

Livingston, New Jersey
April 16, 2018
Meeting #9

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. "48-hr. Notice" was faxed to these same publications on February 2, 2018.

Present: Mayor Meinhardt; Councilmembers Anthony, Fernandez; Deputy Township Manager Jones; Township Attorney Weiner; Township Clerk Turteltaub

Absent: Councilmembers Klein, Silverman

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 Autism Awareness Month—Mayor Meinhardt read a proclamation in support of Autism Awareness, as requested by six Harrison School fifth graders, known as the "Super Six." Each of the boys read a separate statement regarding the importance of Autism Awareness. Township Manager Lewis recounted his personal experience and thanked the boys for their efforts.

b) Preeclampsia Awareness Month—Linda and Dr. Richard Bloomstein recounted their personal experience with this disease, and explained the condition. Mayor Meinhardt read a Proclamation in recognition of Preeclampsia Awareness Month.

c) Boy Scouts—Troop 12—Community Service—Scoutmaster Griwalt and Troop 12 Boy Scouts were honored for their efforts in helping resident Ruth Cross after a tree had fallen on her car during a recent snowstorm. Mayor Meinhardt read a Proclamation recognition the Scouts and of Troop 12 for their community service. Homeowner Ruth Cross participated in the presentation, and praised the Scouts for their help.

d) Distracted Driving Campaign—Livingston Police Chief Handschuch and Detective Joseph Fosko addressed the Council, and the Mayor read a proclamation in recognition of the Township's participation in a state-wide Distracted Driving Campaign.

e) Arbor Day—Mayor Meinhardt read a Proclamation in recognition of Arbor Day, and announced that the Township would be planting a tree at a formal Arbor Day event to be held on April 27.

f) Public Service Recognition Week—Celebration of was adjourned to an upcoming date.

Mayor Meinhardt thanked Scott Goldman, Chair of the Recycling and Reclamation Committee, and Police Chief Handschuch for the recent successful Electronics Recycling Day, for which 1,065 cars participated.

Essex County Update/Questions

Eileen Fishman, Livingston Liaison to Essex County Executive Joseph DiVincenzo, discussed recent Essex County events, including Drug Take Back Day and Recycling events.

2018 Municipal Budget

a) R-18-94a To Read Budget by Title

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.

On motion duly made and seconded, and on roll call vote, all members present voted YES.

b) R-18-94b to Amend Budget---No Resolution was considered.

There were no speakers, and the hearing was continued to the Regular Meeting of April 23, 2018.

Public Comments on Agenda Items

Consent Agenda R-18-95 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 April 16, 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

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. 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. It was ordered advertised according to law.

b) Ord. 2-2018 Exceed Calendar Year 2018 Municipal Budget Appropriation Limits and to Establish a CAP Bank

AN ORDINANCE TO EXCEED THE CALENDAR YEAR 2018 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14) 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. It was ordered advertised according to law.

Proposed Ordinances

a) Ord. 3-2018 Amending and Supplementing Ch. 6 Alcoholic Beverages Allowing Wine and Beer on Township Property

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 61, ALCOHOLIC BEVERAGES, ARTICLE IV PUBLIC RECREATION AREAS 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, May 7, 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-18-96 Change Order and Final Payment for 2016 Process Blower Replacement

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1600020") with Rapid Pump & Meter Company, Inc. for the Process Blower Replacement; and

WHEREAS, the initial Contract was not to exceed One Million Four Hundred and Thirty-Two Thousand, Seven Hundred and Eighty Dollars and no cents (\$1,432,780.00); and

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

A. REDUCTIONS

| | |
|-------------------------|--------------------|
| Miscellaneous Allowance | -\$4,900.50 |
| Total | -\$4,900.50 |

WHEREAS, the total change order decreased the contract amount by \$4,900.50 making the new contract sum \$1,427,879.50; and

WHEREAS, this Change Order has been recommended by Jeannette Harduby, Township Engineer and Barry R. Lewis, Jr., 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 Rapid Pump & Meter Company, Inc., for the Process Blower Replacement; 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.

c) R-18-97 Well No. 6 Packed Tower Aeration Facility Bid Report

WHEREAS, the Township of Livingston ("Township") has a need for the Well Number 6 packed tower aeration facility project that cannot otherwise be performed by its regular employees; and

WHEREAS, on November 30, 2017, the Township of Livingston issued Bid No. 24-2017 to solicit bids from contractors experienced in well improvements; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on November 30, 2017 and as a eight (8) bid packages were requested; and

WHEREAS, on January 10, 2018, three (3) bids were received by the bid deadline and publicly read; and

WHEREAS, DeMaio Electrical Company, Inc. 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 Township Engineer have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to DeMaio Electrical Company, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract DeMaio Electrical Company, Inc. in an amount not to exceed \$1,565,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-06-55-016-003-002 and C-06-55-017-003-002.

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 DeMaio Electric Company, Inc. in an amount not to exceed \$1,565,000.00.

d) R-18-98 Award of PASPS Force Main and Downstream Gravity Sewer Upgrades

WHEREAS, the Township of Livingston ("Township") has a need for the Passaic Avenue Sewage Pump Station Force Main and Downstream Gravity Sewer Upgrades that cannot otherwise be performed by its regular employees; and

WHEREAS, on March 1, 2018, the Township of Livingston issued Bid No. 003-2018 to solicit bids from contractors experienced in force main and downstream gravity sewer upgrades; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on March 1, 2018 and as a result fourteen (14) bid packages were requested; and

WHEREAS, on March 28, 2018, six (6) bids were received by the bid deadline and publicly read; and

WHEREAS, MSP Construction Corporation 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 Township Engineer have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to MSP Construction Corporation; and

WHEREAS, the Township Manager is recommending the award of a contract to MSP Construction Corporation in an amount not to exceed \$1,099,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-09-55-017-001-004.

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 MSP Construction Corporation in an amount not to exceed \$1,099,000.00.

e) R-18-99 PSAPS Pump Station Upstream Gravity Sewer Upgrades Budget Appropriations

WHEREAS, the Township of Livingston ("Township") has a need for the Passaic Avenue Sewage Pump Station Upstream Gravity Sewer Upgrades that cannot otherwise be performed by its regular employees; and

WHEREAS, on March 1, 2018, the Township of Livingston issued Bid No. 004-2018 to solicit bids from contractors experienced in upstream gravity sewer upgrades; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on March 1, 2018 and as a result thirteen (13) bid packages were requested; and

WHEREAS, on March 28, 2018, seven (7) bids were received by the bid deadline and publicly read; and

WHEREAS, MSP Construction Corporation 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 Township Engineer have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to MSP Construction Corporation; and

WHEREAS, the Township Manager is recommending the award of a contract to MSP Construction Corporation in an amount not to exceed \$1,149,890.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-09-55-017-001-004.

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 MSP Construction Corporation in an amount not to exceed \$1,149,890.00.

f) R-18-100 Approving Contract with Communication Workers of America, AFL-CIO, Local 1031 (CWA) For the Years 2015-2018

WHEREAS, the Communication Workers of America, AFL-CIO, Local 1031 (CWA) represents the non-supervisory Dispatchers; and

WHEREAS, the Township and the CWA negotiated and agreed to the terms and conditions of an agreement covering the years January 1, 2015-December 31, 2018; and

WHEREAS, the CWA ratified the Memorandum of Agreement (MOA); and

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

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

1. The terms of the Memorandum of Agreement are attached hereto and accepted by the Township of Livingston;
2. The Council authorizes the Township to take any action necessary to execute a final successor agreement subject to the terms contained in this MOA and any other changes agreed upon by the parties.
3. The Township Manager and the Township Clerk are hereby authorized to execute the successor contract

on behalf of the Township of Livingston.

g) R-18-101 Cooperative Purchasing – Bergen County

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 County Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Bergen County Cooperative Pricing System #CK04 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 County 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 Bergen County Cooperative Pricing System #CK04 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, 2018 or upon the expiration of the vendors' contract, whichever event first occurs.

h) R-18-102 Entering into a Developer's Agreement with 395 West Northfield Road, LLC

WHEREAS, 395 West Northfield Road, LLC, has made an Application No. 2014-86 PFSPV to the Livingston Planning Board to construct and operate a carwash on the site; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on July 12, 2016 and on February 20, 2018 passed a Resolution approving an amended application; 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 395 West Northfield Road, LLC.

i) R-18-103 Emergency Natures Choice

WHEREAS, the Township Manager has identified the need for the removal of tree debris from Township streets as a result of Storm Quinn declared by the Governor to be a state of emergency; and

WHEREAS, tree debris removal is necessary to protect the public health, safety and welfare; and

WHEREAS, the Township Manager has provided written notification to the Township Council of the emergent need for the immediate removal of tree debris to protect public health, safety, and welfare; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-6, "Emergency Contracts") allows the award of contracts without public advertising for bids and bidding when an emergency affecting public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the provisions of Chapter 19, P.L. 2004 (as amended by P.L. 2005, c.51) of the Pay-to-Play Laws (N.J.S.A. 19:44A-20.4 et seq.) are waived when an emergency exists affecting the public health, safety or welfare which requires the immediate delivery of goods or performance of services; and

WHEREAS, while emergency contracts can be awarded without formal bidding it is still prudent to seek quotations; and

WHEREAS, the Township of Livingston received three quotations for tree debris removal; and

WHEREAS, Nature's Choice Corporation submitted the low quote of \$4,650.00 for the daily rental of a grinder and \$4.50 per cubic yard for debris removal; 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; 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 Manager is hereby authorized to enter into an open-ended contract with Nature's Choice Corporation for the removal of tree debris in an amount not to exceed \$270,000.00.

j) R-18-104 2016 Corrective Action Plan

WHEREAS, in accordance with the requirements of the Single Audit Act and regulations of the Division of Local Government Services, all municipalities are required to prepare and file a Corrective Action Plan; and

WHEREAS, this plan must be filed with the Division of Local Government Services in accordance with regulations established by the Division; and

WHEREAS, such a plan was prepared by the Chief Financial Officer and reviewed by the members of the governing body of the Township of Livingston; and

NOW THEREFORE BE IT RESOLVED, that the 2016 Corrective Action Plan, attached hereto, be approved by the governing body of the Township of Livingston and filed with the Division of Local Government Services.

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

Fred Friedman, 1304 Pointe Gate Drive, commented on the improvement in the Township Website, and the successful Electronics Recycling event held this past Saturday.

Amin, 6 Washington Court, discussed what he had seen on social media regarding the closing of Township pools. Mayor Meinhardt noted that this was the first Town Council in thirty years to look at the issue of the pools, realizing that there is a need to fix them, and that a Pool Committee had been created, that community input will be sought through questionnaires and other means, and that no final decisions had been made.

Ruth Cross, East Cedar Street, pointed out that during heavy rains a clogged sewer floods her and her neighbor's yard, and asked why no sandbags were available. She stated that she was willing to pay if the Department of Public Works had such sandbags.

Adjournment

At 8:47 p.m., the Regular Meeting adjourned.

EDWARD MEINHARDT, Mayor

GLENN R. TURTLETAUB, Township Clerk

