

Livingston, New Jersey
January 22, 2018
Meeting #2

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:40 p.m. at Town Hall, 357 Livingston Avenue, Livingston, New Jersey. The Mayor stated that all the requirements of the "Open Public Meetings Act" had been met. "Annual Notice" was faxed to the West Essex Tribune and the Star Ledger on January 3, 2018.

Present: Mayor Meinhardt; Councilmembers Anthony, Fernandez, Klein, Silverman; Deputy Township Manager Jones; Township Attorney Weiner; Township Clerk Turtletaub

Silent Meditation and Pledge of Allegiance

Mayor Klein asked everyone to stand for the Pledge of Allegiance, followed by a Moment of Silence.

Presentations

a) Police Chief Handschuch presented biographical information, and Acting Township Manager Jones presented pins to new Livingston Police Officers Ryan Collis and Ryan Duffy, and to new Police Chaplain Richard Vossler. All were sworn in by Township Clerk Turtletaub.

b) Gabel Associates gave a presentation of their approach and proposal in support of Energy Aggregation, and answered a series of questions from Councilmembers and Township residents.

Essex County Update/Questions

Eileen Fishman, Liaison to Livingston on behalf of Essex County Executive Joseph DiVincenzo, Jr., stated that the County had started its deer management program. Mayor Meinhardt expressed thanks to the Chief Executive for attending the recent discussion regarding Riker Hill Art Park.

Public Comments on Agenda Items

Consent Agenda R-18-60 Approving Consent Agenda (Includes All Items Marked (*))

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 January 22, 2018, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

On motion duly made and seconded, and on roll call vote, all members present voted YES.

*Approval of Minutes

a) January 8, 2018

*Approval of Licenses

Final Hearing Ordinances

Resolutions

a) R-18-61 Authorizing a Contract with R&D Trucking, Inc.

WHEREAS, the Township of Livingston ("Township") has a need for the removal and off-site disposal of liquid sludge from the Water Pollution Control Facility; and

WHEREAS, on November 22, 2017, the Township of Livingston issued Bid No. 30-2017 as an open-ended contract, to solicit bids from contractors experienced in the removal and off-site disposal of liquid sludge; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on November 22, 2017 and as a result twelve (12) bid packages were requested; and

WHEREAS, on December 20, 2017, three (3) bids were received by the bid deadline and publicly read; and

WHEREAS, the firm R & D Trucking, Inc. was identified as the lowest responsive and responsible bidder whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible, and is the most advantageous to the Township; and

WHEREAS, R & D Trucking, Inc. submitted a price of \$27.50 per thousand gallons; and

WHEREAS, the Superintendent of the Water Pollution Control Facility has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to R & D Trucking, Inc.; and

WHEREAS, the Acting Township Manager is recommending the award of a twenty-four (24) month contract to R & D Trucking, Inc.; and

WHEREAS, prior to incurring the liability by placing the order, the certification of availability of funds shall be made by the chief financial officer, as appropriate, per N.J.A.C. 5:30-5.5 (b) 2; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Acting Township Manager to enter into a twenty-four (24) month open-ended contract with R & D Trucking, Inc. effective March 1, 2018, at a cost of \$27.50 per thousand gallons for the removal and off-site disposal of liquid sludge.

b) R-18-62 Authorizing Sale of Surplus Property

WHEREAS, the Township of Livingston has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, some items are appropriate for sale and will be auctioned pursuant to N.J.S.A. 40A:12-13.

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of Livingston intends to utilize the online auction services of USGovBid located at www.usgovbid.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9; and

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 Township of Livingston is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled www.usgovbid.com.

c) R-18-63 Authorizing Purchases Under Morris County Cooperative Purchasing Program

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-11(6) and N.J.A.C. 5:34-7.1 et seq. may by resolution and without advertising for bids, purchase any goods or services under a County Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Morris County Cooperative Pricing System and has the need on a timely basis to purchase goods or services using those contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced County contract vendors through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable to current County 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 Morris County Cooperative Pricing System vendors on the attached list, pursuant to all the conditions of the individual County 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.

d) R-18-64 Authorizing Purchases Under Cranford Police Cooperative Pricing System

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-11(6) and N.J.A.C. 5:34-7.1 et seq. may by resolution

and without advertising for bids, purchase any goods or services under a Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Cranford Police Cooperative Pricing System Purchasing Program and has the need on a timely basis to purchase goods or services using those contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced contract vendors through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable to current 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 Cranford Police Cooperative Pricing System Purchasing Program vendors on the attached list, pursuant to all the conditions of the individual 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.

e) R-18-65 Resolution in Support of Efforts of Governor Murphy to Challenge the New Federal Tax Law

WHEREAS, under the prior tax law for federal returns, the state and local deduction better known as SALT was unlimited; and

WHEREAS, the newly passed federal tax law takes away people's abilities to deduct much of what they pay in state and local taxes from their income or federal tax returns with deductions limited to \$10,000.00 in a combination of property taxes and other state and local taxes; and,

WHEREAS, New Jersey is particularly vulnerable because its homes are expensive, its property taxes are the highest in the nation and has high state income taxes; and

WHEREAS, the new tax law disproportionately hurts taxpayers in New Jersey and Livingston.

NOW, THEREFORE, BE IT RESOLVED that the Livingston Township Council urges Governor Phil Murphy to follow through on his declaration that he will "look at all available means-both legal and otherwise-to challenge the new tax law or compensate for it."

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Governor Phil Murphy as well as Livingston's legislative delegation.

f) R-18-66 Cancel 2017 Budget Appropriations of the Sewer Utility Operating Fund

BE IT RESOLVED, by the Township Council of the Township of Livingston that the following 2017 budget appropriations of the Sewer Utility Operating Fund be canceled, effective December 31, 2017.

Salaries and Wages	\$ 10,000.00
Other Expenses	<u>30,000.00</u>
Total	<u>\$ 40,000.00</u>

g) R-18-67 Cancel 2017 Budget Appropriations of Water Utility Operating Fund

BE IT RESOLVED, by the Township Council of the Township of Livingston that the following 2017 budget appropriations of the Water Utility Operating Fund be canceled, effective December 31, 2017.

Salaries and Wages	\$ 5,000.00
Other Expenses	<u>55,000.00</u>
Total	<u>\$ 60,000.00</u>

On motion duly made and seconded, and on roll call vote of Resolutions R-18-61 through R-18-67, inclusive, all members present voted YES.

Public Comment

Bob Hunter, 89 Elmwood Drive, discussed danger caused by Canadian geese. Councilmember Fernandez noted the problem had previously been responded to through a Goose Control contract, and Acting Township Manager Jones will look into the situation.

Mr. Hunter stated he would be attending Wednesday's meeting concerning the proposed new gas compressor station at the Roseland Environmental Center. He also stated his opposition to legalization of marijuana.

Adjournment

At 8:40 p.m., the Regular Meeting adjourned.

EDWARD MEINHARDT, Mayor

GLENN R. TURTLETAUB, Township Clerk