

AGENDA

Livingston Township Council

Livingston Town Hall—357 S. Livingston Avenue—7:30 p.m.

Notice of this meeting has been given in accordance with the "Open Public Meetings Law."
"Annual Notice" was faxed to the West Essex Tribune and the Star-Ledger on January 4, 2018.

Statement of Decorum

Pursuant to Township Code Section 2-15, while the Township Council is in session, any person who desires to address the Council must first be recognized by the presiding officer. Recognized speakers must make their statements within six cumulative minutes, unless such time is extended by the Council.

Appropriate decorum is to be observed at all times.

1. Roll Call
2. Silent Meditation and Pledge of Allegiance
3. Presentations
 - a) Jeffrey Cohen and Maurice Cohen Packet
4. Essex County Update/Questions
5. Public Comments on Agenda Items
- 6*. Resolution - Consent Agenda [Includes All Items Marked "***"] R-18-172 Packet
- 7*. Approval of Minutes
 - a) September 17, 2018 Packet
- 8.* Approval of Licenses
9. Final Hearing Ordinances
10. Proposed Ordinances
 - a) Ord. 18-2018 Amending Ch. 29, Art. VII of the Code of the Township of Livingston To Designate Stop Intersections Packet
11. Resolutions
 - a) R-18-173 Approval to Submit Grant Application and Execute a Grant Agreement--Falcon Rd. Sidewalk Construction Packet
 - b) R-18-174 Approval to Submit Grant Application and Execute a Grant Agreement--Milling and Repaving of Sycamore Avenue Sect. 1 Packet
 - c) R-18-175 Spectrum 360 Developers Agreement Packet
 - d) R-18-176 Tax Sale Resolution for Mailing Fees Packet
 - e) R-18-177 Authorizing Application for Electronic Tax Sale Packet
 - f) R-18-178 Authorizing Purchases Under State of New Jersey Cooperative Purchasing Plan Packet
 - g) R-18-179 Authorizing Sale of Surplus Property 10/8/18
12. Public Comment
13. Recess

GLENN R. TURTLETAUB
Township Clerk

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R-18-172

RESOLUTION

**Accepting, Approving and/or Adopting the
Consent Agenda of October 8, 2018**

WHEREAS, the Township Council of the Township of Livingston has determined that certain items on its agenda which have the unanimous approval of all Councilmembers and do not require comment shall be termed the "Consent Agenda"; and

WHEREAS, the Township Council has determined that to increase its efficiency, the Consent Agenda shall be adopted with one resolution;

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the items on the regular agenda for October 8, 2018, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approved as to form:

Edward Meinhardt

Mayor

Sharon L. Weiner
Township Attorney

Glenn R. Turteltaub Township Clerk

Adopted: 10/8/18

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ORDINANCE No. 18-2018

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 29,
ARTICLE VII OF THE CODE OF THE TOWNSHIP OF LIVINGSTON TO
DESIGNATE STOP INTERSECTIONS

BE IT ORDAINED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey as follows:

Bold and italicized language is added
[Bracketed language is deleted.]

SECTION 1 – *The following stop intersection shall be added to Chapter 29, Article VII:*

29.22. Stop Intersections.

The following intersections are hereby designated as stop intersections:

<u><i>Intersection</i></u>	<u><i>Stop signs shall be installed on:</i></u>
<i>Amelia Avenue and Tuscan Road</i>	<i>Amelia Avenue</i>
<i>Blackstone Drive and Stoneham Drive</i>	<i>Blackstone Drive</i>
<i>Cambridge Road and Park Drive</i>	<i>Cambridge Road</i>
<i>Cambridge Road and Woodcrest Drive</i>	<i>Cambridge Road</i>
<i>Carlisle Drive and Cambridge Road</i>	<i>Carlisle Drive</i>
<i>Carlisle Drive and Park Drive</i>	<i>Carlisle Drive</i>
<i>Crest Terrace at Hazelwood Avenue</i>	<i>Crest Terrace</i>
<i>Crest Terrace and Wellington Road</i>	<i>Crest Terrace</i>
<i>Demarest Road and Kimball Avenue</i>	<i>Demarest Road</i>
<i>Demarest Road and Spier Drive</i>	<i>Demarest Road</i>
<i>Disney Place and Mounthaven Drive</i>	<i>Disney Place</i>
<i>Hadrian Drive and Chelsea Drive</i>	<i>Hadrian Drive</i>
<i>Kimball Avenue and Spalding Drive</i>	<i>Kimball Avenue</i>

<i>Lexington Drive and Concord Drive</i>	<i>Lexington Drive</i>
<i>Lexington Drive and Village Drive</i>	<i>Lexington Drive</i>
<i>Midway Drive and Village Drive</i>	<i>Midway Drive</i>
<i>Morningside Drive and Blackstone Drive</i>	<i>Morningside Drive</i>
<i>Mount Pleasant Parkway and Hillside Terrace</i>	<i>Mount Pleasant Parkway</i>
<i>Pitcairn Road and Demarest Road</i>	<i>Pitcairn Road</i>
<i>Pitcairn Road and Spalding Drive</i>	<i>Pitcairn Road</i>
<i>Regent Street and Microlab Road</i>	<i>Regent Street</i>
<i>Ridgewood Drive and Shadowlawn Drive</i>	<i>Ridgewood Drive</i>
<i>Rock Hill Drive and Morningside Drive</i>	<i>Rock Hill Drive</i>
<i>Shadowlawn Drive and Knollwood Drive</i>	<i>Shadowlawn Drive</i>
<i>Spier Drive and Park Drive</i>	<i>Spier Drive</i>
<i>Stoneham Drive and Rock Hill Drive</i>	<i>Stoneham Drive</i>
<i>Stonehenge Drive and Chelsea Drive</i>	<i>Stonehenge Drive</i>
<i>Stonehenge Drive and Mounthaven Drive</i>	<i>Stonehenge Drive</i>
<i>Taconic Road and Irving Avenue</i>	<i>Taconic Road</i>
<i>Thames Drive and Chelsea Drive</i>	<i>Thames Drive</i>
<i>Tuscan Road and Hillside Terrace</i>	<i>Tuscan Road</i>
<i>Tuscan Road and Irving Avenue</i>	<i>Tuscan Road</i>
<i>Village Drive and Bennington Road</i>	<i>Village Drive</i>
<i>Village Drive and Concord Drive</i>	<i>Village Drive</i>
<i>West Cedar Street and Tuscan Road</i>	<i>West Cedar Street</i>
<i>Yorktown Terrace and Concord Drive</i>	<i>Yorktown Terrace</i>

Yorktown Terrace and Village Drive

Yorktown Terrace

SECTION 2. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

SECTION 3. This Ordinance shall take effect twenty days from final passage and publication in accordance with the law.

EDWARD MEINHARDT, Mayor

GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

SHARON L. WEINER, Township Attorney

Introduced: 10/8/18

Adopted:

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RESOLUTION

APPROVAL TO SUBMIT GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FALCON ROAD SIDEWALK CONSTRUCTION

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Livingston formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Township Manager and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Falcon Road Sidewalk Construction-00306 to the New Jersey Department of Transportation on behalf of the Township of Livingston.

BE IT FURTHER RESOLVED, that the Township Manager and Clerk are hereby authorized to sign the grant application on behalf of the Township of Livingston and their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Edward Meinhardt, Mayor

Approved as to form:

Sharon L. Weiner, Township Attorney

Certified as a true copy of the Resolution adopted by the Council
On this October 8, 2018.

Glenn R. Turtletaub, Township Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Glenn R. Turtletaub
Township Clerk

Barry Lewis
Township Manager

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R-18-174

RESOLUTION

APPROVAL TO SUBMIT GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MILLING AND REPAVING OF SYCAMORE AVENUE – SECTION ONE

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Livingston formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Township Manager and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Sycamore Avenue-Section One-00223 to the New Jersey Department of Transportation on behalf of the Township of Livingston.

BE IT FURTHER RESOLVED, that the Township Manager and Clerk are hereby authorized to sign the grant application on behalf of the Township of Livingston and their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Edward Meinhardt, Mayor

Approved as to form:

Sharon L. Weiner, Township Attorney

Certified as a true copy of the Resolution adopted by the Council
On this October 8, 2018

Glenn R. Turtletaub, Township Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Glenn R. Turtletaub
Township Clerk

Barry Lewis
Township Manager

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RESOLUTION NO. R-18-175

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
LIVINGSTON AUTHORIZING THE ENTERING INTO A DEVELOPER'S
AGREEMENT WITH SPECTRUM 360**

WHEREAS, Spectrum 360, formerly known as Children's Institute, has made an Application No. 2017-45-PFSPV to the Livingston Planning Board for approval to add additional space to accommodate the adult students, plus space for occupational and physical therapy, a film academy, a large gymnasium and eight (8) more classrooms; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on November 9, 2017; and

WHEREAS, the Board's Model Condition of Approval #17 states: "Prior to the issuance of any permits the Applicant shall have entered into a Developer's Agreement negotiated with the Township Attorney in conjunction with the Township Engineer."; and

WHEREAS, the Township Attorney has negotiated the terms of the Developer's Agreement which has been approved by the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes Mayor Edward Meinhardt on behalf of the Township Council, to execute the Developer's Agreement with Spectrum 360.

Edward Meinhardt, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney
Adopted: October 8, 2017

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TAX SALE RESOLUTION FOR MAILING FEES

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations require a municipality to send two(2) notices of the sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Township of Livingston wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

BE IT RESOLVED by the council of the Township of Livingston that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2018 electronic tax sale.

Edward Meinhardt, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted:

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**RESOLUTION AUTHORIZING APPLICATION
TO DIVISION OF LOCAL GOVERNMENT SERVICES
TO CONDUCT AN ELECTRONIC TAX SALE**

WHEREAS, N.J.S. 54:5-19.1 authorized electronic tax sales pursuant to rules and regulations promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the Director of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the Township of Livingston wishes to participate in the electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

Edward Meinhardt, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted:

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R-18-178

AUTHORIZING PURCHASES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and,

WHEREAS, the Township of Livingston has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced State contract vendors through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current State contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the purchase of certain goods and services from those approved New Jersey State contract vendors on the attached list, pursuant to all the conditions of the individual State contracts; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds shall be certified at such time as the goods or services are called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2018 or upon the expiration of the vendors' contract, whichever event first occurs.

Edward Meinhardt, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: October 8, 2018