

Livingston, New Jersey
August 6, 2018
Meeting #11

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, Klein, Silverman; Township Manager Lewis; Deputy Township Manager Jones; Township Attorney Weiner; Township Clerk Turtleaub

Absent: Councilmember Fernandez

Silent Meditation and Pledge of Allegiance

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

Presentations

a) Drew Trautman—"1-800-GOT JUNK?"

Mayor Meinhardt presented a Citation to Drew Trautman and "1-800-Got Junk?" in recognition of their helping residents bring items to Livingston Electronics Recycling Day, and supporting the Township's Recycling efforts. Scott Goldman, Chair of the Recycling and Reclamation Committee participated in the presentation.

b) Eagle Scout Arun Gupta—Troop 16

The Council honored Arun Gupta and Mayor Meinhardt presented him with a Citation in recognition of his having achieved the status of Eagle Scout.

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-18-144 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 August 6, 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) July 16, 2018

*Approval of Licenses

Final Hearing Ordinances

a) Ord. 9-2018 Amending Ch. 170 and Adding Prohibited Uses to Article XI General Zoning Regulations to Article XI General Zoning Requirements

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 AND ADDING PROHIBITED USES TO ARTICLE XI GENERAL ZONING REGULATIONS 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. 10-2018 Changing the Name of a Street from Microlab Road to Miracle Way Pursuant to and in Accordance With N.J.S.A. 40:67-1(k) et seq.

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON CHANGING THE NAME OF A STREET FROM MICROLAB ROAD TO MIRACLE WAY PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 40:67-1(K) ET SEQ. 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. 11-2018 Amending Chapter 170 of the Code of the Township of Livingston (Outdoor Seating)

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON was 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 Tuesday, August 21, 2018.

b) Ord. 12-2018 Amending Chapter 217 Peddling and Soliciting by Establishing a New Article Door to Door Solicitation and Establishing a "Do Not Solicit List"

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 217 PEDDLING AND SOLICITING BY ESTABLISHING A NEW ARTICLE DOOR TO DOOR SOLICITATION AND ESTABLISHING A "DO NOT SOLICIT LIST" was 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 Tuesday, August 21, 2018.

c) Ord. 13-2018 Amending Chapter 6, Article V, Open Space Trust Committee was not introduced.

d) Ord. 14-2018 Traffic Ordinance Modification—Stop Intersections was not introduced.

e) Ord. 15-2018 Amending Chapter 306, Trees, Sections 306-7 and 306-8 of the Township Code

AN ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 306, TREES, SECTIONS 306-7 AND 306-8 OF THE TOWNSHIP CODE was 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 Tuesday, August 21, 2018.

Resolutions

a) R-18-145 Authorizing Purchase of Electricity and Natural Gas Supply Services for Public Use on an Online Auction Website

WHEREAS, the Township of Livingston has determined to move forward with the EMEX Reverse Auction in order to procure electricity and natural gas for the Township of Livingston; and

WHEREAS, the Township of Livingston Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity and natural gas supply service for public use through the use of an online auction service; and

WHEREAS, the Township of Livingston will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act.

NOW THEREFORE, BE IT RESOLVED, that the Township Manager of the Township of Livingston is hereby authorized to execute on behalf of the Township of Livingston any electricity and natural gas contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction.

b) R-18-146 Zoning Ordinance 9-2018 Consistent with Master Plan

WHEREAS, the Livingston Planning Board has recommended the enactment of Ordinance No. 9-2018. The Ordinance would prohibit to the degrees stated, sales or service of electronic smoking devices, liquid electronic smoking solutions, liquid electronic smoking solution containing vapor products as well as any drug paraphernalia as defined in Chapter 122 of the Township's Code; and,

WHEREAS, pursuant to N.J.S.A. 40:55D-62(a), a governing body may adopt a zoning ordinance substantially consistent with the Master Plan by placing by an affirmative vote of the majority of the full authorized membership of the governing body a resolution setting forth appropriate reasons for the adoption of the zoning ordinance; and

WHEREAS, the Township Council's appropriate reasons for the adoption of Zoning Ordinance 9-2018 which is substantially consistent with the Master Plan are as follows:

1. The Township Master Plan contains a Section II that sets out Goals and Objectives forming the basis for the physical, economic and social development of the Township and that apply to all elements. Two objectives are pertinent to the Council's passage of the proposed ordinance: 12. To encourage municipal actions that will achieve the long range, development and preservation of lands and property within the Township in a manner promoting the public health, safety, morals and general welfare of present and future references; and 5. To promote the establishment of appropriate land use standards that contribute to the well being of persons and neighborhoods, preservation and improvement of the environment, the quality of life and a sense of community.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that for the appropriate reasons stated above it supports the recommendation of the Livingston Planning Board to adopt Ordinance 9-2018 as it is substantially consistent with the Township's Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that for the appropriate reasons stated above it supports the recommendation of the Livingston Planning Board to adopt Ordinance 9-2018 as it is substantially consistent with the Township's Master Plan.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40:55D-62(a) a copy of this Resolution will be filed with the Essex County Planning Board.

c) R-18-147 Authorizing Sale of Surplus Vehicles

WHEREAS, the Township of Livingston is the owner of certain personal property described on the attached Schedule A and which is no longer needed for public purposes; and

WHEREAS, the condition of the item is such that it is not saleable and can be junked; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston that said property listed in the attached schedule shall be junked.

d) R-18-148 Authorizing a Change Order and Final Payment for Madonna Drive Synthetic Field Athletic Complex

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1600024") with Dakota Excavating Contractor, Inc. for the Madonna Drive Synthetic Field Athletic Complex Renovation; and

WHEREAS, the initial Contract was not to exceed One Million, Seven Hundred and Forty-Six Thousand, Nine Hundred and Seventy Dollars (\$1,746,970.00); and

WHEREAS, due to modifications to the project scope of work a Change Order has been requested for the following:

A.

Credit Item #38 - Scoreboard	
Credit Item #29 – 10' High Chain Link Fence	
Credit Item # 30 - 10' High Gates	
Credit Item # 21 - 24-36" Reinforced Wall	
Credit for not Installing Hard Connection of Flat Pipe	
EXTRA WORK - Additional Fill and Grading to Eliminate 36" Retaining Wall	
EXTRA WORK - Access Road	
EXTRA WORK - Installation of Approximately 660 LF 20' High Netting	
EXTRA WORK - Installation of Wetland Signs	
Total	\$15,000.00

WHEREAS, the total change order increased the contract amount by 0.86% or \$15,000.00 making the new contract sum \$1,761,970.00; and

WHEREAS, this Change Order has been recommended by the Township Engineer and Township Manager; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account T-14-55-850-025-402.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order 1 and Final to the Contract with Dakota Excavating Contractor, Inc. for the Madonna Drive Synthetic Field Athletic Complex Renovation; 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-18-149 Authorizing a Non-Fair and Open Contract to Community Grants, Planning & Housing (CGPH)

WHEREAS, the Township of Livingston has a need to acquire professional affordable housing services and rehabilitation services pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and,

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

WHEREAS, the Township Council has determined that Community, Grants, Planning & Housing, LLC has provided affordable housing services and rehabilitation services in prior years and has performed in a satisfactory manner; and

WHEREAS, Community Grants, Planning & Housing, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Community Grants, Planning & Housing, LLC 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 Community Grants, Planning & Housing, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Planning Administrator and Township Manager are recommending the award of a contract to Community Grants, Planning & Housing, LLC to provide professional affordable housing services and rehabilitation services as required by the Township in an amount not to exceed \$49,000.00; and,

WHEREAS, the Chief Financial Officer has certified that funding is available in account T-15-55-850-001-501.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Community, Grants, Planning & Housing, LLC for the period of August 7, 2018 and ending August 6, 2019 in an amount not to exceed \$49,000.00 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.

f) R-18-150 Authorizing a Non-Fair and Open Contract to Mott MacDonald for Professional Engineering Services for the Implementation of a Water Utility Asset Management Tool

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the implementation of a water utility asset management tool pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

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

WHEREAS, Mott MacDonald, LLC has completed and submitted a business Entity Disclosure Certification which certifies that Mott MacDonald, LLC 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 Mott MacDonald, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Junior Utility Engineer and Township Manager are recommending the award of a contract to Mott MacDonald, LLC to provide professional engineering services for the implementation of a water utility asset management tool as required by the Township in an amount not to exceed \$36,750.00; and,

WHEREAS, the Chief Financial Officer has certified that funds are available in capital account C-06-55-013-003-001; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Mott MacDonald, LLC in an amount not to exceed \$36,750.00 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.

g) R-18-151 Authorizing a Change Order and Final Payment for 2017 Water Main Improvements with Reivax Contracting Corporation

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1700021") with Reivax Contracting Corporation for 2017 Water Main Improvements at West Northfield Road, Harvest Lane and Disney Place; and

WHEREAS, the initial Contract was not to exceed One Million, Ninety Thousand, One Hundred and Forty- Nine Dollars (\$1,090,149.00); and

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

A. SUPPLEMENTAL

Excavation, Test Pit (If and Where Directed)	\$2,400.00
HMA FINAL RESTORATION	\$3,665.78
8" DIP CL. 52 Water Main & Fitting	\$1,200.00
VALVE ABANDONMENT	\$1,290.00
CUT, CAP, AND ABANDON EXISTING MAIN	\$2,200.00
POLICE TRAFFIC DIRECTORS (ALLOWANCE)	\$78,002.50
Total	\$88,758.28

B. EXTRAS

CR3 – Temporary Trench Restoration on County	\$21,850.00
Concrete Curb	\$6,612.00
Belgian Block Curb	\$3,572.00
Permanent Trench Restoration	\$26,466.00
Inlet Reconstructs on Northfield	\$1,000.00
CR1 - 11/2 - Downtime for unmarked service in front of 258 W Northfield	\$4,196.42
CR2 - 11/3 - Downtime for unmarked service in front of 258 W Northfield	\$4,196.42
Total	\$67,892.84

B. REDUCTIONS

Rock Excavation (If and Where Directed)	-\$30,000.00
CONCRETE SIDEWALK	-\$240.00
REINFORCED CONCRETE DRIVEWAY APRON	-\$160.00
MILL AND PAVE	-\$37,011.12
ADA DETECTABLE WARNING SURFACE	-\$68.00
6" DIP CL. 52 Water Main & Fitting	-\$14,420.00
12" DIP CL. 52 Water Main & Fitting	-\$950.00
6" Gate Valve	-\$2,000.00
8" Gate Valve	-\$2,500.00
12" Gate Valve	-\$7,400.00
6" INSERTION VALVE (IF & WHERE DIRECTED)	-\$21,000.00
8" INSERTION VALVE (IF & WHERE DIRECTED)	-\$7,800.00
12" INSERTION VALVE (IF & WHERE DIRECTED)	-\$11,700.00
1-1/2" COPPER SERVICE	-\$1,500.00
1" COPPER SERVICE (IF & WHERE DIRECTED)	-\$6,000.00
1-1/2" COPPER SERVICE (IF & WHERE DIRECTED)	-\$7,500.00
WATER MAIN DISINFECTION & DECHLORINATION	-\$201.00
PRESSURE TESTING OF WATER MAIN	-\$201.00
Total	-\$150,651.12

WHEREAS, the total change order increased the contract amount by 0.55% or \$6,000.00 making the new contract sum \$1,096,149.00; and

WHEREAS, this Change Order has been recommended by the Junior Utility Engineer and Township Manager; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-018-005-002

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 Reivax Contracting Corporation for 2017 Water main Improvements at West Northfield Road, Harvest Lane and Disney Place.; 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.

i) R-18-152 Authorizing a Curbside Solid Waste Collection Contract with Waste Industries, LLC

WHEREAS, the Township of Livingston has a need for the curbside collection, removal and disposal of solid waste with optional rear yard service for its residents and other Township locations that cannot otherwise be performed by Township employees; and

WHEREAS, on August 3, 2015, Waste Industries, LLC was awarded a three (3) year contract with an option to renew for an additional two (2) years at the sole discretion of the Township of Livingston; and

WHEREAS, Waste Industries, LLC bid as per the original contract is as follows: Year 4 - \$1,075,000.00 and Year 5 - \$1,075,000.00; and

WHEREAS, the original contract included an option for rear yard service to be paid directly by residents to the contractor at a cost of \$20.00 per month for one can and \$25.00 per month for a maximum of three cans; and

WHEREAS, the Township Manager recommends exercising the option to extend the contract with Waste Industries, LLC for a period of two (2) years effective September 1, 2018; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2018 budget under account 8-01-26-305-004-278 and funding for years 2019 and 2020 is subject to the appropriation of sufficient funds in the 2019 and 2020 municipal budgets.

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 extend the contract with Waste Industries, LLC for two (2) years effective September 1, 2018 for the collection, removal and disposal of solid waste from residents and other Township locations.

j) R-18-153 Authorizing HVAC Maintenance and Repairs for 24 Month Contract

WHEREAS, on August 8, 2016 the Township Council of the Township of Livingston authorized the Township Manager to enter into a twenty-four (24) month open ended contract with All J's Mechanical, LLC for the maintenance and repair of heating, ventilating and air conditioning (HVAC) Systems; and

WHEREAS, pursuant to 40A: 11-15, the Township will extend its existing contract for an additional one-year with All J's Mechanical, LLC at the same prices bid; and

WHEREAS, All J's Mechanical, LLC schedule of pricing is attached; and

WHEREAS, the Superintendent of Public Works is recommending a one-year extension of the contract with All J's Mechanical, LLC at the same prices bid; and

WHEREAS, the Township Manager is recommending a one-year extension of the contract with All J's Mechanical, LLC at the same prices bid; 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 it authorizes the Township Manager to extend the contract with All J's Mechanical, LLC for one-year effective September 18, 2018.

k) R-18-154 Rejection of Township Sidewalk Improvements at Various Locations

WHEREAS, the Township of Livingston ("Township") has a need for the residential and/or Township sidewalk improvements at various locations that cannot otherwise be performed by its regular employees; and

WHEREAS, on June 21, 2018, the Township of Livingston issued Bid No. 010-2018, to solicit bids from contractors experienced in sidewalk improvements; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on June 21, 2018 and as a result eight (8) bid packages were requested; and

WHEREAS, on July 18, 2018, two (2) bids were received by the bid deadline and publicly read; and

WHEREAS, from the bids received the apparent low bidder was identified as A & A Curbing, Inc. with a bid of \$58,500.00; and

WHEREAS, on July 24, 2018, A & A Curbing, Inc. submitted a request in writing to withdraw their bid due to an error in compiling the total bid price; and

WHEREAS, the request for a bid withdrawal has been reviewed by the Purchasing Manager and it meets the requirements of N.J.S.A 40A:11-23.3 et seq.; and

WHEREAS, in accordance with Section VI.D., "Award of Bid", in the bid documents, the Township of Livingston desires to exercise its right to reject the remaining bid for the residential and/or Township sidewalk improvements at various locations due to the fact that this bid substantially exceeds the appropriation for these services (N.J.S.A. 40A:11-13.2 (b)); and

WHEREAS, the Township Manager recommends rejecting the bid and reissuing the bid as soon as practicable.

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 accepts the bid withdrawal of A & A Curbing, Inc.

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 bid received in connection with the issuance of Bid No. 010-2018 is hereby rejected.

I) R-18-155 Authorizing 2019 Recreational Opportunities for Individuals with Disabilities (ROID) Grant Application

WHEREAS, the Township of Livingston desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$15,000 to \$20,000 to carry out a project to provide recreational activities for school age children with special needs; and

BE IT THEREFORE RESOLVED,

- 1) that the Township of Livingston does hereby authorize the application for such a grant; and
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the full executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Livingston and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

On motion duly made and seconded, and on roll call vote of Resolutions R-18-145 through R-18-155, all members present voted YES.

Public Comment

Bob Hunter, 89 Elmwood Dr., questioned the need for an ordinance regulating such as "boy scouts going door to door selling popcorn". Mr. Hunter thanked the DPW for its assistance addressing town trees and dog park maintenance.

Mayor Meinhardt thanked Mr. Hunter for his comments in recognition of the work performed by the DPW and Township Departments.

Adjournment

At 8:05 p.m., the Regular Meeting adjourned.

EDWARD MEINHARDT, Mayor

GLENN R. TURTLETAUB, Township Clerk

