

Livingston, New Jersey
February 12, 2018
Meeting #4

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:30 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 Meinhardt asked everyone to stand for the Pledge of Allegiance, followed by a Moment of Silence.

Presentations

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-18-70 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 February 12, 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 29, 2018

*Approval of Licenses

Final Hearing Ordinances

Resolutions

a) R-18-71 Apply for LMAC Grant 2018-2019

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Livingston, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Essex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Livingston, County of Essex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Livingston Municipal Alliance grant for fiscal year 2019 in the amount of:
 - DEDR \$ 60,060
 - Cash Match \$ 15,015
 - In-Kind \$ 65,045

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

b) R-18-72 Permitting Refunding Payments of Unbilled Third and Fourth Quarter 2018 Property Taxes

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 and a combination of property taxes and other state and local taxes; and

WHEREAS, residents of Livingston made payments in December of 2017 toward unbilled third and fourth quarter 2018 property taxes; and

WHEREAS, Livingston residents are now seeking refunds of these unbilled third and fourth quarter property taxes; and

WHEREAS, as a matter of policy (on the basis that a third and fourth quarter is in excess of the tax or assessment levied, which is unknown at this stage) they should be entitled to a refund.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the tax collector is permitted to refund payments of unbilled third and fourth quarter property taxes paid in December 2017 upon the written request of the taxpayer.

c) R-18-73 Authorizing Entering Into a Developer's Agreement with Pulte Homes of NJ

WHEREAS, Pulte Homes of NJ, Limited Partnership has made an Application No. 2014-76PFSPV and No. 2014-75MSUBV for a minor subdivision and preliminary and final site plan approval to permit construction of 170 condominium townhouses and 51 rentable affordable housing apartments; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on December 1, 2015, subject to certain conditions, which approval was subsequently extended by Resolution dated 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 Pulte Homes of NJ, Limited Partnership.

d) R-18-74 Authorizing the Entering Into a Developer's Agreement with Nick Kantanas

WHEREAS, Nick Kantanas has made an Application No. 2003-93-PSPV to the Livingston Planning Board to permit the subdivision of the subject property into six residential lots for the purpose of constructing five single family residential homes; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on October 17, 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 Nick Kantanas.

e) R-18-75 Authorizing Contract with Brave Industrial Paint, LLC

WHEREAS, the Township of Livingston ("Township") has a need for the Rehabilitation of the Chetwynd Water Storage Tank that cannot otherwise be performed by its regular employees; and

WHEREAS, on December 21, 2017, the Township of Livingston issued Bid No. 13R-2017 as a re-bid to solicit bids from contractors experienced in tank rehabilitations; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on December 21, 2017 and as a result eight (8) bid packages were requested; and

WHEREAS, on January 17, 2018, four (4) bids were received by the bid deadline and publicly read; and

WHEREAS, Brave Industrial Paint, LLC 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

WHEREAS, the Consulting Engineer and the Junior Utility Engineer have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to Brave Industrial Paint, LLC; and

WHEREAS, the Acting Township Manager is recommending the award of a contract Brave Industrial Paint, LLC in an amount not to exceed \$725,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-06-55-015-007-01F, C-06-55-014-008-01A, C-06-55-016-003-004, C-06-55-017-003-006, C-06-55-017-003-007, C-06-55-014-008-01C, C-06-55-016-003-001 and C-06-55-015-007-01I.

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 contract with Brave Industrial Paint, LLC in an amount not to exceed \$725,000.00.

On motion duly made and seconded, and on roll call vote of Resolutions R-18-71 through R-18-75, inclusive, all members present voted YES.

Public Comment

Adjournment

At 7:40 p.m., the Regular Meeting adjourned.

EDWARD MEINHARDT, Mayor

GLENN R. TURTLETAUB, Township Clerk