

Livingston, New Jersey
August 26, 2019
Meeting #17

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:50 p.m. at Town Hall, 357 South 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 2, 2019. "48-hr. Notice" was faxed to these same publications on August 21, 2019.

Present: Mayor Anthony; Councilmembers Fernandez, Meinhardt, Vieira; Township Manager Lewis; James Bryce Esq for Township Attorney Weiner; Deputy Township Clerk Mazzucco

Absent: Councilmember Klein

Silent Meditation and Pledge of Allegiance

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

Presentations

a) Evan Anderson – Mayor Anthony congratulated Evan on his litter clean up initiative in Livingston and encouraged others do to the same. Evan stated that he started getting involved in litter clean-up in college after watching videos of animals ingesting trash, and that it wasn't good for them.

b) Mayor Anthony proclaimed September 2019 as National Preparedness Month to highlight the importance of emergency preparedness.

Essex County Update/Questions

Public Comments on Agenda Items

Resolution—Consent Agenda (Includes All Items Marked ***) R-19-167

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 26, 2019, attached hereto, which are preceded by an "***" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approval of Minutes

a) August 5, 2019

Approval of Licenses

Final Hearing Ordinances

Proposed Ordinance

a) Ord. 17-2019 Amending and Revising the Code of the Township of Livingston for Health Department Fees
ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND REVISING THE CODE OF THE TOWNSHIP OF LIVINGSTON FOR HEALTH DEPARTMENT FEES 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, September 16, 2019.

b) Ord. 18-2019 Authorizing the Commencement of an Action Under the Eminent Domain Act of 1971 and Authorizing the Acquisition of Block 102, Lot 12 in the Township of Livingston, County of Essex, State of New Jersey
ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AUTHORIZING THE COMMENCEMENT OF AN ACTION UNDER THE EMINENT DOMAIN ACT OF 1971 AND AUTHORIZING THE ACQUISITION OF BLOCK 102, LOT 12 IN THE TOWNSHIP OF LIVINGSTON, COUNTY OF ESSEX, STATE OF NEW JERSEY 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, September 16, 2019.

Resolutions

a) R-19-168 Approving Participation with State of New Jersey Federal Grant Program (Safe and Secure Communities Program)

WHEREAS, the Township of Livingston desires to apply for and to accept funding in the amount of \$60,000; and

WHEREAS, the Township of Livingston desires to apply for and to accept funding in the amount of \$60,000.00 dollars, with a match of fringe benefits, under the Safe and Secure Communities Program, State Fiscal Year 2018, State Grant #18-0710; and

WHEREAS, the Township of Livingston has reviewed the accompanying applications and has approved said requests, and

WHEREAS, this project is a joint effort between the Department of Law and Public Safety and the Livingston Township Police Department for the purpose described in the application;

THEREFORE, BE IT RESOLVED this 26th day of August, 2019, by the Township Council of Livingston Township, Essex County, New Jersey that:

1. As a matter of public policy the Livingston Township Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice will be responsible for the receipt and review of the application for said funds.
4. The Division of Criminal Justice will initiate allocations to each applicant as authorized.
5. The Grant Duration Period is 4/15/18 through 4/14/19.

b) R-19-169 Member Participation in a Cooperative Pricing System

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 Passaic Valley Sewage Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in the North Jersey Wastewater Cooperative Pricing System (NJCWPCS) for the purchase of goods and services; and

WHEREAS, the Township of Livingston desires to become a member of the North Jersey Wastewater Cooperative Pricing System effective August 26, 2019 and, that such membership shall be for the period ending November 24, 2019, and each renewal, thereafter of the system, unless the Township of Livingston elects to formally withdraw from the system.

NOW, THEREFORE BE IT RESOLVED as follows:

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

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

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.

This resolution shall take effect immediately upon passage.

c) R-19-170 Authorizing a One Year Extension of Existing Contract with Bayshore Recycling Corp.

WHEREAS, on September 18, 2017 the Township Council of the Township of Livingston authorized the Township Manager to enter into a twelve-month contract with Bayshore Recycling, Corp. for the marketing of recyclable materials recovered through the Township's recycling program; and

WHEREAS, pursuant to the existing contract, the Township extended its contract for one year effective November 1, 2018 at the same prices bid; and

WHEREAS, pursuant to the existing contract, the Township will exercise its option to extend its existing contract for an additional one year effective November 1, 2019 with Bayshore Recycling, Corp. at the same prices bid; and

WHEREAS, the Township Manager is recommending a one-year extension of the contract with Bayshore Recycling, Corp. at the same prices bid per the attached schedule of pricing; and

WHEREAS, the cash receipts received from Bayshore Recycling, Corp.'s marketing effort will result in revenue to the Township; 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 Bayshore Recycling, Corp. for one year effective November 1, 2019.

				Bayshore Recycling Corp.***	
				PO Box 290 75	
				Crowns Mill Road	
				Keasbey, NJ 08832	
ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	EXTENSION
			Market Price		
1	2069.68	TON	Residential Mixed Paper	\$100.10	\$207,174.97
2	1145.74	TON	Commingled Bottles/Cans/Plastics	\$19.16	\$21,952.38
			Total Potential Annual Revenue - Market		\$229,127.35
			Total Potential Monthly Revenue - Market		\$19,093.95
			Guaranteed Floor Price		
1	2069.68	TON	Residential Mixed Paper	\$55.00	\$113,832.40
2	1145.74	TON	Commingled Bottles/Cans/Plastics	\$19.16	\$21,952.38
			TOTAL Minimum Revenue		\$135,784.78
			Total Monthly Revenue - Floor		\$11,315.40

d) R-19-171 Rejecting Bids

WHEREAS, the Township of Livingston ("Township") has a need for the roof replacements at the Water Pollution Control Facility that cannot otherwise be performed by its regular employees; and

WHEREAS, on July 11, 2019, the Township of Livingston issued Bid No. 010-2019 to solicit bids from contractors experienced in roof repairs; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on July 11, 2019 and as a twenty-nine (29) bid packages were requested; and

WHEREAS, on July 31, 2019, four (4) bids were received by the bid deadline and publicly read; and

WHEREAS, the apparent low bidder, Mak Group, LLC, failed to comply with the bid specifications rendering this bidder not responsive as per 40A:11-2 (33); 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 bids for the roof replacements due to the fact that the remaining bids substantially exceed the cost estimate for these services (N.J.S.A. 40A:11-13.2 (a)); and

WHEREAS, the Township Manager recommends rejecting the bids 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 the bids received in connection with the issuance of Bid No. 010-2019 are hereby rejected.

e) R-19-172 Authorizing a Contract with Tri-Plex Industries, Inc.

WHEREAS, the Township of Livingston ("Township") has a need for a contractor to furnish and install electrically operated partition doors at the Senior Community Center that cannot otherwise be performed by its regular employees; and

WHEREAS, on January 24, 2019, the Township of Livingston issued Bid No. 006-2019 to solicit bids from contractors experienced in furnishing and installing electrically operated partition doors; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 24, 2019 and as a result fourteen (14) bid packages were requested; and

WHEREAS, on February 20, 2019, four (4) bids were received by the bid deadline and publicly read; and

WHEREAS, Tri-Plex Industries, 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 Director of Senior, Youth and Leisure Services has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Tri-Plex Industries, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to Tri-Plex Industries, Inc. in an amount not to exceed \$143,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-04-55-018-006-024 and under ordinance 14-2019.

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 Tri-Plex Industries, Inc. in an amount not to exceed \$143,000.00.

f) R-19-173 Authorizing Contract with S. Rotondi & Sons, Inc.

WHEREAS, the Township of Livingston ("Township") has a need for leaf disposal 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 S. Rotondi & Sons, Inc. has provided leaf disposal services in prior years and has performed in a satisfactory manner; and

WHEREAS, S. Rotondi & Sons, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that S. Rotondi & Sons, Inc. 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 S. Rotondi & Sons, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, pursuant to N.J.S.A 40A:11-5 (s), this contract is exempt from public bidding it involves the marketing of recyclable materials recovered through a recycling program; and

WHEREAS, S. Rotondi and Sons, Inc. submitted unit pricing of \$8.20 per cubic yard for the 2019 & 2020 leaf collection seasons; and

WHEREAS, the Public Works Superintendent has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to S. Rotondi & Sons, Inc.; and

WHEREAS, the Township Manager recommends the award of a contract for (2) leaf collection seasons (2019 and 2020); 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 enter into an open-ended contract with S. Rotondi & Sons, Inc. at a unit price of \$8.20 per cubic yard for the 2019 and 2020 leaf collection seasons in an amount not to exceed \$318,000.00 per season.

h) R-19-174 Authorizing Approval of Change Order 1 and Final with MSP Construction Corp.

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1800012") with M.S.P. Construction Corporation for the Passaic Avenue Upstream Gravity Sewer Upgrades; and

WHEREAS, the initial Contract was not to exceed One Million, One Hundred Forty-Nine Thousand- Eight Hundred Ninety Dollars (\$1,149,890.00); and

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

A.	SUPPLEMENTAL	
	For Topsoiling, Fertilizing, and Seeding Existing Lawns and/or Improved Areas	\$278.00
	For Topsoiling, Fertilizing, and Seeding Existing Lawns Unimproved Areas	\$3,111.00
	For Mulching	\$677.80
	For Permanent Bituminous Pavement Replacement in Municipal and	\$11,540.00

Private Roads/Commercial Driveways (Trenches Only)	
For Permanent Bituminous Pavement Replacement in Regency Club Roads (Trenches Only)	\$1,240.00
For 16- Inch Diameter Ductile Iron Gravity Sewer	\$36,750.00
Total	\$53,596.80

B.

REDUCTIONS

Earth Excavation from 0 to 8 feet in depth	-\$4,396.00
Earth Excavation from 8 to 14 feet in depth	-\$3,892.50
Earth Excavation from 14 to 20 feet in depth	-\$9,793.00
Earth Excavation Greater than 20 feet in depth	-\$11,710.00
Additional Price for Rock Excavation- All Depths	-\$2,000.00
Additional Price for Disposal of Contaminated Soil	-\$1,000.00
Additional Price for Disposal Of ID 27 Waste	-\$1,000.00
Additional Price for Furnishing and Operation of Contaminated Groundwater Treatment System	-\$20,000.00
Price for Timber Sheeting Left in Place	-\$2,000.00
Price per Steel Sheeting Left in Place	-\$1,000.00
For Furnishing and Placing Course Aggregate	-\$1,620.00
For Furnishing and Placing Coarse Select Backfill	-\$9,411.20
For Furnishing and Placing Concrete	-\$2,500.00
For Test Pits	-\$800.00
For Precast Concrete Manholes with Flexible Manhole Sleeves up to 8' Deep	-\$6,000.00
For Each Additional Foot of Depth of Concrete Manhole from 8'-14' Deep	-\$6,110.00
For Each Additional Foot of Depth of Concrete Manhole from 14'-20' Deep	-\$7,322.00
For Each Additional Foot of Depth of Concrete Manhole Greater than 20' in Depth	-\$3,930.50
For 12-Inch Dia, SDR-35 (Gravity)	-\$1,800.00
For 15-Inch Dia, SDR-35 (Gravity)	-\$8,170.00
For Testing of Gravity Pipe	-\$128.00
For House Connections	-\$1,500.00
For Branch Connections	-\$2,000.00
For 4-Inch Diameter Risers	-\$1,000.00
For Backfill Compactions	-\$1,090.00
For Concrete Curbing Restoration	-\$900.00
For Belgium Block Curbing Restoration	-\$12,600.00
For Sidewalk Restoration	-\$900.00
For Sodding	-\$15,000.00
For Furnishing Additional Topsoil	-\$500.00
For Temporary Bituminous Pavement Replacement Trench Repairs in Municipal and Private Roads /Commercial Driveways	-\$1,050.40
For Temporary Bituminous Pavement Replacement Trench Repairs in Regency Club Roads	-\$5,328.00
For 12-Inch Diameter Ductile Iron Gravity Sewer	-\$3,360.00
For 18-Inch Diameter Ductile Iron Gravity Sewer	-\$78,000.00
For 4-Inch Ductile Iron House Connections (Including Excavation and Backfill)	-\$3,000.00
For 6-Inch Ductile Iron House Connections (Including Excavation and Backfill)	-\$3,184.40
For 4-Inch Ductile Iron Branch Connections	-\$551.21
For 6-Inch Ductile Iron Branch Connections	-\$7,471.61
For Testing of Pipe	-\$374.00
For Traffic Control (Including \$4,000.00 Allowance for Off Duty Police Officer	-\$4,000.00

For Preconstruction Audio and Video DVD Documentation	-\$2,000.00
For Construction Impervious Trench Stops	-\$90.00
Total	-\$248,482.82

WHEREAS, the total change order decreased the contract amount by 16.95% or \$194,886.02 making the new contract sum \$955,003.98; and

WHEREAS, this Change Order has been recommended the Township Engineer and 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 M.S.P. Construction Corporation for the Passaic Avenue Upstream Gravity Sewer Upgrades; 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.

On motion duly made and seconded, and on roll call vote of Resolutions R-19-168 through R-19-174, all members present voted YES.

Public Comment

Barry Janay, 11 Wilshire Drive, stated that he is a cyclist and that one of his cyclist friends was recently hit by a car on Northfield Rd. Janay felt that there was a lack of cooperation by motor vehicles to share the road with cyclists and asked the Council to consider bike lanes on certain roads. Mayor Anthony commented on the Complete Street program, and that there was an effort to set up bike lanes on certain roads. Walter LeVine, Trails & Greenways Committee member, commented that they also have plans for bike lanes in the Township. Councilmember Vieira mentioned that NJ DOT has funding for grants on bike safety. Councilmembers agreed that the cyclist population has grown over the past few years.

Bob Hunter, 89 Elmwood Drive, thanked Councilmember Vieira for the clean-up at Livingston circle. He also mentioned that cars were always speeding on West McClellan.

Billy Fine, 20 Cambridge Rd, thanked the Police Department for a successful National Night Out on August 6, 2019. Councilmembers concurred that it was a wonderful night and thanked the Police Department as well.

Adjournment

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

ALFRED M. ANTHONY, Mayor

CAROLYN MAZZUCCO, Deputy Township Clerk