

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:35 p.m. at Town Hall, 357 South 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 2, 2019.

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

Silent Meditation and Pledge of Allegiance

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

Presentations

- a) Swearing-in of Michael Vieira to Fill Vacancy on Township Council- Michael Vieira was sworn in by his wife Gabriella, and children Michael and Samantha. Council member Vieira thanked his associates and friends and family and expressed how honored he was to be appointed by the Livingston Democratic Committee. He discussed some of his future goals including, but not limited to, live-streaming the Township Council meetings and a non-overlapping meeting schedule between Township Council and the Township Board of Education.

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-19-84 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 25, 2019, 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) February 11, 2019

*Approval of Licenses

Final Hearing Ordinances

- a) Ord.3-2019 Amending Ch. 110, Construction Codes, Uniform

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 110, CONSTRUCTION CODES, UNIFORM was read by title. There being no speakers, on motion duly made and seconded, and on voice vote, the hearing was closed. On motion duly made and seconded, and on roll call vote, all members present voted YES.

Proposed Ordinances

- a) Ord.4-2019 Amending Ch. 170 Land Use Article VII Fees

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170, LAND USE ARTICLE VII FEES was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular Meeting of the Township Council on Wednesday, March 13, 2019.

- a) Ord.5-2019 Amending Ch. 170 To Add New Subsection 170-88.I.(2) Creating Inclusionary Assisted Living Conditional Use on Block 6300 Lot 30

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170, To Add New Subsection 170-88.I.(2) Creating Inclusionary Assisted Living Conditional Use on Block 6300 Lot 30 was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular Meeting of the Township Council on Wednesday, March 13, 2019.

Resolutions

- a) R-19-79 Updating SYLS Program Fees

WHEREAS, in accordance with ordinance No. 44-1997, the Township Council is authorized to adopt by resolution program fees; and

WHEREAS, the Director of Senior, Youth & Leisure Services has requested the attached fees be enacted effective February 25, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston that effective February 25, 2019 the Department of Senior, Youth & Leisure Services is authorized to charge fees as set forth in this resolution.

b) R-19-85 Well 1 and Well 10 Evaluation

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the initial evaluation of Wells 1 & 10 pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, the Township Manager has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, M² Associates, Inc. has completed and submitted a business Entity Disclosure Certification which certifies that M² Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Livingston in the previous one year, and that the contract will prohibit M² Associates, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Junior Utility Engineer and Township Manager are recommending the award of a contract to M² Associates, Inc. to provide professional engineering services for the initial evaluation of Wells 1 & 10 as required by the Township in an amount not to exceed \$71,085.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-016-003-003; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with M² Associates, Inc. in an amount not to exceed \$71,085.00 as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be Placed on file with this resolution.

BE IT FURTHER RESOLVED that a notice of this action shall be printed in the West Essex Tribune as required by law within ten (10) days of its passage.

c) R-19-86 Dorsa Avenue Treatability Study

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for a dioxane treatability study at the Dorsa Avenue wellfield pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, the Township Manager has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, Mott MacDonald, LLC has completed and submitted a business Entity Disclosure Certification which certifies that Mott MacDonald, LLC has not made any reportable contributions to a political or candidate committee in the Township of Livingston in the previous one year, and that the contract will prohibit Mott MacDonald, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Junior Utility Engineer and Township Manager are recommending the award of a contract to Mott MacDonald, LLC to provide professional engineering services for a dioxane treatability study at the Dorsa Avenue wellfield as required by the Township in an amount not to exceed \$40,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in capital accounts C-06-55-013-012-001 and C-06-55-015-007-011; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Mott MacDonald, LLC in an amount not to exceed \$40,000.00 as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be Placed on file with this resolution.

BE IT FURTHER RESOLVED that a notice of this action shall be printed in the West Essex Tribune as required by law within ten (10) days of its passage.

d) R-19-87 Authorizing Entering Into A Developers Agreements With Barker Brothers LLC

WHEREAS, Barker Brothers LLC has made an Application No. 2018-51-PFSP/UV to the Livingston Zoning Board to operate a dog daycare and kennel facility; and

WHEREAS, the Livingston Zoning Board passed a Resolution approving the application on October 23, 2018; and

WHEREAS, the Board's Resolution states that 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 Alfred Anthony, on behalf of the Township Council, to execute the Developer's Agreement with Barker Brothers LLC.

e) R-19-88 Authorizing Emergency Temporary Budget Appropriations

WHEREAS, an emergent condition has arisen in that the Township is expected to enter into contracts, commitments or payments prior to the adoption of the 2019 Municipal Budget and adequate provision has not been made in the 2019 Temporary Budget for the aforesaid purposes; and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of emergency temporary appropriations for said purposes; and,

WHEREAS, the total temporary and temporary emergency appropriations adopted in the year 2019 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$15,196,481 for the Current Fund; \$2,336,059 for the Water Utility; \$1,508,509 for the Sewer Utility; and \$125,000 for the Swimming Pool Utility;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provision of N.J.S. 40A:4-20:

1. Emergency appropriations be and the same are hereby made in the amount of \$7,137,013, for the Current Fund; \$1,096,059 for the Water Utility; and \$703,509 for the Sewer Utility; as listed on the attached pages.
2. Said temporary emergency appropriations will be provided for in the 2019 Municipal Budget;
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

Township of Livingston
2019 Emergency Temporary Appropriations

<u>CURRENT FUND</u>	<u>Salaries and Wages</u>	<u>Other Expenses</u>
Administrative and Executive	124,000.00	5,950.00
Public Communications	11,000.00	4,500.00
Human Resources	37,000.00	42,500.00
Information Technology	27,000.00	25,000.00
Township Council	5,500.00	0.00
Township Clerk	44,000.00	17,500.00
Government Records Compliance	400.00	0.00
Codification of Ordinances		4,250.00
Audit Services		
Financial Administration	69,000.00	
Assessment of Taxes	43,000.00	36,000.00
Collection of Taxes	23,000.00	2,500.00
Legal Services and Costs	10,000.00	30,000.00
Engineering Services and Costs	30,000.00	1,250.00
Planning Board	37,000.00	15,000.00
Streets and Roads	190,000.00	
Snow Removal	37,500.00	51,000.00
Leaf Collection		
Public Buildings and Grounds	150,000.00	33,000.00
Parks	140,000.00	31,759.00
Shade Trees	11,400.00	3,160.00
Vehicle Maintenance	51,500.00	48,512.00
Fire	122,500.00	12,000.00

Police	2,092,115.00	5,000.00
Police Dispatch/911	73,000.00	18,000.00
Lease Purchase of Vehicles		24,760.00
Municipal Court	61,400.00	5,500.00
Administration of Public Assistance	0.00	0.00
Health	95,000.00	9,500.00
Senior, Youth & Leisure Services	117,500.00	
Construction Code Office	230,000.00	
Board of Adjustment	26,800.00	
Open Space Committee		
Environmental Commission		1,250.00
Advisory Committee on the Handicapped		500.00
Consumer Affairs Office		
Diversity Committee		250.00
Broadcast Committee		11,500.00
Aid to First Aid Squad		
Other Insurance		658.89
General Liability Insurance		
Workers Compensation		24,171.11
Group Health Insurance		330,000.00
Group Health Insurance-Waivers		23,500.00
Dental Insurance		30,500.00
Unemployment		2,500.00
Solid Waste Collection		255,313.00
Solid Waste Disposal		285,000.00
Recycling		98,325.00
Community Services Act		
Electricity		140,700.00
Street Lighting		104,170.00
Telephone		18,095.00
Gasoline		21,400.00
Contingent		
Social Security		147,000.00
Police and Firemen's Retirement System		
Public Employees Retirement System		
Defined Contribution Retirement Prog.		2,500.00
Stormwater Management	24,277.39	32,500.00
Support of Public Library		931,153.87
Recycling Tax		12,510.00
NJPDES Petroleum Products		11,470.00
Reserve for Tax Appeals		250,000.00
Interlocal Health Services	20,476.00	

Interlocal Human Services		
Interlocal Goose Control Services		
Interlocal Fleet Maintenance Services		
Municipal Alliance		
Interlocal Shuttle Bus Service		15,900.00
Clean Communities		55,137.08

Total Current Fund	3,904,368.39	3,232,644.95
	7,137,013.34	

**TOWNSHIP OF LIVINGSTON
2019 EMERGENCY TEMPORARY APPROPRIATIONS**

WATER UTILITY	Appropriation
Salary and Wages	\$ 263,472
Other Expenses	824,370
Social Security System	8,217
Total Water Utility	\$ 1,096,059

SEWER UTILITY	Appropriation
Salary and Wages	\$ 290,972
Other Expenses	403,810
Social Security System	8,727
Total Sewer Utility	\$ 703,509

f) R-19-89 Authorizing Award of Contract to Preferred Planning Group, LLC

WHEREAS, the Township of Livingston ("Township") has the need to acquire professional planning consulting services pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, on December 13, 2018, the Township issued RFP No. 020-2018 as a fair and open process, to solicit proposals from firms experienced performing planning consulting services; and

WHEREAS, the request for proposals ("RFP") was advertised on the Township's website on December 13, 2018, and as a result seventeen (17) RFP packages were requested; and

WHEREAS, on January 16, 2019, four (4) proposals were received by the bid deadline and publicly read; and

WHEREAS, in accordance with the selection criteria established in the RFP, the proposals were evaluated; and

WHEREAS, Preferred Planning Group, LLC submitted a proposal that meets all of the requirements of the RFP, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., and is the most advantageous to the Township; and

WHEREAS, the Planning Administrator and Township Manager are recommending the award of a contract to Preferred Planning Group, LLC to provide planning consulting services on the terms set forth in the Preferred Planning Group, LLC proposal dated January 16, 2019; 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.

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 Township Manager to enter into a contract with Preferred Planning Group, LLC for the period **February 25, 2019 through December 31, 2019 in an amount not to exceed \$50,000.**

On motion duly made and seconded, Resolutions R-19-79 through R-19-89, all members present voted YES.

Public Comment

Scott Goldman, 42 N. Bauns Court, congratulated Councilmember Vieira on his appointment.

Walter LeVine, 345 Walnut Street, congratulated Councilmember Vieira. He asked the Council to consider an amendment to the tree ordinance for tree and shrubbery plantings on residential properties.

Maxine Fine, 20 Cambridge Road, expressed that builders in the Township are not abiding by Township laws and are cutting down too many trees.

Bob Hunter, 89 Elmwood Drive, congratulated Councilmember Vieira and presented him with an apple pie from Ritz Diner. He also mentioned that he is going to get the water tested at Littell's Pond.

Billy Fine, 20 Cambridge Road, congratulated Councilmember Vieira and thanked Township Council.

Dennis Duffy, 38 Bennington Road, followed up on his concerns about flooding in the sidewalk in front of St. Philomena's and whether the drainage plans indicated a "pond" on the St. Barnabas Athletic Field.

Adjournment

At 8:15 p.m., the Regular Meeting adjourned.

ALFRED M. ANTHONY, Mayor

GLENN R. TURTLETAUB, Township Clerk