Hayes.

Michael Kirsh, 25 Danberry Lane in Bridgewater was present. He asked what the estimated cost is for a police officer in a year. It was confirmed the cost is approximately \$120,000 which is a recurring cost every year. He expressed disappointment that it does not appear the police manpower study is being conducted in a fair and open process that is impartial and wondered whether this can be corrected before an expense is incurred on a study that cannot be relied upon.

Ken Dittner, 30 Muirfield Lane was present. He wondered whether there are any consequences to introducing an Ordinance that is ultimately defeated. Mr. Dittner was referring to the Ordinance that Councilman Pedroso attempted to introduce at the last meeting that would revoke the RC Development Area which involves the Center of Excellence. It was stated that typically, there are no ramifications. Mr. Dittner offered he is disappointed with the Council's action on that Ordinance.

Bill Keegan, 12 Loft Drive in Martinsville was present. He talked about resolutions that are on tonight's agenda and questioned what "to maintain affordability of housing units" means.

Council President Moench stated we have an affordable housing trust fund which has money that developers in the past have paid into due to their affordable housing obligations. Council has the ability to apply that money towards ensuring affordable housing units continue to be on the affordable housing program. In some instances, that means extending the restrictions on affordable housing units by buying said restrictions on certain properties. In other instances, we apply these monies towards

developments that have run into problems in an effort to ensure affordable units remain on the affordable housing program. Township Attorney Savo added the trust fund monies can only be used for affordable housing and there is a spending plan that is approved by the Court and that we have to abide by.

Mr. Keegan asked what hazardous busing is. Council President Moench stated the school district has made its determinations that because of certain hazards, children that would otherwise walk to school cannot safely do so. Because of this hazard that they deem the Township's fault, they bill the Township the cost for having to bus those children. Councilman Pedroso offered the Township should try to remedy those situations the school districts have deemed hazardous in order to eliminate this cost.

Mr. Keegan urged the Council to be civil with each other.

Jane Gandolfe, 2000 Washington Valley Road in Martinsville was present. She reminded everyone that the residents voted in favor of using open space funds for historic preservation and would therefore like to see monies being used to preserve historic homes.

Resident Ilene was present. She expressed concern over the center of excellence and the potential for taxes to go up.

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

**Public
Hearing &
Final Action
Ordinances**

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 Norgalis, seconded by Councilman Pedroso, the meeting was opened to the public.

No one wished to be heard.

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

Council President Moench stated he was not ready to support this Ordinance in

its current form.

Councilman Moench made motion to reject this Ordinance. The motion was seconded by Councilman Pedroso.

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

THE ORDINANCE FAILED.

Resolutions PROVIDING FOR EMERGENCY TEMPORARY APPROPRIATIONS FOR CURRENT FUND \$10,490,622.64

This resolution allows the Township to continue to operate until the Budget is adopted.

On motion of Councilman Kurdyla, seconded by Councilman Moench, 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	Aye

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-04-15-099](#) is appended to the official minutes

APPOINTMENT TO THE SHADE TREE BOAD - BARBARA RONCA

On motion of Councilwoman Rose, seconded by Councilman Moench, 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	Aye

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-04-15-100](#) is appended to the official minutes

AUTHORIZING THE TOWNSHIP OF BRIDGEWATER OFFICE OF EMERGENCY MANAGEMENT TO ACCEPT FUNDS FROM NEW JERSEY STATE POLICE OFFICE OF EMERGENCY MANAGEMENT SUBGRANT AWARD OF THE CFDA #97.042 FY 17 OF EMERGENCY MANAGEMENT PROGRAM FUNDING IN THE AMOUNT OF \$10,000.00 IN FEDERAL FUNDS AND PROVIDING APPROPRIATE MATCH OF \$10,155.75

Township Administrator Naples stated that each year, we qualify for this grant based on our activities.

On motion of Councilman Kurdyla, seconded by Councilwoman Rose, 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	Aye

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-04-15-101](#) is appended to the official minutes

AUTHORIZING THE EXPENDITURE OF \$322,305.00 FROM THE AFFORDABLE HOUSING TRUST FUND (A GRANT IN THE AMOUNT OF \$183,714.00 AND \$138,591.00 AS A LOAN) TO MAINTAIN THE AFFORDABILITY OF HOUSING UNITS IN THE PROJECT KNOWN AS THE CROSS ROADS CONDOMINIUMS LOCATED AT CAIN COURT

Township Attorney Savo stated Cross Roads does not have the financial ability to address some of the emergent conditions on this development. The repairs impact all units, including market and affordable units. This resolution will allow us to assist Crossroads while allowing us to maintain the affordable units at the Cross Roads in the affordable housing program.

On motion of Councilman Norgalis, 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 Aye

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-04-15-102](#) is appended to the official minutes

AUTHORIZING A PROGRAM TO PURCHASE EXTENSIONS OF AFFORDABILITY CONTROLS ON CERTAIN FOR-SALE AFFORDABLE HOUSING UNITS USING FUNDS FROM THE TOWNSHIP OF BRIDGEWATER’S AFFORDABLE HOUSING TRUST FUND PURSUANT TO THE TOWNSHIP OF BRIDGEWATER’S APPROVED AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

This resolution will allow us to continue to keep housing that is already affordable in the affordable housing program.

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 Aye

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-04-15-103](#) is appended to the official minutes.

AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF BRIDGEWATER AND THE BRIDGEWATER-RARITAN BOARD OF EDUCATION FOR 2018-2019 HAZARDOUS BUSING IN THE AMOUNT OF \$ 241,429.00

On motion of Councilwoman Rose, seconded by Councilman Norgalis, 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 Aye changed to Abstain
verified by recording

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-04-15-106](#) is appended to the official minutes.

AUTHORIZING THE RELEASE OF THE MAINTENANCE GUARANTEE IN THE AMOUNT OF \$149,318.42 IN THE FORM OF CASH FOR SOMERSET VALLEY REHABILITATION AND NURSING CENTER (CARE ONE, LLC), BLOCK 800, LOT 8 - 1621 ROUTE 22

On motion of Councilman Norgalis, 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	Aye

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-04-15-107](#) is appended to the official minutes.

AUTHORIZING CHANGE ORDER #1/FINAL CHANGE ORDER DECREASING THE PRICE FROM \$280,859.55 TO \$268,155.96, WHICH IS A DECREASE OF 4.52% OR (\$12,703.59) FROM THE ORIGINAL CONTRACT AMOUNT, FINAL PAYMENT TO ASPHALT PAVING SYSTEMS, INC., (PO BOX 530, 500 NORTH EGG HARBOR ROAD, HAMMONTON, NJ 08037) AUTHORIZING ACCEPTANCE OF THE PROJECT, RELEASE OF THE PERFORMANCE GUARANTEE AND ACCEPTANCE OF THE MAINTENANCE BOND FOR THE 2017 MAINTENANCE AND REPAIR WORK CHIP SEAL AND MICROSURFACING PROJECT FUNDED THROUGH THE 2017 CAPITAL FUND

AUTHORIZING CHANGE ORDER #1/FINAL CHANGE ORDER DECREASING THE PRICE FROM \$327,730.75 TO \$327,599.80, WHICH IS A DECREASE OF 0.04% OR (\$130.95) FROM THE ORIGINAL CONTRACT AMOUNT, FINAL PAYMENT TO ASPHALT PAVING SYSTEMS, INC., (PO BOX 530, 500 NORTH EGG HARBOR ROAD, HAMMONTON, NJ 08037) AUTHORIZING ACCEPTANCE OF THE PROJECT, RELEASE OF THE PERFORMANCE GUARANTEE AND ACCEPTANCE OF THE MAINTENANCE BOND FOR THE 2017 MAINTENANCE AND REPAIR WORK CHIP SEAL AND MICROSURFACING PROJECT FUNDED THROUGH THE 2017 & 2018 CAPITAL FUNDS

On motion of Councilwoman Rose, seconded by Councilman Kurdyla, 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	Aye

THE RESOLUTIONS WERE ADOPTED.

Copies of resolutions [#19-04-15-108 thru #19-04-15-109](#) are 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 ELKS LODGE #1068 LOCATED AT 375 UNION AVE, BRIDGEWATER, NJ 08807

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

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

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-04-15-110](#) is appended to the official minutes.

Council President Moench recused himself from this discussion citing a conflict of interest.

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS TO ACCEPT THE 2016 HISTORIC PRESERVATION GRANT IN THE AMOUNT OF \$85,660 FOR IMPROVEMENTS TO THE LANE-BROKAW HOUSE ON MILLTOWN ROAD AND THE EXPENDITURE OF \$85,660.00 AS A MATCHING AMOUNT FROM THE TOWNSHIP'S OPEN SPACE TRUST FUND

Councilman Pedroso stated that while he would like to save this house due to its historical value, he offered he is not sure that he has all the information to make an informed decision and will therefore be abstaining.

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

Councilman Kurdyla	Aye
Councilman Pedroso	Abstain
Councilwoman Rose	Aye

Council Vice-President Norgalis	Aye
Council President Moench	Abstain

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-04-15-104](#) is appended to the official minutes.

AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE SOMERSET COUNTY CULTURAL AND HERITAGE COMMISSION FOR THE 2019 SOMERSET COUNTY HISTORIC PRESERVATION GRANT PROGRAM IN THE AMOUNT OF \$271,510 FOR THE PURPOSE OF PRESERVING ITS HISTORICALLY SENSITIVE WORK ON THE EXTERIOR OF THE HOUSE LOCATED AT 551 MILLTOWN ROAD, COMMONLY KNOWN AS THE LANE BROKAW HOUSE

Councilman Pedroso stated that while he supports the cause, he opined this continues to be mismanaged and will therefore be abstaining.

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

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

THE RESOLUTION WAS ADOPTED.

A copy of resolution [#19-04-15-105](#) 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 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 Councilman Kurdyla, seconded by Councilwoman Rose, Council convened in a closed session at approximately 8:42 p.m. to discuss contract negotiations. All were in favor.

A copy of resolution [#19-04-15-111](#) is appended to the official minutes

On the motion of Councilwoman Rose, seconded by Councilman Moench, the

meeting reconvened to open session back at approximately 8:53 pm and adjourned immediately thereafter.

Respectfully Submitted,

Linda J. Doyle, RMC
Municipal Clerk

Matthew Moench
Council President