

Livingston, New Jersey
March 5, 2018
Meeting #5

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 Turtleaub

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

Eileen Fishman, Livingston Liaison to Essex County Executive Joseph DiVincenzo, discussed procedures for the impending snow storm, April programs to be held in the Environmental Center, the ne Penguin home in the Turtleback Zoo, and plans to break ground for the Flamingo Exhibit.

Public Comments on Agenda Items

Consent Agenda R-18-76 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 March 5, 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) February 12, 2018

*Approval of Licenses

Final Hearing Ordinances

Resolutions

a) R-18-77 Approving SYLS Updated 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 March 5, 2018;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston that effective March 5, 2018 the Department of Senior, Youth & Leisure Services is authorized to charge fees as set forth in this resolution.

b) R-18-78 Auth. 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; and

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-18-79 Auth. Contract with Jacobs Engineering Group, Inc

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the 2018 water main rehabilitation design project pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

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

WHEREAS, the Township of Livingston solicited proposals from four companies qualified to provide professional engineering services for water main rehabilitation; and

WHEREAS, the Township of Livingston received three proposals on January 23, 2018; and

WHEREAS, Jacobs Engineering Group, Inc. submitted the lowest price proposal; and

WHEREAS, Jacobs Engineering Group, Inc. has completed and submitted a business Entity Disclosure Certification which certifies that Jacobs Engineering Group, 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 Jacobs Engineering Group, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Junior Utility Engineer and Acting Township Manager are recommending the award of a contract to Jacobs Engineering Group, Inc. to provide professional engineering services for 2018 water main rehabilitation design project as required by the Township in an amount not to exceed \$55,500.00; and,

WHEREAS, the Chief Financial Officer has certified that funds are available in capital account C-06-55-016-003-007; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Acting Township Manager to enter into a contract with Jacobs Engineering Group, Inc. in an amount not to exceed \$55,500.00 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.

e) R-18-80 Auth. Approval of Change Order No. 1 and Final with Ischia Corp.

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1700013") with Ischia Corporation for the Milling and Paving of Falcon - Road Section 4; and

WHEREAS, the initial Contract was not to exceed Two Hundred Sixty-Two Thousand, Nine Hundred Forty-Four Dollars and Seventy-One Cents (\$262,944.71); and

WHEREAS, due to a change in field conditions which resulted changed quantities, a Change Order has been requested for the following:

A.	SUPPLEMENTAL	
	Traffic Stripes, Long Life, Thermoplastic, 4" Width	\$16.00
	Total	\$16.00
B.	REDUCTIONS	
	Police Traffic Director	-\$16,000.00
	Construction Identification Sign 48" x 48"	-\$0.05
	Construction Identification Sign 60" x 48"	-\$0.05
	Construction Identification Sign 30" x 30"	-\$0.04

Construction Identification Sign 36" x 18"	-\$0.02
Construction Identification Sign 36" x 36"	-\$0.10
Fuel Price Adjustment	-\$800.00
Asphalt Price Adjustment	-\$1,600.00
Excavation, Unclassified	-\$6.25
Geotextile Fabric	-\$12.10
Dense Graded Aggregate Base Course, Variable Thickness	-\$4.25
Milling, Less Than 3"	-\$1,179.56
Hot Mix Asphalt 9.5M64 Surface Course	-\$3,277.50
Hot Mix Asphalt 19M64 Base Course	-\$19,250.00
Hot Mix Asphalt Cores	-\$0.05
8" PVC Pipe, Sch. 40	-\$1,323.00
Roof Leader and Drain Connection	-\$450.00
Under Drain	-\$5.00
Reconstructed Manhole, Using New Casting	-\$1,000.00
Yard Drain (If and Where Directed)	-\$500.00
Hot Mix Asphalt Driveway, 2" Thick	-\$3.88
Driveway Restoration, Concrete Block	-\$2,000.00
Concrete Sidewalk, 4" Thick	-\$3,033.55
Hot Mix Asphalt Sidewalk , 4" Thick (As Needed for Restoration)	-\$1.50
Detectable Warning Surface	-\$700.00
Granite Block Curb	-\$6,578.00
Concrete Curb (Full Face & Depressed at ADA Curb Ramps)	-\$1,144.00
Traffic Stripes, Long Life, Thermoplastic, 6" Width	-\$130.00
Traffic Markings, Thermoplastic	-\$28.00
Regulatory and Warning Sign	-\$12,500.00
Topsoling, 4" Thick	-\$9.67
Fertilizing and Seeding, Type "1"	-\$9.67
Total	-\$71,546.24

WHEREAS, the total change order decreased the contract amount by 27.20% or \$71,530.24 making the new contract sum \$191,414.47; and

WHEREAS, this Change Order has been recommended by Jeannette Harduby, Township Engineer and Russell A. Jones, Jr., Acting Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract with Ischia Corporation for the Milling and Paving of Falcon Road – Section 4; that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

e) R-18-81 Auth. Approval of Change Order No. 1 and Final with Allied Control Services, Inc.

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1500017") with Allied Control Services, Inc. for Tank & North Hillside Booster Station SCADA Improvements; and

WHEREAS, the initial Contract was not to exceed Three Hundred Thirteen Thousand Dollars and no cents (\$313,000.00);

WHEREAS, due to field conditions which resulted in changed quantities, a Change Order has been requested for the following:

C. REDUCTIONS	
PLC HW Purchase Allowance	-\$14,900.00
Tree Removal Allowance	-\$20,000.00

Unforeseen Conditions Allowance	-\$3,209.12
Total	-\$38,109.12

WHEREAS, the total change order decreased the contract amount by 12.18% or \$38,109.12 making the new contract sum \$274,890.88; and

WHEREAS, this Change Order has been recommended by Nathan Kiracofe, Junior Utility Engineer and Russell A. Jones, Jr., Acting Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution of Change Order Number 1 and Final payment to the Contract with Allied Control Services for 55 North Hillside Avenue, 55 Edgemere Road, 77 Lafayette Drive, 17 Chetwynd Terrace, 18 Fawn Drive; and that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

f) R-18-82 Auth. Approval of Change Order No. 1 and Final with AC Schultes, Inc.

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1300017") with A.C. Schultes, Inc. for Construction of Backup Wells at Dorsa Avenue; and

WHEREAS, the initial Contract was not to exceed Two Hundred Seventy-Four Thousand Dollars and no cents (\$274,000.00);

WHEREAS, due to field conditions which resulted in changed quantities, a Change Order has been requested for the following:

D.	EXTRAS	
	Extra Development Hours for Well #5A	\$22,950.00
	Extra Well Casing at Well #5A	\$680.00
	Total	\$23,630.00
E.	REDUCTIONS	
	Well #3A Construction	-\$107,000.00
	Well #3A Pump Test	-\$10,000.00
	Well Screen	-\$720.00
	Retainage	-\$3,598.20
	Total	-\$121,318.20

WHEREAS, the total change order decreased the contract amount by 35.64% or \$97,688.20 making the new contract sum \$176,311.80; and

WHEREAS, this Change Order has been recommended by Nathan Kiracofe, Junior Utility Engineer and Russell A. Jones, Jr., Acting Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution of Change Order Number 1 and Final to the Contract with A.C. Schultes Inc. for Construction of Backup Wells at Dorsa Avenue; and that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

R-18-82 Auth. Approval of Change Order No. 1 and Final with AC Schultes, Inc.

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1300017") with A.C. Schultes, Inc. for Construction of Backup Wells at Dorsa Avenue; and

WHEREAS, the initial Contract was not to exceed Two Hundred Seventy-Four Thousand Dollars and no cents (\$274,000.00);

WHEREAS, due to field conditions which resulted in changed quantities, a Change Order has been requested for the following:

F.	EXTRAS	
	Extra Development Hours for Well #5A	\$22,950.00
	Extra Well Casing at Well #5A	\$680.00
	Total	\$23,630.00
G.	REDUCTIONS	
	Well #3A Construction	-\$107,000.00
	Well #3A Pump Test	-\$10,000.00
	Well Screen	-\$720.00
	Retainage	-\$3,598.20
	Total	-\$121,318.20

WHEREAS, the total change order decreased the contract amount by 35.64% or \$97,688.20 making the new contract sum \$176,311.80; and

WHEREAS, this Change Order has been recommended by Nathan Kiracofe, Junior Utility Engineer and Russell A. Jones, Jr., Acting Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution of Change Order Number 1 and Final to the Contract with A.C. Schultes Inc. for Construction of Backup Wells at Dorsa Avenue; and that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

On motion duly made and seconded, and on roll call vote of Resolutions R-18-77 through R-18-82, inclusive, all members present voted YES.

Public Comment

Susan Abramson, 21 Fordham Rd., discussed parties taking place at 22 Fordham Road, across from her house. She explained that the house had been listed with Airbnb, with no minimum stay. She explained how the house was being used as a commercial use, that the Township Noise Ordinance was not enough to address the problem, and she urged Livingston to adopt laws governing short-term rentals. Township Attorney Weiner responded that she was writing a letter to the owner, and that the comments Ms. Abramson made constituted a different aspect, and that this is more of a commercial use. Attorney Weiner also noted that police have been notified and that the renters have been taken to court.

Bob Hunter, 89 Elmwood Drive, said he had been touched by the recent school shooting event, and he read articles from the New York Times and the New York Post citing statistics and discussing the problem of gun violence. Mr. Hunter also suggested ways to help geese control, and commented on the empty buildings in town on Livingston Avenue, specifically the Livingston Cleaners.

Deputy Mayor Anthony encouraged attendance at the Children's Theatre presentation this coming Saturday.

Adjournment

At 8:00 p.m., the Regular Meeting adjourned.

EDWARD MEINHARDT, Mayor

GLENN R. TURTLETAUB, Township Clerk