

Livingston, New Jersey  
September 4, 2018  
Meeting #17

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 6:15 p.m. at Livingston High School, 30 Robert Harp Drive, 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 4, 2018. "48-hr. Notice" was faxed to these same publications on July 30, 2018, August 14, 2018, and August 27, 2018.

Present: Mayor Meinhardt; Councilmembers Anthony, Fernandez, Klein, Silverman; Township Manager Lewis; Deputy Township Manager Jones; Township Attorney Weiner; Township Clerk Turtletaub

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) Police Department Promotions. Mayor Meinhardt announced that the Police Department Promotions would take place later in the meeting at 7:00 p.m.

b) National Preparedness Month

Mayor Meinhardt read from a Proclamation he had signed in recognition of National Preparedness Month.

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-18-156 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 September 4, 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) August 6, 2018

\*Approval of Licenses

Final Hearing Ordinances

a) Ord.11-2018 Amending Chapter 170 of the Code of the Township of Livingston (Outdoor Seating)

ORDINANCE OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON 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. 12-2018 Amending Chapter 217 Peddling and Soliciting by Establishing a New Article Door to Door Solicitation and Establishing a "Do Not Solicit List"

AN ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 217 PEDDLING AND SOLICING BY ESTABLISHING A NEW ARTICLE DOOR TO DOOR SOLICITATION AND ESTABLISHING A "DO NOT SOLICIT LIST" was read by title. The Clerk clarified that the List would be named "DO NOT KNOCK" list rather than "DO NOT SOLICIT". 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.

c) 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 read by title. There being no other 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. 16-2018 Amending Township Code Chapter 217, Peddling and Soliciting, Art. IV, Charitable Clothing Bins

AN ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 217, PEDDLING AND SOLICITING, ARTICLE IV, CHARITABLE CLOTHING BINS, 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 Monday, September 17, 2018.

b) Ord. 17-2018 Amending Section 170-90.K (3)(b), Signs, in the DS-2 Zone

AN ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING SECTION 170-90.K.(3)(b) OF THE TOWNSHIP CODE REGULATING SIGNS IN THE DS-2 ZONE 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 Monday, September 17, 2018.

Resolutions

a) R-18-157 Awarding Contract to Third Party Power Supplier To Provide Electric Generation Service to Livingston Community Energy Aggregation (LCEA) Participants Residing in JCP&L Territory (Withdrawn)

b) R-18-158 Awarding Contract to Third Party Power Supplier To Provide Electric Generation Service to Livingston Community Energy Aggregation (LCEA) Participants Residing in PSE&G Territory (Withdrawn)

c) R-18-159 Rejecting Price Proposals Received from Third Party Power Suppliers in Connection with the LCEA (Withdrawn)

d) R-18-160 R-18-160 Permit A Change in Shuttle Bus Service Fare

WHEREAS, Chapter 328 Shuttle Bus Service of the Livingston Code permits changes to any fees established by ordinance and shall be permitted by Resolution; and,

WHEREAS, there are many changes occurring on the commute to and from New York City where commuters taking their preferred mode of transportation in the a.m. will need a method to get home; and

WHEREAS, there is a desire to establish a one-way evening only monthly fare of \$35.00 (which is one-half of the normal monthly roundtrip fare).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that beginning on September 1, 2018, there is established a one-way "evening only" monthly fare of \$35.00.

e) R-161 Disposition of Surplus Property

**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**, N.J.S.A. 40A:11-36 (7) allows for the inclusion of the sale of personal property no longer needed for public use to offset the price of a new purchase and the Township of Livingston has determined that a 2002 Ford Explorer is no longer needed for public use; and

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

f) R-18-162 Application to DLGS to Conduct an Electronic Tax Sale

**WHEREAS**, N.J.S. 54:5-19.1 authorized electronic tax sales pursuant to rules and regulations promulgated by the Director of the Division of Local Government Services; and

**WHEREAS**, the Director of Local Government Services has promulgated rules and regulation for electronic tax sale pilot programs; and

**WHEREAS**, the Director of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sale pilot programs; and

**WHEREAS**, rules and regulations authorize a municipality to submit an application for participation in the electronic tax sale pilot program; and

**WHEREAS**, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

**WHEREAS**, the Township of Livingston wishes to participate in the electronic tax sale pilot program;

**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 Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale pilot program and submit said application to the Director of the Division of Local Government Services.

g) R-18-163 Approving First Amendment to Developer's Agreement with Pulte Homes of NJ (Withdrawn)

h) R-18-164 Authorizing the Planning Board to Investigate Whether Certain Properties Should be Designated as an Area in Need of Redevelopment Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, to determine whether certain parcels of land constitute an area in need of redevelopment, under the Redevelopment Law the Township Council of the Township of Livingston (the "**Council**") must authorize the Planning Board to conduct a preliminary investigation of the area and make recommendations to the Council; and

**WHEREAS**, the Council hereby requests that an investigation occur with respect to the property described on the attached Exhibit A (the "**Study Area**"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

**WHEREAS**, if the Study Area is determined to meet the criteria for designation as an area in need of redevelopment, the Council further authorizes the Township to use all of those powers provided under the Redevelopment Law for use in a redevelopment area, but not including the power of eminent domain pursuant to *N.J.S.A. 40A:12A-8(c)* (as designated, a "**Non-Condemnation Redevelopment Area**"); and

**WHEREAS**, the Council has determined that it is in the best interests of the Township to direct the Planning Board to undertake a preliminary investigation of the Study Area pursuant to the procedures of the Redevelopment Law and provide its recommendations to the Council.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment, which designation would permit the Township to utilize all of the redevelopment powers, but not including eminent domain.

Section 3. As part of its investigation, the Planning Board shall prepare maps showing the boundaries of the Study Areas and the location of the parcels contained therein and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundary of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that a Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination would NOT authorize the Township to exercise the power of eminent domain to acquire any property in the delineated area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that a Study Area is a redevelopment area. All objections to a determination that a Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Areas, and conducting a public hearing at which all objections to the designations are received and considered, the Planning Board shall make recommendations to the Council as to whether the Council should designate the Study Area as an area in need of redevelopment pursuant to the Redevelopment Law.

Section 7. This resolution shall be effective in accordance with applicable law.

On motion duly made and seconded, and on roll call vote of Resolutions R-18- 159, 160, 161, 162 and 164, all members present voted YES.

Public Comment

Bob Hunter, 89 Elmwood Dr. discussed the Trans-Williams Pipeline.

Mayor Meinhardt announced this upcoming meeting with Essex County Executive and County personnel for addressing plans for Riker Hill Art Park.

At 6:45 p.m., Mayor Meinhardt announced that there would be a brief recess and that the Regular Meeting would resume at 7:00 p.m. for the Police Swearings-in ceremonies.

At 7:00 p.m., the Regular Meeting resumed with everyone previously in attendance present.

Mayor Meinhardt welcomed dignitaries in attendance, including Freeholders Sebold and Luciano, Assemblywoman Jasey, Essex County Sheriff Fontoura and past Livingston Mayors. Mayor Meinhardt thanked the Livingston Board of Education for its assistance in making the High School available for this meeting on short notice due to the problems with the air conditioning at the Senior/Community Center.

In the presence of his family members, Gary Marshuetz was sworn in as Livingston Police Chief by the Honorable David Katz.

The Mayor and each Councilmember addressed Chief Marshuetz and congratulated him on his promotion. Chief Marshuetz thanked Township Manager Lewis and all members of the Council.

Township Manager Lewis announced the promotions of Thomas Smith and John Drumm to Police Captain, and Judge Katz administered the oath to each.

Township Manager Lewis announced the promotions of Jack Hickey and Walter Writt to Police Sergeant. Judge Katz administered the oath to Walter Writt. Jack Hickey was unable to attend this evening and will take the oath at a future ceremony.

Township manger Lewis announced the promotions of Deborah Shumaker and Vincent Daly to Police Sergeant, and Judge Katz administered the Oaths of Office to each.

Adjournment

At 7:45 p.m., the Regular Meeting adjourned.

EDWARD MEINHARDT, Mayor

GLENN R. TURTLETAUB, Township Clerk