

Livingston, New Jersey
March 19, 2018
Meeting #8

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

- a) National Nutrition Month—Shop-Rite Dietitian Elle Bernardo addressed the Council concerning National Nutrition Month. The Mayor read and presented Ms. Bernardo with a Proclamation proclaiming "**National Nutrition Month**" in Livingston.
- b) Livingston Soccer Club—Club President Steve Toby and members of the **Soccer Club** presented a Display Check in recognition of the Club's \$65,000 donation to the Township, earmarked for the maintenance and repair of grass fields in town. Mayor Meinhardt presented a Citation to the Club in recognition of the donation.
- c) Essex County Surrogate Theodore N. Stephens II—Surrogate Stephens addressed the Council, giving an annual update of the Changes and operation of the Surrogate's Court. He noted changes in the Guardianship Statute, the importance of Powers of Attorney, and the establishment of satellite office at Turtleback Zoo. The **Surrogate** distributed informational material to all.

Mayor Meinhardt called up to the dais Police Chief Handschuch, Police Captain Markowitz, Fire Chief Mullin, Deputy Fire Chief Francione, and Superintendent of Public Works Mike Anello. The Mayor thanked them and their staff members for all they did on the Township residents' behalf during the **recent storm**, "and all they did, will do and will continue to do."

Essex County Update/Questions

Proposed Ordinance 2-2018 Exceed Calendar Year 2018 Municipal Budget Appropriation Limits and to Establish a CAP Bank
ORDINANCE TO EXCEED THE CALENDAR YEAR 2018 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:45.14) was read by title and introduced on first reading. On motion duly made and seconded, and on voice 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 Monday, April 16, 2018.

2018 Municipal Budget

a) R-18-83a Introduction of 2018 Municipal Budget

BE IT RESOLVED that the statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Livingston, County of Essex, State of New Jersey, for the year 2018, as introduced and approved by the Township Council; and

BE IT FURTHER RESOLVED, that said Budget be published in the West Essex Tribune, and that a hearing on the Budget be held on April 16, 2018 at 7:30 o'clock p.m. at the Livingston Municipal Building, 357 South Livingston Avenue, Livingston, NJ.

b) R-18-83b Establishing 2018 Municipal Open Space Tax Rate

WHEREAS, a referendum was approved by the residents of the Township of Livingston in November, 2002 to establish a Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and,

WHEREAS, a referendum was approved by the residents of the Township of Livingston in November, 2008 to permit the Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund to continue in perpetuity; and,

WHEREAS, The Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund is to be funded through an annual tax levy not to exceed three cents (\$0.03) per one hundred dollars (\$100) of assessed valuation;

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 2018 Municipal Open Space, Recreation Farmland and Historic Preservation Trust Fund tax levy shall be one-half cent (\$.005) per one hundred dollars (\$100) of assessed valuation.

c) R-18-83c Authorizing Calculation of 2018 Reserve for Uncollected Taxes

WHEREAS, N.J.S. 40A:4-41c(2), enacted into law (P.L. 1997, c. 28) and amended by Chapter 56 of P.L. 2010, provides alternate methods of calculating the reserve for uncollected taxes; and

WHEREAS, N.J.S. 40A:4-41c(2) permits the governing body of any municipality in which tax reductions have resulted from tax appeal judgements of the County Tax Board pursuant to R.S. 54:3-21 et seq., or the State Tax Court pursuant to R.S. 54:48-1 et seq., to elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy reductions resulting from those judgements; and

WHEREAS, this election shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the introduction of the annual budget pursuant to N.J.S. 40A:4-5; and

WHEREAS, the Township of Livingston has determined that it is advantageous to utilize the method provided under N.J.S. 40A:4-41c(2)

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, that the maximum percentage to be used for the reserve for uncollected taxes in the 2018 budget is 99.98% based on N.J.S. 40A:4-41c(2).

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed with Director of the Division of Local Government Services.

Public Comments on Agenda Items

Consent Agenda R-18-84 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 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) March 19, 2018

*Approval of Licenses

Final Hearing Ordinances

Proposed Ordinances

a) Ord. 1-2018 Amend Salary Ordinance #10-24 Establishing Salary Ranges for the Public Works Employees Represented by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 469 (Teamsters)

AN ORDINANCE TO AMEND SALARY ORDINANCE #10-24 ESTABLISHING SALARY RANGES FOR THE PUBLIC WORKS EMPLOYEES REPRESENTED BY THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMENT AND HELPERS OF AMERICA, LOCAL 469 (TEAMSTERS) 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 Monday, April 16, 2018.

Resolutions

a) R-18-85 Approving Annual Budget for Livingston Community Partnership Corporation (BID)-2018

BE IT RESOLVED by the Township Council of the Township of Livingston, in the County of Essex and State of New Jersey, that the attached annual budget submitted by the Livingston Community Partnership Corporation, in the amount of \$377,760.00 is hereby approved.

BE IT FURTHER RESOLVED that:

1. This approval shall constitute a first reading.
2. The budget be published in the West Essex Tribune in the issue of March 22, 2018.
3. A public hearing be scheduled for May 7, 2018 at Town Hall, 357 South Livingston Avenue, Livingston, New Jersey at 7:30 p.m.

b) R-18-86 Authorizing Entry Into New Jersey Cooperative Purchasing Alliance Cooperative Purchasing Agreement

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency " has offered voluntary participation in the New Jersey Cooperative Purchasing Alliance # CK04- a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on March 19, 2018 the Township Council of the Township of Livingston, County of Essex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Livingston.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Township Manager is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

c) R-18-87 Furnish One Utility Truck

WHEREAS, the Township of Livingston ("Township") has a need to purchase a utility truck for the Water Department; and

WHEREAS, on January 11, 2018, the Township of Livingston issued Bid No. 001-2018 to solicit bids from companies experienced in furnishing utility trucks; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 11, 2018 and as a result twelve (12) bid packages were requested; and

WHEREAS, on February 7, 2018, one (1) bid was received by the bid deadline and publicly read; and

WHEREAS, Route 23 AutoMall, 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 Junior Utility Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Route 23 AutoMall, LLC; and

WHEREAS, the Deputy Township Manager is recommending the award of a contract to Route 23 AutoMall, LLC in an amount not to exceed \$136,627.10; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-017-003-008.

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 Route 23 AutoMall, LLC in an amount not to exceed \$136,627.10.

d) R-18-88 Entering Into Contract With Gabel Associates

WHEREAS, the Township of Livingston ("Township") is interested in selecting a third-party supplier to provide electric generation services to the Township, and, at their option, Township residents and businesses, at a cost below utility-provided electric generation services (referred to as a "government energy aggregation" program or "GEA"); and

WHEREAS, the "Local Unit Electronic Technology Pilot Program and Study Act" ("Pilot Program"), P.L. 2001, c.30, permits a municipality to apply to the Director of the Division of Local Government Services ("DLGS") in the New Jersey Department of Community Affairs for authorization to purchase electric generation services from a third-party supplier through means of electronic technology (i.e., online auction) rather than the utilization of traditional sealed bids; and

WHEREAS, to participate in said Pilot Program, a municipality must submit to the Director of the DLGS for approval a written plan setting forth, inter alia, the commodities and services it plans to purchase, the identity of the on-line purchasing agent and a description of the process to be used in the on-line auction; and

WHEREAS, the Pilot Program requires that the Mayor and Township Committee adopt a resolution authorizing the Township to apply to the Director of the DLGS to participate in said Pilot Program; and

WHEREAS, the firm of Gabel Associates ("Gabel") has submitted a proposal to the Township to render the necessary energy consulting services for management of the Township's GEA, which includes, as more specifically outlined in the proposed Agreement, services necessary to: prepare for and manage the GEA; obtain necessary approvals in connection with the GEA, including but not limited to, drafting and submitting a plan for approval to participate in the Pilot Program; and conduct the on-line auction; and

WHEREAS, the Township seeks to hire Gabel to render the necessary energy consulting services for management of the Township's GEA as set forth immediately above and in the proposed Amendment; and

WHEREAS, under the proposed Agreement, the successful third-party supplier shall be responsible for the payment of all of Gabel's fees, and the Township shall not be obligated to make payments to Gabel; and

WHEREAS, the Township is obtaining these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law" and in connection therewith, Gabel has completed and filed with the Township the required Campaign Contributions Affidavit pursuant to N.J.S.A. 19:44A-20.8 and Certification Regarding Political Contributions pursuant to N.J.S.A. 19:44-20.26; and

WHEREAS, P.L. 2001, c.30 authorizes the Township to award this Agreement hiring the services of an on-line purchasing agent without competitive bidding; and

WHEREAS, a certificate of availability of funds from the Chief Financial Officer is not necessary because the Township will not be making payments to Gabel for its services.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Livingston, County of Essex, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute an Agreement with Gabel Associates ("Gabel") hiring Gabel to provide energy consulting services necessary to manage the Township's government energy aggregation program ("GEA") and obtain the necessary approvals in connection therewith, as more specifically set forth in the proposed Agreement, including but not limited to:

a. Assisting the Township in drafting and compiling the requisite information for approval of, the Township's application for participation in the "Local Unit Electronic Technology Pilot Program and Study Act" ("Pilot Program"), P.L. 2001, c.30; and

b. Conducting the approved on-line auction on the Township's behalf; and

2. The Township Manager, Clerk and Attorney are hereby authorized and directed to work with Gabel for the purposes of drafting and submitting to the Director of the Division of Local Government Services ("DLGS") the application which will enable the Township to participate in the Pilot Program, and more specifically, to purchase electric generation services for use by the Township, and its residents and businesses (at their option), from a licensed third-party supplier via an on-line auction by Gabel; and

3. The Agreement and the Township's application under the Pilot Program, are subject to the approval of the Director of the DLGS; and

4. The Agreement is awarded without competitive bidding pursuant to P.L. 2001, c. 30; and

5. The Agreement may be extended beyond the initial two-year term for an additional two-year term, as permitted by law.

e) R-18-89 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 2018 Municipal Budget and adequate provision has not been made in the 2018 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 2018 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$16,778,952 for the Current Fund; \$2,402,149 for the Water Utility; \$1,528,499 for the Sewer Utility; and \$127,000 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 \$7,220,464, for the Current Fund; \$1,142,149 for the Water Utility; and \$726,871 and for the Sewer Utility, as listed on the attached pages.

2. Said temporary emergency appropriations will be provided for in the 2018 Municipal Budget;

3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

f) R-18-90 Approving Contract With International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local No. 469 for The Years 2016-2018

WHEREAS, the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 469 (Teamsters) represents the non-supervisory Public Works employees; and

WHEREAS, the Township and the Teamsters negotiated and agreed to the terms and conditions of an agreement covering the years January 1, 2016- December 31.2018; and

WHEREAS, the Teamsters signed the successor agreement; and

WHEREAS, it is in the best interest of the Township to finalize an agreement with the Teamsters upon the terms set forth in the agreement attached hereto.

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

1. The terms of the agreement are attached hereto and accepted by the Township of Livingston;
2. The Township Manager and the Township Clerk are hereby authorized to execute the successor contract on behalf of the Township of Livingston.

On motion duly made and seconded, and on roll call vote of Resolutions R-18-85 through R-18-90, inclusive, all members present voted YES.

Public Comment

Bob Hunter, 89 Elmwood Drive, praised Mayor Meinhardt for bringing Town workers up to the dais to thank them for their work over the recent snowstorm. Mr. Hunter stated he was "touched" by the students' protests regarding gun violence. He discussed the Airbnb issue, the geese problem at Littell's Pond, and the actions of Wells Fargo. He asked whether there were any Township accounts in that bank; the Manager and Deputy Manager said they were unaware of any.

Walt LeVine, 345 Walnut Street, discussed the Lions Club offer to donate 500 trees to be planted on Township property.

Adjournment

At 8:20 p.m., the Regular Meeting adjourned.

EDWARD MEINHARDT, Mayor

GLENN R. TURTLETAUB, Township Clerk

