

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 and posted on the Livingston Township website (livingstonnj.org) on April 14, 2020 and posted on the Livingston Township website (livingstonnj.org).

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,

Absent: None

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

Mayor Fernandez read a Proclamation in recognition of Arbor Day.

The Council approved payment of the Legal Fees of Antonelli Kantor, PC (March 2020).

Resolution—Consent Agenda Includes All Items Marked "\*" R-20-115

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 27, 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 April 13, 2020
- b) Closed Session Minutes April 13, 2020

New Business

a) Coronavirus/COVID 19 Update—Township Manager Lewis provided an update of the Township's responses to the Coronavirus pandemic.

b) 2020 Budget Update—Township Manager Lewis updated the Council about his preparation and anticipated date for introduction of the 2020 Township Budget.

c) LCEA Extension Discussion—Township Manager Lewis updated the Council on the status of the existing LCEA contract and the clarified the remaining issues to be decided in determining whether the Council would vote to extend the contract and put out for bid. Township Attorney Weiner will prepare the necessary Ordinance for an upcoming Council meeting on May 4 or May 11.

d) DPW Facility Update—Township Manager Lewis advised the Council of his work with the architect addressing the Public/Private partnership, and that he will be jump-starting the process.

Township Manager Lewis explained the rationale for Resolutions R-20-116 and R-20-117, both of which appear on the evening’s Agenda.

Essex County Update/Questions

Public Comments on Agenda Items

Resolution—Consent Agenda (Includes All Items Marked \*\*\*) R-20-115

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WHEREAS, the Township Council has determined that to increase its efficiency, the Consent Agenda shall be adopted with one resolution;

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On roll call vote, all members present voted YES.

\*Approval of Minutes

- a) Regular Minutes--April 13, 2020
- d) Closed Session Minutes--April 13, 2020

\*Approval of Licenses

Resolution—Consent Agenda Includes All Items Marked “\*” R-20-115

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On roll call vote, all members present voted YES.

Final Hearing Ordinances

Proposed Ordinances

Resolutions

a) R-20-116 Authorizing the Issuance of Tax Anticipation Notes not to exceed \$60MM for Fiscal Year 2020

RESOLUTION AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES NOT TO EXCEED \$60,000,000.00 FOR FISCAL YEAR 2020 OF THE TOWNSHIP OF LIVINGSTON IN THE COUNTY OF ESSEX, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:

Section 1. In anticipation of the collection of taxes for the Fiscal Year 2020 levied or to be levied in such year or in anticipation of other revenue of such year, and for the purposes provided for in the budget or for which taxes are levied or to be levied for such year, Tax Anticipation Notes of 2020 of the Township of Livingston, New Jersey, are hereby authorized to be issued at one time or from time to time in the aggregate principal amount not to exceed Sixty Million and 00/100 Dollars \$ 60,000,000.00 (at any one time outstanding) pursuant to the Local Budget Law of the State of New Jersey, constituting Chapter 169 of the Pamphlet Laws of 1960 of the State of New Jersey and codified at N.J.S.A. 40A:4-1 et. seq. (the "Local Budget Law").

Section 2. The following matters in connection with said notes are hereby determined:

TITLE:	Tax Anticipation Notes of Fiscal Year 2020 (each additional series, if any, shall be designated with a corresponding alphabetical letter)
DATE, NUMBER, DENOMINATION AND PLACE OF PAYMENT:	As may be determined by the Township Chief Financial Officer
MATURITY:	As may be determined by the Township Chief Financial Officer
INTEREST RATE:	As may be determined by the Township Chief Financial Officer
FORM:	Substantially in the form attached hereto

Section 3. The borrowing power of the Township on Tax Anticipation Notes for the fiscal Year 2020 is \$ 61,118,447.51 as determined by a certificate of the Acting Township Chief Financial Officer filed in the office of the Township Clerk, such certificate being as follows:

Chief Financial Officer filed in the office of the Township Clerk, such certificate being as follows:

### CERTIFICATE

I, Barry R. Lewis, Jr., Acting Township Chief Financial Officer of the Township of Livingston, in the County of Essex, New Jersey do HEREBY CERTIFY as follows:

1. The gross borrowing power in respect of Tax Anticipation Notes of Fiscal Year 2020, being 30% of the tax levy of the next preceding fiscal year for all purposes, plus 30% of the amount of miscellaneous revenues realized in cash during the next preceding fiscal year is \$ 61,118,447.51.
2. The amount of notes outstanding in anticipation of the collection of taxes of the 2020 fiscal year, except such notes as will be renewed by or paid from the proceeds of the notes to be issued, is \$0.
3. The net borrowing power, being the excess of the first over the second of the two above amounts is \$ 61,118,447.51.

IN WITNESS WHEREOF, I have hereunder set my hand this      th day of 2020.

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Barry R. Lewis, Jr.  
Acting Chief Financial Officer

Section 4. The Acting Township Chief Financial Officer signing such notes is hereby authorized and directed to determine all matters in connection therewith not determined by this or a subsequent resolution and his signature upon said notes shall be conclusive evidence that all such matters have been so determined in manner and effect consistent with the form and substance of such notes. The Acting Township Chief Financial Officer is hereby authorized to sell said Tax Anticipation Notes of 2020 at public or private sale at not less than par and to deliver the same to the purchasers thereof upon receipt of the purchase price plus accrued interest from the dates of the notes to the date of delivery thereof and payment therefor.

Section 5. Said notes shall be general obligations of the Township and the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on said obligations, and, unless otherwise paid or payment provided for, taxes shall be levied in an amount sufficient to pay the principal of and interest on said obligations as the same shall become due and payable.

Section 6. The Acting Township Chief Financial Officer is authorized and directed to report in writing to this Township Council at the meeting next succeeding the date when the sale of any of said notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full in the minutes of such meeting.

Section 7. This resolution shall take effect immediately. Adoption by the following vote:

Ayes:

Nays:

Date:

THIS NOTE HAS BEEN ISSUED WITHOUT AN OFFICIAL STATEMENT PURSUANT TO AN EXEMPTION FROM RULE 15c2-12 OF THE SECURITIES EXCHANGE ACT OF 1934. ACCORDINGLY, THE AUTHORIZED DENOMINATION OF THIS NOTE SHALL NOT BE CHANGED SO AS TO BE LESS THAN \$100,000. THE TOWNSHIP UNDERTAKES NO OBLIGATION TO PROVIDE, AND DOES NOT INTEND TO PROVIDE, ANY ASSISTANCE IN COMPLYING WITH THE PROVISIONS OF SUCH RULE.

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY

**THE TOWNSHIP OF LIVINGSTON**  
**COUNTY OF ESSEX**

No. 2020A-1            TAX ANTICIPATION NOTE OF FISCAL YEAR 2020    \$[\_\_\_\_\_]

\*\*\*\*\*

The Township of Livingston, a municipal corporation of the State of New Jersey (the "Township" ), for value received, hereby promises to pay to the bearer of this Note, or if it be registered other than to bearer, to the registered owner hereof, in lawful money of the United States of America, the sum of \_\_\_\_\_ Dollars (\$[\_\_\_\_\_]), together with interest thereon from the date hereof at the rate of \_\_\_\_\_ and per centum ( %) per annum, on \_\_, 2020, upon presentation and surrender of this Note at the office of \_\_\_\_\_, \_\_\_\_\_, [City] \_\_\_\_\_, [State] [Zip code].

The issue of Notes of which this Note is a part is not subject to redemption prior to maturity.

This Note is transferable by delivery, unless registered otherwise than to bearer. At the request of the holder, this Note will be registered in his name on the books of the Township for the series of Notes of which this is a part (the "Notes") kept for that purpose in the office of its Chief Financial Officer, such registration to be noted on the back of this Note and thereafter until registered transfer to bearer, no transfer of this Note shall be valid unless made on the registration books for the Note and similarly noted hereon.

This note is issued by virtue of a resolution adopted \_\_\_\_\_, 2020 by the Township of Livingston, and pursuant to the Local Budget Law of the State of New Jersey and in anticipation of the collection of taxes of the budget Year 2020; the gross borrowing power in respect of such notes, as determined in accordance with said Act is \$ \_\_\_\_\_ and the amount of such

notes outstanding including all notes delivered simultaneously with this note, is \$[\_\_\_].

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and interest on this Note according to its terms. This Note shall not be or be deemed to be a debt or liability of the State of New Jersey or a pledge of the faith and credit of the State of New Jersey.

It is hereby certified and recited that all conditions, acts and things required by the Constitution of statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this note exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the Township, does not exceed any limitation imposed thereon by said Constitution or statutes.

IN WITNESS WHEREOF, the Township of Livingston, in the County of Essex, New Jersey, has caused this Note to be signed by the manual or facsimile signature of its Mayor or Deputy Mayor and its Chief Financial Officer, and its corporate seal to be hereunto affixed, and the signatures and seal to be attested by its Clerk or Deputy Clerk, and this Note to be dated the \_\_\_th day of \_\_\_\_\_ 2020.

TOWNSHIP OF LIVINGSTON

Attest:

By: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Chief Financial Officer

[SEAL]

CERTIFICATE AS TO LEGAL OPINION

The undersigned Clerk of the Township of Livingston, in the County of Essex, of the State of New Jersey, hereby certifies that a true and correct copy of the original legal opinion of the law firm of Gibbons P.C., Newark, New Jersey, as to the validity of the Note is available for inspection at the Office of the Clerk of the Township and a copy thereof may be obtained by the owner hereof upon request.

\_\_\_\_\_  
Clerk Township of Livingston

REGISTRATION CERTIFICATE

It is hereby certified that the within Note is registered as to principal and interest as follows:

Date of Registry	Name of Registered	Registered by

b) R-20-117 Establishing the Rate of Interest for Delinquent Property Taxes for the 2<sup>nd</sup> Quarter 2020

**WHEREAS**, N.J.S.A. 54:4-67a permits the governing body by resolution to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges, on or before the date when they would become delinquent; and

**WHEREAS**, the statute mandates that the rate of interest cannot exceed 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of

\$1,500.00, to be calculated from the date the tax was payable until the date that actual payment to the tax collector is made; and

**WHEREAS**, the Township of Livingston adopted Resolution # R-20-45 on January 1, 2020 setting the Rate of Interest for Delinquent Taxes at 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00; and

**WHEREAS**, due to the COVID-19 pandemic and the State and Federal declarations of a major disaster and state of emergency throughout New Jersey, the Township Council of the Township of Livingston wishes to change the rate of interest for delinquent 2<sup>nd</sup> Quarter 2020 tax payments that are due on May 1, 2020 ;

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Livingston in the County of Essex that the rate of interest for taxes unpaid after May 10, 2020 is fixed at \_\_\_\_\_% on the first \$1,500.00 of delinquency and \_\_\_\_\_% per annum on any amount of taxes in excess of \$1,500.00 effective May 1, 2020; and

**BE IT FURTHER RESOLVED**, that the rate of interest for taxes unpaid shall be calculated from date of the quarterly payment until the date of actual payment; and

**BE IT FURTHER RESOLVED**, this Resolution shall be published in its entirety once in the official newspaper of the (insert name of municipality) and a copy of this adopted Resolution forwarded to the Division of Local Government Services in the Department of Community Affairs and notice shall be served upon all taxpayers as required by N.J.S.A. 54:4-67a.

**BE IT FURTHER RESOLVED**, effective August 1, 2020 the rate of interest for taxes unpaid after August 10, 2020 is fixed at 8% on the first \$1,500.00 of delinquency and 18% per annum on any amount of taxes in excess of \$1,500.00.

\_\_\_\_\_  
Rudy Fernandez, Mayor

\_\_\_\_\_  
Glenn R. Turtletaub, Township Clerk

Adopted: April 27, 2020

On roll call vote of R-20-116 and R-20-117, all members present voted YES.

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

Councilman Vieira discussed the need for volunteers, and that Anakaren of the Township Senior youth and Leisure Services department was available to assist seniors and provide help by shopping for seniors.

Manager Lewis discussed the recent Raising of the Israeli flag, and Councilmember Meinhardt thanked the DPW staff and members of the Diversity Committee for their participation.

At 7:34 p.m., the following Resolution was read:

Resolution Authorizing Closed Session—Attorney Client Privilege; Personnel

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS the Governing Body of the Township of Livingston has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

WHEREAS, the Conference meeting of the Governing Body will reconvene, and

BE IT RESOLVED that this 27<sup>th</sup> day of April, 2020, that the Township Council of the Township of Livingston will go into Closed Session for the purpose of discussing Attorney-Client privilege, Personnel, and such matters as may come before the council and that are exempted from the public as outlined in n.J.S.A. 10:4-12.

BE IT FURTHER RESOLVED that the matters discussed in closed session will be made public upon disposition.

On motion duly made and seconded, and by voice vote, all members present voted YES.

The Closed Session adjourned at 8:21 p.m.

Adjournment

The meeting was adjourned at 8:21 p.m.

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