

**MINUTES OF THE BRIDGEWATER TOWNSHIP COUNCIL
JULY 20, 2015 COUNCIL CHAMBERS**

The Township Council of the Township of Bridgewater, County of Somerset, State of New Jersey, convened in a regular session on Monday, July 20, 2015 at 7:30 p.m. in Council Chambers in the Municipal Complex, Bridgewater, New Jersey 08807.

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 7, 2015 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
Matthew C. Moench
Filipe Pedroso (absent)
Christine Henderson Rose
Council President Norgalis

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

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

Minutes for Approval

On motion of Councilman Kurdyla, seconded by Councilwoman Rose, the following minutes were moved for approval and passed unanimously:
June 29, 2015 - Regular Session

Council Reports

Councilwoman Rose:

- Attended the national convention of the Benevolent and Protective Order of the Elks
- She spoke concerning the future of the animal shelter noting that if the resolution expressing Council's support for the animal shelter through calendar year 2016 is approved, the next step is that a new agreement between Manville Township and Bridgewater Township will be put in place. That will be a multi-year contract. She also acknowledged the support to the animal shelter by the volunteers who helped out on the task force and those that have passionately followed the activities of the

shelter.

- She spoke concerning the Lane Brokaw house noting the History committee met and have advised there are some serious restoration issues that are emerging but they are hopeful about the possibility of stabilizing the deterioration of the house and work towards its preservation.
- Council President Norgalis acknowledged the efforts of Councilwoman Rose at the Elks. She was the exalted ruler at the Elks and the Vice President last year.

Councilman Kurdyla had nothing new to report.

Councilman Moench:

- Was proud to announce he attended a meeting with Congressman Lance and Senator Bateman at which time his two-year old son Jackson recited the Pledge of Allegiance.

Council president Norgalis:

- Attended the Police promotion ceremony on July 1st
- Attended a baseball game at the Patriots Stadium as a guest of the Robert Wood Johnson Somerset Hospital foundation
- Bridgewater Baseball had approached Councilman Norgalis about an approval to install a defibrillator at Prince Rogers Park. The final agreement to allow for this is now circulating for signature.

Mayor's Report

Township Administrator Naples had nothing new to report.

Public Comment

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

Boy Scouts Jason Hinkel and David Hinkel from Martinsville, NJ and of Troop 46 were present for their citizenship and community merit badges.

Boy Scout Peter Ainsworth from Martinsville, NJ and of Troop 46 was present for his communications merit badge.

Perri Urso, 959 Route 202/206 in Bridgewater, NJ was present. She thanked Township Council for their work on the sewer Ordinance that is on tonight's agenda. She met with Township Attorney Savo about that Ordinance and had questions. Ms. Urso was advised to forward those questions to Administration.

Kathy Healy, 514 Jackson Ave in Manville, NJ was present. She thanked the governing body for their support of the Somerset Regional Animal Shelter.

Andy Leven, 2 Holmes Court in Bridgewater, NJ was present. He spoke concerning the Weyehouser project noting his objection to the 44 approved COAH units and offered this would prove a financial burden to taxpayers due to adding school children. He also spoke concerning the T-mobile cell tower agreement. In both cases, he opined the concerns of the residents were not taken into account. He stated the residents who opposed the cell tower should have been advised of the settlement and be afforded an opportunity to voice their comments. He did acknowledge that he did not attend any of the Council meetings where the cell tower issue was discussed.

Elizabeth McConville, 2708 Lindsley Drive in Bridgewater, NJ was present. She thanked Township Council for their support of the animal shelter. She stated she had a pleasant experience with the shelter when she found a cat and the shelter was instrumental in locating its owner.

Bob Vauccher, 449 Foothill Road in Bridgewater, NJ was present. He concurred with Mr. Leven's comments above. He spoke concerning the recent 50-year anniversary celebration of the Police Department and expressed disappointment that he and the Bridgewater Civic Association were not included in the celebration as they were instrumental in forming the Police Department. He also suggested that the Township create a historical group to codify Bridgewater's History.

John Anderson was present on behalf of Jersey Central Power & Light (JCP&L). Mr. Anderson, is the Area Manager, and advised the reliability work being conducted out of Somerset sub-station continues and is anticipated to be completed by the end of third quarter. He added that they recently sent out automated emails advising municipalities of the locations of JCP&L's critical care customers and well water customers. These residents were advised to take whatever measures are necessary during outages but JCP&L is committed to doing what they can to restore service and provide accurate times of restoration.

Simone Gaunt, 607 North Bridge Street in Bridgewater, NJ was present. She spoke concerning the T-Mobile cell tower noting that although she is happy it will not be built across the street from her home, she would prefer it not be built anywhere nearing a residential neighborhood.

Kathy Brushetti of Somerville, NJ was present. She thanked Township Council for their support of the animal shelter. She also commended the shelter for the

expedient work they do.

Robert McIntire, 601 North Bridge Street in Bridgewater, NJ was present. He spoke strongly against the cell tower settlement and asked that this be reconsidered.

Paul Vetter, 148 Chestnut Street in Bridgewater, NJ was present. He spoke concerning speeding in his neighborhood and asked for assistance. Township Administrator Naples stated we are aware and patrols have been targeted in the Chestnut, Leghorn and Oak Street areas. The chief of police will be advised of Mr. Vetter's concerns.

Patti Phillips, Berrywood Lane in Bridgewater, NJ was present. She stated she concurred with Mr. Leven's comments above.

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

Resolutions

APPOINTMENT TO THE BOARD OF THE SOMERSET REGIONAL ANIMAL SHELTER, MARY BRESLIN

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

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

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-206 is appended to the official minutes

RESOLUTION EXPRESSING THE COUNCIL'S SUPPORT FOR THE SOMERSET COUNTY REGIONAL ANIMAL SHELTER THROUGH CALENDAR YEAR 2016 IN AN AMOUNT NOT TO EXCEED \$155,000.00.

Councilman Moench recognized Councilwoman Rose for the work she does for the shelter and also assuring Council is up to date as to what is going on.

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

| | |
|--------------------|-----|
| Councilman Kurdyla | Aye |
| Councilman Moench | Aye |

| | |
|----------------------------|--------|
| Councilman Pedroso | Absent |
| Councilwoman Rose | Aye |
| Council President Norgalis | Aye |

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-207 is appended to the official minutes

Discussion

ZONING ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING SECTION 126-301 (ZONING DISTRICTS), SECTION 126-302 (ZONING MAP) CREATING A NEW SECTION 126-313.5 (C-7 NEW COMMERCIAL ENTERPRISE ZONE), AMENDING SECTION 126-325 (SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS); AMENDING SECTION 126-332 (MINIMUM BUFFER/EASEMENT)

Tim Price was present for the presentation. The proposed Ordinance change is for residential homes that are between the Thermal Fischer Plant and Route 202. The proposal is to convert the area from residential use to non-residential use. Councilman Kurdyla stated all the residents affected by this proposal attended a Planning Board meeting and expressed they are all on board and under contract.

**Public
Hearing &
Final Action
Ordinances**

AN ORDINANCE TO SET THE COMPENSATION OF THE MAYOR, TOWNSHIP COUNCIL MEMBERS, DEPARTMENT HEADS AND CERTAIN OTHER MUNICIPAL EMPLOYEES PURSUANT TO CHAPTER 374 OF THE PUBLIC LAWS OF 1985; N.J.S.A. 2A:809; N.J.S.A. 2A:8-13; N.J.S.A. 40A:9-165; N.J.S.A.40A:9-135; N.J.S.A. 40A:9-146, AND CHAPTER 95 OF THE PUBLIC LAWS OF 1996

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 Moench, seconded by Councilwoman Rose, the public comment portion was closed.

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

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

THE ORDINANCE WAS ADOPTED.

A copy of resolution #15-07-20-208 is appended to the official minutes
AN ORDINANCE AUTHORIZING THE SALE OF A PROPERTY CONSISTING OF 3.02 ACRES KNOWN AS A PORTION OF LOT 4 IN BLOCK 356 ON THE BRIDGEWATER TOWNSHIP TAX MAP AND LOCATED AT US HIGHWAY 22 AND ROUTE 287 PURSUANT TO N.J.S.A. 40A: 12-13 SUBSECTION (b)(5) AND, IF NECESSARY AS AN ALTERNATIVE, 40A: 12-13 SUBSECTION (a)

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

No one wished to be heard.

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

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

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

THE ORDINANCE WAS ADOPTED.

A copy of resolution #15-07-20-209 is appended to the official minutes

AN ORDINANCE VACATING THE FOLLOWING CONSERVATION EASEMENT RECORDED IN DEED BOOK 1644, PAGE 219: CONSERVATION EASEMENT 30 FEET IN WIDTH (15 FEET ON EACH SIDE OF A DRAINAGE DITCH) LOCATED ON BLOCK 812 LOT 53 (FORMERLY KNOWN AS BLOCK 9501, LOT 8.01) AND LOCATED AT 586 STANGLE ROAD IN THE TOWNSHIP OF BRIDGEWATER, SOMERSET COUNTY, NEW JERSEY AND DESCRIBED IN CONSERVATION EASEMENT DEED DATED JUNE 12, 1987 AND RECORDED IN THE SOMERSET COUNTY CLERK'S OFFICE ON JULY 24, 1987 IN DEED BOOK 1644, PAGE 219 AND SHOWN ON MAP ENTITLED "SKETCH PLAT FOR LOT 8, BLOCK 9501, THE BRIDGEWATER TOWNSHIP TAX MAP, SOMERSET COUNTY, NEW JERSEY DATED THE 10TH DAY OF JUNE, 1987 AND SHOWN ON THE MAP FOR COMPLIANCE REVISED TO MAY 5, 1987 PREPARED BY WALLACE M. GRACES AND HERBERT A. LAUTERWALD, JR".

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

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

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

THE ORDINANCE WAS ADOPTED.

A copy of resolution #15-07-20-210 is appended to the official minutes

**Introduction
of
Ordinances**

AN ORDINANCE VACATING PORTIONS OF NORTHWOOD AVENUE SITUATED IN THE TOWNSHIP OF BRIDGEWATER, SOMERSET COUNTY, NEW JERSEY

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

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

THE ORDINANCE WAS INTRODUCED.

A copy of resolution #15-07-20-211 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 3rd day of August 2015, 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 CHAPTER 175 SECTION 175-5 (OPTIONAL INSTALLATION OF SEWAGE METERS)

Township Administrator Naples advised this Ordinance will allow smaller restaurants to address their sewer metering in an equitable fashion.

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

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

THE ORDINANCE WAS INTRODUCED.

A copy of resolution #15-07-20-212 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 3rd day of August 2015, 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.

**Consent
Agenda
Resolutions**

COUNCIL PRESIDENT NORGALIS READ THE FOLLOWING RESOLUTIONS BY TITLE AND CALLED FOR A CONSENT VOTE.

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

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

RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSES 2015-2016

- a) McCormick & Schmick's
- b) GMRI - Olive Garden
- c) The Office at Bridgewater
- d) Bridgewater Restaurants - Houlihan's
- e) Season's 52 Fresh Grill
- f) A. Pearl Inc. t/a Crossroads
- g) Maggiano's Little Italy
- h) Applebees of Bridgewater
- i) GMRI - Red Lobster #827
- j) Bridgewater Manor Tropea Restaurant

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-213 is appended to the official minutes

RENEWAL OF PLENARY RETAIL DISTRIBUTION LIQUOR LICENSES 2015-2016

- a) Elliotts Home Beverage, Inc.
- b) Squires Corner Liquors, Inc. - Spirits of the Valley
- c) Ramaram Inc - Buy Best Wines & Spirits

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-214 is appended to the official minutes

RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE HOTEL/MOTEL EXCEPTION

- a) Hyatt Summerfield Suites
- b) Days Inn of Bridgewater
- c) Hilton Gardens Inn

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-215 is appended to the official minutes

RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE WITH SPECIAL CONDITION - CAFÉ EMILIA

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-216 is appended to the official minutes

RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE BROAD PACKAGE PRIVILEGE - LA CATENA-22

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-217 is appended to the official minutes

RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE #1806-33-023-003 NORTHWINDS CORP. T/A THE REDWOOD INN, POCKET LICENSE WITH SPECIAL RULING N.J.S.A. 33:1-12.39

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

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

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-218 is appended to the official minutes

Resolutions

COUNCIL PRESIDENT NORGALIS READ THE FOLLOWING RESOLUTIONS BY TITLE AND CALLED FOR A CONSENT VOTE.

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

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

INCREASING BID THRESHOLD PURSUANT TO N.J.S.A. 40A:11-3A FROM \$36,000 TO \$40,000 AND CONTINUE THE APPOINTMENT OF ROSE WITT AS THE BRIDGEWATER TOWNSHIP'S QUALIFIED PURCHASING AGENT

Township administrator Naples stated this is a procedural resolution as the local government services from time to time increases the bid threshold.

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-219 is appended to the official minutes

AUTHORIZING A CHANGE ORDER INCREASING THE CONTRACT TO STAVOLA ASPHALT COMPANIES INC. FROM \$50,000 TO, NOT TO EXCEED, \$90,000 TO UTILIZE THE SOMERSET COUNTY COOPERATIVE PRICING SYSTEM CONTRACT #CC00-11-15 TO PURCHASE ROAD MATERIALS

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-220 is appended to the official minutes

AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE TOWNSHIP OF BRIDGEWATER AND SKYMANOR PROPERTIES, LLC RELATED TO THE PARTITION OF LOT 32 IN BLOCK 221 ON THE BRIDGEWATER TOWNSHIP TAX MAP INTO LOTS 32.01 (WHICH CONTAINS AN EXISTING RESIDENTIAL DWELLING) AND LOT 32.02 UPON WHICH WILL BE CONSTRUCTED A NEW RESIDENTIAL DWELLING, TOGETHER WITH A DE MINIMIS EXCEPTION FROM THE RSIS LIMITING THE CONSTRUCTION OF A SIDEWALK TO THE UNION AVENUE FRONTAGE

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-221 is appended to the official minutes

AUTHORIZING CHANGE ORDER NO. 1/ FINAL CHANGE ORDER DECREASING THE PRICE FROM \$90,804.00 TO \$76,583.68, WHICH IS A DECREASE OF 15.66% OR (\$14,220.32) 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 JUNIPER LANE EAST ROAD IMPROVEMENT PROJECT

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-222 is appended to the official minutes

AUTHORIZING CHANGE ORDER NO. 1/ FINAL CHANGE ORDER DECREASING THE PRICE FROM \$253,673.10 TO \$207,802.30, WHICH IS A DECREASE OF 18.08% OR (\$45,870.80) FROM THE ORIGINAL CONTRACT AMOUNT, AND FINAL PAYMENT TO J.A. ALEXANDER, INC., AND AUTHORIZING ACCEPTANCE OF THE PROJECT AND RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF THE MAINTENANCE BOND FOR THE MEADOW ROAD (SHORT HILLS DRIVE TO GREAT HILLS ROAD) AND KELLY COURT CUL-DE-SAC IMPROVEMENT PROJECT

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-223 is appended to the official minutes

AUTHORIZING CHANGE OF SCOPE TO THE PROFESSIONAL SERVICES CONTRACT INCREASING THE CONTRACT PRICE BY THE SUM OF \$5,300.00 FOR PREPARATION OF ADDITIONAL DRAINAGE DESIGN AND REVISIONS TO CONSTRUCTION PLANS AND SPECIFICATIONS FOR THE CHAMBERS BROOK DRAINAGE IMPROVEMENT PROJECT, CONTRACT PRICE WITH KELLER & KIRKPATRICK, INC. FROM THE PRICE OF \$47,900.00 TO \$53,200.00.

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-224 is appended to the official minutes
**AUTHORIZATION FOR FIREWORK DISPLAYS AT SOMERSET PATRIOTS STADIUM
ON AUGUST 7, AUGUST 12, AUGUST 20, AUGUST 29, SEPTEMBER 12,
SEPTEMBER 25 AND SEPTEMBER 30, 2015 ON FOR FIREWORK DISPLAYS
SOMERSET PARTIOTS STADIUM**

Councilwoman Rose expressed concern with the timing of the fireworks noting they can pose a disturbance. It was stated that timing and noise is regulated but the comment was duly noted.

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

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

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-225 is appended to the official minutes

**AMENDING THE SETTLEMENT AGREEMENT CONCERNING LITIGATION INSTITUTED
BY T-MOBILE NORTHEAST LLC AGAINST THE TOWNSHIP OF BRIDGEWATER
PREVIOUSLY APPROVED BY RESOLUTION 15-04-20-145**

Council President Norgalis stated the settlement in this case is a litigation settlement and the decision was based on other litigations that have been undertaken on behalf of cell towers. He added cell towers are somewhat more protected by the law than other type organizations. He also stated that the Township Council spent a lot of time opining on this issue.

Councilman Moench stated there are federal laws that prohibit Townships from zoning out cell towers. This agreement makes for a better deal than litigating with a possibility of losing. The height of the tower will allow for other carriers instead of having additional towers in the area. In addition, this settlement comes with a source of income for the town and there is added language in the settlement that addresses our design standards not only for this tower but future towers as well.

Councilman Moench stated when addressing litigation, public comment is not sought but the township relies on its legal team about the right strategy for the betterment of the residents. This settlement is the product of the advice of the

special counsel the Township hired to litigate this case. This Counsel is someone with intimate knowledge of zoning issues regarding cell towers and has successfully litigated same in the past.

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

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

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-226 is appended to the official minutes

COUNCIL PRESIDENT NORGALIS READ THE FOLLOWING RESOLUTIONS BY TITLE AND CALLED FOR A CONSENT VOTE.

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

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

AUTHORIZING CHANGE ORDER NO. 1/ FINAL CHANGE ORDER INCREASING THE PRICE FROM \$198,910.00 TO \$225,829.00, WHICH IS AN INCREASE OF 13.5% OR \$26,919.00 FROM THE ORIGINAL CONTRACT AMOUNT, AND FINAL PAYMENT TO CROSSROADS CONSTRUCTION CORP., AND AUTHORIZING ACCEPTANCE OF THE PROJECT AND RELEASE OF PERFORMANCE GUARANTEE FOR THE EASTROOK ROAD DRAINAGE IMPROVEMENTS PROJECT, PHASE III

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-227 is appended to the official minutes

AUTHORIZING AWARD OF PROFESSIONAL ENGINEERING, SURVEY, INSPECTION, AND CONSTRUCTION MANAGEMENT SERVICES CONTRACT FOR THE WOODSIDE LANE SANITARY SEWER REHABILITATION AND RESTORATION PROJECT TO THE REYNOLDS GROUP, INC., IN THE AMOUNT OF \$148,700.00

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-228 is appended to the official minutes

AUTHORIZATION TO EXTEND GRACE PERIOD FOR PAYMENT OF TAXES FROM AUGUST 1, 2015 TO AUGUST 24, 2015

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-229 is appended to the official minutes

AWARD OF CONTRACT TO PAVE-RITE, INC. FOR THE LOESER AVENUE ROAD IMPROVEMENT PROJECT, IN THE SUM OF \$68,926.80

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-230 is appended to the official minutes

AWARD OF CONTRACT TO TOP LINE CONSTRUCTION CORP. FOR THE SHEPHARD AVENUE ROAD IMPROVEMENT PROJECT, IN THE SUM OF \$102,459.05

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-231 is appended to the official minutes

REJECTING BIDS FOR THE ROAD PROJECT KNOWN AS CORIELL DRIVE (NORTH SHORE DRIVE TO CATALPA DRIVE)

REJECTING BIDS FOR THE ROAD PROJECT KNOWN AS WALNUT AVENUE (PINE STREET TO ARDMAER DRIVE)

Township Administrator Naples stated that Township Engineer Robert Bogart has advised the bids as received are twice the engineer's cost estimate amount. He believes the bidders are not familiar with the new process used for these bids. He is recommending that these bids be rejected. He will re-do the specs in the traditional format and believes the bids will come back more favorable.

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

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

REJECTING BIDS FOR THE ROAD PROJECT KNOWN AS CORIELL DRIVE (NORTH SHORE DRIVE TO CATALPA DRIVE)

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-232 is appended to the official minutes

**REJECTING BIDS FOR THE ROAD PROJECT KNOWN AS WALNUT AVENUE
(PINE STREET TO ARDMAER DRIVE)**

THE RESOLUTION WAS ADOPTED.

A copy of resolution #15-07-20-233 is appended to the official minutes

Adjourn

On the motion of Councilman Kurdyla, seconded Councilman Moench, the meeting adjourned at approximately 8:45 p.m.

Respectfully Submitted,

Linda J. Doyle, RMC
Municipal Clerk

Howard Norgalis
Council President