

The Regular and Conference Meeting of the Township Council of the Township of Livingston was held via Livestream from Facebook @facebook.com/LivingstonTownshipNJ on the above date at 7:00 p.m. The Mayor stated that notice of this meeting has been given in accordance with the "Open Public Meetings Law", and that Annual Notice was faxed to the West Essex Tribune and the Star Ledger on January 2, 2020, and that "48-hr. notice" was faxed and emailed to these same publications on March 20, 2020.

Present (via Livestream): Mayor Fernandez, Deputy Mayor Klein, Councilmember Anthony, Councilmember Meinhardt, Councilmember Vieira, Township Manager Lewis, Deputy Township Manager Jones, Township Clerk Turtletaub, Deputy Township Clerk Mazzucco, Police Chief Marshuetz, Fire Chief Mullin, Health Officer Anello

Absent: None

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

The Council approved payment of the following Legal Fees:

- a) Genova Burns (February 2020)
- b) McManimon Scotland Baumann (February 2020)
- c) Antonelli KNOTR P.C. (FEBRUARY 2020)
- d) MCCARTER & English (February 2020) and
- e) Pearlman & Miranda, LLC

Resolution-Consent Agenda Includes All Items Marked"" R-20-103

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 23, 2020, attached hereto, which are preceded by an "" are the Consent Agenda and are hereby accepted, approved and/or adopted.

On roll call vote, all members present voted YES.

Approval of Minutes

- a) Regular Minutes March 9, 2020
- b) Conference and Closed Minutes March 9, 2020
- c) Emergency Meeting Minutes March 16, 2020

Resolutions

a) R-20-104 Adopting Business Improvement District (BID) 2020 Budget

BE IT RESOLVED that the Township Council of the Township of Livingston, Essex County, NJ that the attached annual budget in the amount of \$383,910 for the year 2020 submitted by the Livingston Community Partnership Corporation is approved.

b) R-20-105 Banking Resolution



Deposit Account & Treasury Management Services

Banking Resolution and Certificate of Incumbency

Note: Please enable Macros

CLIENT INFORMATION

Please select one of the following options:

- New Resolution/Incumbency
- Update Incumbency *(Used to Add or Delete individual authorized signers)*
- Supersede Resolution/Incumbency *(Replaces any and all prior banking resolutions)*

ORGANIZATION LEGAL NAME (Must match legal name indicated in company formation documents)

TOWNSHIP OF LIVINGSTON

- This Banking Resolution and Certificate of Incumbency will apply to all accounts the Organization maintains with us.
- The Organization adopts the following Banking Resolution and Certificate of Incumbency (with specimen signatures)*

The undersigned certifies that:

1) Any individual (each an "Authorized Signer") with any of the following Titles

Title:	Township Manager
Title:	Deputy Twp. Manager
Title:	Assistant CFO
Title:	
Title:	

Add Row

is authorized, acting alone, including by electronic signature, electronic record or other electronic form, (a) to establish accounts from time to time for the Organization at Bank of America, N.A. (the "Bank"), as well as to operate and close such accounts, (b) to enter into any and all agreements and transactions contemplated by the provision of treasury management services by the Bank, including but not limited to Electronic Funds Transfer Services, and (c) designate persons to operate each such accounts including closing the account, and to designate persons to act in the name and on behalf of the Organization/Client with respect to the establishment and operation of treasury management services.

2) the person whose signature, name, and title appear in the "AGREEMENT, TAX INFORMATION CERTIFICATION and AUTHORIZATION" section of the Deposit Account Documentation Signature Card or Amendment to Signature Card ("Signature Card") and those persons listed below on the Incumbency Certificate, are Authorized Signers who are authorized, including by electronic signature, electronic record or other electronic form, to establish accounts and to designate persons to operate each such account and to execute contracts and agreements (including treasury management service agreements, including but not limited to Electronic Funds Transfer Agreements) with the Bank and that the signatures of such Authorized Signers are genuine.

3) the persons who signed in the Designated Account Signers section of the Signature Card or Amendment to Signature Card are authorized to operate any accounts opened with the deposit account documentation unless otherwise noted on the Signature Card, and that the signatures of such Designated Account Signers are genuine.

4) the foregoing is a complete, true and correct copy of the banking resolutions adopted by the Board of Directors, the Members or the General Partners, Commission, Council or Governing Board as applicable, of the Organization, government entity or authority and that the resolutions are still in full force and effect and have not been amended or revoked and do not exceed the objects or powers of the Organization, government entity, authority or the powers of its management or Governing Board, Commission or Council.

Incumbency Certificate:

Add/Delete	Name	Title	Signature
Add	Barry R. Lewis, Jr.	Township Manager	
Add	Russell A. Jones	Deputy Twp. Manager	
Add	Nada Akmal	Assistant CFO	
Add			

Add Row

* If you choose to provide your own Banking Resolution and Certificate of Incumbency (with specimen signatures), it must be attached to the signature card.

This Banking Resolution and Certificate of Incumbency must be signed as follows:

- **Corporations:** Secretary or assistant secretary of the company **must** sign.
- **Any Partnership type:** One of the general partners must sign. If the general partner is an organization, show the name of the general partner and include capacity of signer.
- **Limited Liability Company:**
 - **Member Managed LLC:** One of the members or an officer of the company must sign. If the member or manager is an organization, show the

c) R-20-106 (Emergency Meeting)--previously passed

d) R-20-107 Developer's Agreement with JSDD Foundation, Inc.

WHEREAS, JSDD Foundation, Inc., has made an Application No. 2018-39-PFSPV to the Livingston Planning Board to construct a new building to hold its administrative offices and house facilities for services to provide to adults with disabilities; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on April 2, 2019; 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 the Mayor on behalf of the Township Council, to execute the Developer's Agreement with JSDD Foundation, Inc.

e) R-20-108 Developer's Agreement with Sunrise Senior Living

WHEREAS, Sunrise Senior Living has made an Application No. 2019-45-PFSPV to the Livingston Planning Board seeking permission to construct a three-story, 103 unit assisted living facility; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on November 14, 2019; 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 the Mayor on behalf of the Township Council, to execute the Developer's Agreement with Sunrise Senior Living.

f) R-20-109 Authorizing Purchases Under North Jersey Wastewater Coop Purchasing 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 North Jersey Wastewater 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 North Jersey Wastewater 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, 2020 or upon the expiration of the vendors' contract, whichever event first occurs.

R-20-109

Commodity/Service	Vendor	Contract #
Furnish & Deliver Instrumentation Equipment, Parts and Supplies	Pumping Services, Inc.	B209A
Furnish & Deliver Various Manufacturers Equipment & Spare Parts	Pumping Services, Inc.	B195-2
Various Manufacturer Pumps & Motors Repair & Replacement & Installation	Pumping Services, Inc.	B200-8

g) R-20-110 Authorizing 2019 Budget Transfers

WHEREAS, transfers between budget appropriations reserves are permitted by N.J.S. 40A: 4-58 during the first three months of the subsequent fiscal year; and

WHEREAS, certain 2019 budget appropriations reserves are expected to be insufficient to meet expenditure requirements through the end of the fiscal year, and certain 2019 budget appropriations are expected to have funds available to offset these expenditure requirements;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston (not less than two-thirds thereof affirmatively concurring) that the transfers listed on the attached page be made effective March 23, 2020.

h) R-20-111 Authorizing Supplemental Temporary Budget Appropriations (Not introduced)

New Business--Coronavirus/COVID 19 Mayor Fernandez provided an update on actions taken by the Township in response to the Coronavirus/COVID 19, including meetings held with Federal, State and County officials. Township manager Lewis noted that the Governor's executive Orders supersede any Township actions, and explained that the Township offices have been taking and responding to calls, and that Township services including online services have been functioning. Representatives of the Health Department, Police, Fire, and Rescue Squad have been staffing those departments. Health Officer Lou Anello gave an update on the Health Department cases and responses. Fire Chief Mullin, who is also Emergency Management /Coordinator gave a report on actions of his Department. Councilmember Vieira asked about being provided with AM and PM situational reports, and the Chief will check to confirm they are being provided. Police Chief Marshuetz commented he was proud of the officers, and that his department was fully staffed. Township Attorney Weiner asked about enforcement of complaints regarding illegal gatherings, and the Chief responded that initial difficulties had been addressed and that there had been better compliance over the last few days. Beth Lippmann, Executive Director of the Business Improvement District (BID), reported on actions taken to assist businesses in town, including suggestions she had concerning ways to keep in touch with customers. She noted that local restaurants have been getting orders and making deliveries. She was asked about publicizing a list of restaurants open for delivery, including their hours of operation, and having that information posted on Facebook and on Instagram. Councilmember Vieira suggested that the restaurants' names and information be posted in unison.

Health Officer Anello explained the difficulty in maintaining social distancing in the restaurant business, where workers are in close proximity, and how one worker receiving a positive test result impacts on the staffing.

Councilmember Klein asked about use of masks by restaurant personnel, and Health Officer Anello noted that masks are only good for sick persons, and that there was no reason to require the cooks to wear masks.

Manager Lewis explained how food was delivered and left outside the home, after which people should bring the food inside, that the containers be emptied onto plates, and the containers and boxes should be disposed of the boxes. He noted that those concerned could also then microwave the food for thirty seconds.

Councilmember Meinhardt suggested a promotion whereby one dollar could be added to each order and donated to the "Livingston Neighbors Helping Neighbors."

Chief Mullin suggested purchase of gift cards from local businesses to help keep them going. Township Manager Lewis noted that blood shortages were being experienced, and that he had spoken with Margie Heller of Saint Barnabas, and its plans to address this.

Councilmember Klein reminded that medications should not be hoarded, and that the nearest Coronavirus test center was "City MD" located on Route 10.

Councilmember Vieira discussed the use of police officers to pull over drivers who were not essential employees, and Manager Lewis responded. Councilmember Klein asked whether any infrastructure issues were anticipated in the event the crisis were to go on for several months. Township Manager Lewis stated he was unaware of any concerns and will stay in touch with the Township Officials monitoring that situation.

Township Clerk Turtletaub and Deputy Clerk Mazzucco read questions being sent via email from Township residents directed to the Council, and each was responded to by the Council and Township officials.

Councilmember Meinhardt noted that due to the virus pandemic that volunteerism was down, but that once this was over that the Council could address the issue including volunteers for the Rescue Squad.

The Councilmembers thanked Manager Lewis and Township for "keeping the town going" during this difficult period.

Public Comment

Residents forwarded questions to the Council via email to the townclerk@livingstonnj.com address. The Clerk read the questions out loud, and the Council responded to each.

Amy Ipp, 101 Martin Rd. (amymipp@gmail.com) asked for clarification as to how grocery stores are managing the numbers entering their stores and enforcing social distancing, and asked whether the stores were strictly enforcing the senior citizen time period in the early morning.

Joe Wood (joewood50@aol.com) asked "how do I listen in to the meeting?"

Danielle Santola, 22 West Drive, asked BID Executive Director Beth Lippman how to find the full list of restaurants offering pickup/delivery.

Pam Chirls, (pchirls@verizon.net) offered N95 masks, protective gears, respirators, and asked hospitals needing those supplies to contact a charity organization called Wuhan Healing Hands, at 929-329-5571 or email to rachelwang1988@gmail.com.

Jim Wang, 22 Broadlwan Drive (jim.wang.nj@gmail.com) asked whether the 20+ confirmed cases were concentrated in one area, or were they scattered randomly.

Joshua Commer, 91 Irving Avenue (landarchemt@aol.com) discussed membership in the Livingston First Aid Squad.

Patricia Donnelly, 27 Midway Drive (asked about whether Shop Rite was monitoring their shopping hours for seniors.

Judy Yip (jhyip@outlook.com) asked the location of the nearest Covid 19 testing center.

Lisa Yuan, 13 Clover Lane (yipingyuan@gmail.com) suggested updating the number of confirmed cases reverydfay on the township website.

Joyce McCaffery, 53 Elmwood Drive (iridude@aim.com) wrote that she was "concerned about paying (her) taxes.

Jenn Walker(Township SYLS Director) asked to remind residents that the Township was providing senior transportation through Essex County.

Caryn Epstein(carynepstein@verizon.net)asked that the next meeting be scheduled for later this week and again next week.

Dominick Rothenbrethger offered his services to clean the playgrounds in town and left a phone number (917-559-3181).

Judy Yip (jhyip@outlook.com) asked that a list of restaurants that offer delivery and pickup be posted.

Adjournment

The meeting was adjourned at 8:37 p.m.

RUFINO FERNANDEZ, Jr. Mayor
GLENN R. TURTLETAUB, Township Clerk