

Livingston, New Jersey
Regular and Conference Meeting
August 17, 2020

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 July 13 and July 31, 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 Attorney Weiner, Township Clerk Turtletaub, Deputy Clerk Mazucco

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

At 7:05 p.m., the following Resolution was considered:

Resolution Authorizing Closed Session—Energy Aggregation, Interlocal Services Contract-Shared Health Officer (Contract Negotiations/Attorney Client Privilege)

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 17th day of August, 2020, that the Township Council of the Township of Livingston will go into Closed Session for the purpose of discussing Energy Aggregation, Contract Negotiations/Attorney-Client Privilege, 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 7:20 p.m.

Presentation—National Preparedness Month —Mayor Fernandez read a Proclamation in recognition of National Preparedness Month, and encouraged residents to recognize its importance.

Essex County Update/Questions

Legal Fees--The Council approved payment of the Legal Fees of McManimon, Scotland & Baumann (July 2020) and Murphy McKeon, P.C. (July 2020).

New Business

Coronavirus/COVID 19 Update—Township Manager Lewis provided an update of the Township's responses to the Coronavirus pandemic. He stated that Health Director Lou Anello is providing updated demographic information, charts and graphs which will be placed on the Township website.

b) "Paint the Towns Teal"—As in past years, the Council approved the request of Allison Caplan on behalf of the "Turn the Towns Teal" campaign to heighten ovarian cancer awareness, subject to the limitation to the town Oval, the emotional center of town.

c) Rescinding R-20-167 Township Clerk Turtletaub explained the need for the rescission, as the applicant was still awaiting issuance of a tax clearance certificate

d) Golf Committee The Annual Livingston Golf Outing on August 31 was discussed, and the proceeds will go to Livingston Helping Neighbors.

e) Furnish Equipment for Livingston Television The Council discussed the recommendation of Frank Sheehan III, Livingston TV Treasurer and Executive Committee Member of LTV and Manager Lewis to award a contract to Furnish Equipment for LTV to G & G Technologies, and the matter is listed on the evening's Regular Agenda for a vote. Councilmember Vieira asked Manager Lewis about livestreaming, and it was agreed that livestreaming would be allowed.

f) Marketing of Recyclables The Council considered the Recommendation of Deputy Township Manager Jones and Purchasing Manager Karen Sullivan for an award of Contract to Bayshore Recycling, and the matter is listed on the evening's Regular Agenda for a vote. Deputy Township Manager Jones explained the need. Mayor Fernandez inquired about single streaming, and Mr. Jones explained that is sometimes more expensive, and that a lot of towns are going away from single streaming because of the possibility of contamination.

g) Manhole Rehabilitation—The Council considered the recommendation of Township Engineer Harduby for an award of contract to National Water Main Cleaning Co, and the matter is listed for a vote on the evening's Regular Agenda.

h) Preparation of Preservation Plan for Old Force Home—The Council considered the proposal to complete Historic Preservation Plan for the Force Homestead by Barton Ross & Partners, LLC (architects). Councilmember Klein questioned whether this was the best use of monies. Councilmember Vieira urged that the preservation needed to be done, and Councilmembers Anthony and Meinhardt agreed. The matter is listed on the evening's Regular Agenda for a vote.

i) Shared Services Agreement for Provision of Interim Health Officer Services

This matter was considered in Closed Session this evening, and no further discussion was held.

Public Comments on Agenda Items

Township Clerk Turtletaub read aloud questions to the Council submitted by residents via email.

Justin Escher Alpert, 56 Amherst Place, asking why the St. Barnabas Tax Appeal and the Social Justice Committee needed to be considered in closed session. Mayor Fernandez explained that as litigation and personnel items, respectively, they were always addressed in Closed Session. Mr. Alpert inquired as to Item 13 (Ord. 10-2020 Establishing R-5K Resident district), asking the Council consider “a more comprehensive affordable housing program. Mr. Alpert also addressed the three bond ordinances, suggesting the Council approach Assemblyman McKeon to place a special assessment, Mr. Alpert addressed, and Mayor Fernandez responded to his questions, regarding Item 14g (Authorization to join Essex Sustainable Energy Alliance), and R-20-189 (Authorizing Shared Services Agreement with Newark for Provision of Interim Health Officer S The Council considered the Recommendation of Deputy Township Manager Jones and Purchasing Manager Karen Sullivan for an award of Contract to Bayshore Recycling, and the matter is listed on the evening’s Regular Agenda for a vote. services).

Resolution—Consent Agenda Includes All Items Marked “*” R-20-177

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 17, 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 and Conference Minutes—August 3, 2020
- b) Closed Session Minutes—August 3, 2020

Approval of Licenses

Final Hearing Ordinances

Proposed Ordinances

a) Ord. 10-2020 Establishing R-5K Residence District

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON BY ESTABLISHING A NEW INCLUSIONARY DEVELOPMENT ZONE DESIGNATED AS THE R-5K RESIDENCE DISTRICT 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 Tuesday, September 8, 2020.

b) Ord. 11-2020 Bond Ordinance Providing an Appropriation of \$9,795,000 for Various Improvements and Authorizing Issuance of \$9,328,568 Bonds or Notes for Financing Part of the Appropriation

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$9,795,000 FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$9,328,568 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION 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 Tuesday, September 8, 2020.

c) Ord. 12-2020—Bond Ordinance Providing an Appropriation of \$2,730,000 for Improvements to Water Utility System and authorizing Issuance of \$2,730,000 Bonds or Notes for Financing Part of the Appropriation

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,730,000 FOR IMPROVEMENTS TO WATER UTILITY SYSTEM IN AND BY THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,730,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION 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 Tuesday, September 8, 2020.

d) Ord. 13-2020 Bond Ordinance Providing an Appropriation of \$1,820,000 for Improvements to Sewer Utility System and authorizing Issuance of \$1,820,000 Bonds or Notes for Financing Part of the Appropriation

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,820,000 FOR IMPROVEMENTS TO SEWER UTILITY SYSTEM IN AND BY THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,820,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION 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 Tuesday, September 8, 2020.

Resolutions

a) R-20-178 Governor's Council on Alcoholism and Drug Abuse FY2020/2021

FORM 1B-Revised

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Livingston, County of Essex State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Essex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Livingston, County of Essex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Livingston Municipal Alliance grant for fiscal year 2020/2021 in the amount of:

DEDR	\$ 18,543.00
Cash Match	\$ 4,635.75
In-Kind	\$ 13,907.25
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Rufino Fernandez Jr, Mayor

CERTIFICATION

I, Glenn R. Turtletaub, Municipal Clerk of the Township of Livingston, County of Essex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 17th day of August, 2020.

Glenn R. Turtletaub, Municipal Clerk

b) R-20-179 Governor's Council on Alcoholism and Drug Abuse FY 2020

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Livingston, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

NOW THEREFORE, the Township Council of the Township of Livingston does hereby rescind R-20-167.

d) R-20-181 Authorizing Award of Contract to Bay Shore Recycling Corp.

WHEREAS, the Township of Livingston has an immediate need for a firm to market its recyclable materials collected from the Township of Livingston's recycling program that cannot otherwise be performed by its regular employees; and

WHEREAS, on June 25, 2020, the Township of Livingston issued RFP No. 6-2020 as a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq, to solicit proposals from recycling brokers, processors and end-users experienced in marketing recyclable materials collected from established recycling programs; and

WHEREAS, the request for proposals ("RFP") was advertised in the West Essex Tribune and on the Township of Livingston website on June 25, 2020, and as a result fourteen (14) rfp packages were requested; and

WHEREAS, on July 22, 2020, one (1) proposal was received by the rfp deadline and publicly read; and

WHEREAS, in accordance with the selection criteria established in the rfp, the proposal was evaluated for understanding of the requested work, types of materials collected, management, experience and personnel qualifications, and price; and

WHEREAS, Bayshore Recycling, Corp. submitted a proposal that meets all of the requirements of the RFP specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., and is the most advantageous to the Township; and

WHEREAS, the Township Manager recommends the award of a contract to Bayshore Recycling, Corp. for a period of one (1) year, with an option to renew for two (2) one (1) year extensions at the sole discretion of the Township; and

WHEREAS, Bayshore Recycling, Corp.'s schedule of pricing is attached; 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 a contract with Bayshore Recycling, Corp. effective November 1, 2020 for the marketing of its recyclable materials.

e) R-20-182 Approving Assignment of Water Sewer Parks Contract to Core and Main

WHEREAS, the Township Council of the Township of Livingston entered into a one (1) year contract Water Works Supply Company, Inc. effective August 1, 2020 to furnish water and sewer system parts; and

WHEREAS, Water Works Supply Company, Inc. has advised the Township that it wishes to assign the existing contract to Core and Main; and

WHEREAS, the Township's bid specifications do allow for the assignment of the contract to another contractor as long as it is approved by the Township.

WHEREAS, the Township Manager and Utility Engineer approve the contract assignment to Core and Main; and

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Livingston, County of Essex, State of New Jersey, consents to the assignment of its water and sewer system parts contract with Water Works Supply Company, Inc. to Core and Main.

f) R-20-183 Authorizing Contract with G & G Technology

WHEREAS, the Township of Livingston ("Township") has a need to purchase equipment for Livingston Television; and

WHEREAS, on July 23, 2020, the Township of Livingston issued Bid No.12-2020, to solicit bids from companies that supply television equipment; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on July 23, 2020 and as a result twelve (12) bid packages were requested; and

WHEREAS, on August 11, 2020, three (3) bids were received by the bid deadline and publicly read; and

WHEREAS, G & G Technologies, 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 LTV Treasurer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to G & G Technologies, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to G & G Technologies, Inc. in an amount not to exceed \$60,818.90; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-04-55-018-006-001 and C-04-55-018-006-220.

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 G & G Technologies, Inc. in an amount not to exceed \$60,818.90.

g) R-20-184 Authorization to Join Essex Sustainable Energy Alliance

WHEREAS, on September 18, 2017 the Township of Livingston ("Township") adopted Ordinance No. 19-2017 establishing a Government Energy Aggregation program in

accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq. for the purpose of obtaining cleaner energy at as low a cost as possible for residential and business participants through a GEA program; and

WHEREAS, on April 3, 2018 the Township of Maplewood (“Maplewood”) adopted Ordinance No. 2899-18 establishing a Government Energy Aggregation (“GEA”) program in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq.; and

WHEREAS, on April 3, 2018 Maplewood adopted Resolution No. 78-18 establishing a Cooperative Pricing System referred to as the Sustainable Essex Alliance Energy Procurement Cooperative (“SEAEPC”) and authorizing Maplewood to serve as Lead Agency of the SEAEPC; and

WHEREAS, the Sustainable Essex Alliance Energy Procurement Cooperative is registered with the New Jersey Department of Community Affairs Division of Local Government Service (Cooperative Pricing System ID # 274SEAEPC) with Maplewood recognized as Lead Agency of the SEAEPC; and

WHEREAS, in 2019 the SEAEPC successfully awarded a contract with a third-party supplier for power supply with an enhanced renewable energy content at price below the prevailing utility tariff price for power supply for residents of Maplewood and four other participating municipalities, which contract will be coming to an end in December 2020, and the SEAEPC is embarking on a new procurement cycle to obtain a replacement contract for that expiring contract; and

WHEREAS, the Township has determined, in consultation with Maplewood, that it will be advantageous to the residents of the Township, as well as other participating municipalities of the SEAEPC, to implement its Government Energy Aggregation program through a joint purchasing initiative that will achieve economies of scale and attract increased attention of prospective bidding suppliers and, as a result, the Township has determined that it is in the best interests of its residents to join the SEAEPC cooperative pricing system for the purpose of purchasing electric generation services including a renewable energy component and energy aggregation services for residents; and

WHEREAS, the Lead Agency of the SEAEPC will from time to time during the Effective Period (from date of adoption through **December 31, 2022** hereinafter referred to as “Effective Period”) issue one or more Requests for Proposals (“RFPs”) for electric generation services and energy aggregation services for residents of the Township of Livingston and member municipalities of the cooperative pricing system, pursuant to Local Public Contract Law Regulations, the Government Energy Aggregation Act and applicable New Jersey Board of Public Utilities regulations pertaining to Government Energy Aggregation programs;

NOW, THEREFORE, BE IT RESOLVED that the Township of Livingston is hereby authorized to become a participating member of a cooperative pricing system named the Sustainable Essex Alliance Energy Procurement Cooperative (“SEAEPC”) for the purpose of obtaining cleaner energy at as low a cost as possible for residential participants through a GEA program, and to submit an application to the Department of Community Affairs Division of Local Government Services for authorization to become a participating member of the SEAEPC, and for designation of the Township of Maplewood as Lead Agency of the SEAEPC; and,

BE IT FURTHER RESOLVED that the Township of Livingston, is hereby authorized to execute an Agreement for a Cooperative Pricing System, with the Township of Maplewood (“Maplewood”), as Lead Agency of the Cooperative Pricing System, that authorizes the Township’s participation in the SEAEPC and delegates authority to Maplewood, as Lead Agency, to implement a RFP process for the purpose of purchasing electric generation services including a renewable energy component and energy aggregation services for residents of the Township, on the Township’s behalf, pursuant to Local Public Contract Law Regulations, the Government Energy Aggregation Act and applicable New Jersey Board of Public Utilities regulations pertaining to Government Energy Aggregation programs; and

BE IT FURTHER RESOLVED that the Township of Livingston shall not authorize Maplewood, as Lead Agency, to make an award of a contract to an electric power supplier on the Township’s behalf, unless and until a bid is received in response to an RFP that provides pricing for power supply for the Township’s participating residents that provides cost savings as compared to the cost of utility-supplier power, meets the renewable energy goals of the Township and/or is otherwise in the best interests of participating residents, and that is otherwise in compliance with applicable law and regulations; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage. The authorization provided to the lead agent shall be valid until **December 31, 2022** (the Effective Period) at which time the Cooperative Pricing System will be subject to renewal. Any rescission or expiration of this resolution shall not affect any Agreements entered into prior to such rescission or expiration.

h) R-20-185 Authoring Emergency Contract for Tub Grinder Rental

WHEREAS, the Township Manager has identified the need for the removal of tree debris from Township streets as a result of Tropical Storm Isaias, declared by the Governor to be a state of emergency; 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, Emergency Contracts can be awarded without formal bidding; and

WHEREAS, _____ submitted a quote in the amount of \$_____ for the daily rental of a tub grinder and \$_____ per cubic yard for debris removal; and

WHEREAS, based on prior contracts for tub grinder rental and debris removal, the Township Manager and DPW Superintendent are satisfied that the quote is reasonable and have recommended the award of an emergency contract to _____; 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 emergency contract with _____ for the rental of a tub grinder and removal of tree debris in an amount not to exceed \$ _____.

i) R-20-186 Authorizing Lot Line Adjustment between Block 5700 to 1 and Block 5700 Lot 2

WHEREAS, the Township is the owner of property described as Block 5700 Lot 2 (“Lot 2”) on the Tax maps of the Township of Livingston, which shares a common boundary with property described as Block 5700 Lot 1; and

WHEREAS, Block 5700 Lot 1 (“Lot 1”) was recently acquired by its current owner, 395 West Northfield Road, LLC; and

WHEREAS, in connection with its purchase of Lot 1, 395 West Northfield Road, LLC commissioned a survey of Lot 1 which revealed minor discrepancies with the Township’s use and occupation of Lot 2 in the area adjacent to Lot 1, and reflected Township use of portions of

the adjacent Lot 1, and reflected minor portions of Lot 2 anticipated and desired to be used by Lot 1; and

WHEREAS, the Township and 395 West Northfield Road, LLC are desirous of resolving any discrepancies in surveys or deeds and mutually agreeing to adjusting and establishing a definitive boundary lot line between Lot 1 and Lot 2; and

WHEREAS, a survey has been prepared reflecting the agreed adjusted lot line between Lot 1 and Lot 2; and

WHEREAS, the lot line adjustment does not create any new parcels of property and, as such, does not constitute a subdivision under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*, or the Township Code.

NOW THEREFORE be it resolved by the Township Council of the Township of Livingston that the Township Manager, Barry R. Lewis, Jr., is authorized to execute a Lot Line Adjustment deed or instrument together with any other document necessary to effectuate and memorialized the agreed lot line adjustment as reflected on the Survey.

j) R-20-187 Authorizing Award of Contract to National Water Main Cleaning Company

WHEREAS, the Township of Livingston ("Township") has a need for manhole rehabilitation that cannot otherwise be performed by its regular employees; and

WHEREAS, on July 16, 2020, the Township of Livingston issued Bid No. 11-2020 to solicit bids from contractors experienced in manhole rehabilitation; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on July 16, 2020 and as a result nineteen (19) bid packages were requested; and

WHEREAS, on August 12, 2020, three (3) bids were received by the bid deadline and publicly read; and

WHEREAS, National Water Main Cleaning Company 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 Township Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to National Water Main Cleaning Company; and

WHEREAS, the Township Manager is recommending the award of a contract to National Water Main Cleaning Company in an amount not to exceed \$77,857.00; 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 National Water Main Cleaning Company in an amount not to exceed \$77,857.00.

k) R-20-188 Authorizing Preparation of a Preservation Plan for the Old force Homestead

WHEREAS, the Township is the owner of the Old Force Homestead which is designated on the National and State registries of historic places; and

WHEREAS, the Old Force Homestead is in need of significant repairs and rehabilitation which have been identified by the retained Historic Preservation Architect, Barton Ross; and

WHEREAS, the Township has applied to the Preserve New Jersey Historic Preservation Fund 2020 Capital Level I and II program for a grant to cover more than half of the cost of the needed repairs and rehabilitation; and

WHEREAS, in connection with that grant application it is in the Township's interest to prepare and submit a Preservation Plan for the Old Force Homestead; and

WHEREAS, the Township has received a proposal from its historic preservation architect, Barton Ross & Partners, LLC, ("Architect") 184 S. Livingston Avenue, Livingston, NJ, for the preparation of a Preservation Plan; and

WHEREAS, the Township desires to authorize a contract with the Architect, subject to the Architect's completion and submission of a Business Entity Disclosure Certification pursuant to *N.J.S.A. 19:44A-20.4, et seq.* certifying that the Architect has not made any reportable contributions to a political or candidate committee in the Township in the previous year, and that the contract will prohibit the Architect from making any reportable contributions through the term of the contract; and

WHEREAS, in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (the “**LPCL**”), professional services contracts may be awarded by resolution of the municipal governing body without competitive bidding; and

WHEREAS, notice of the award of the contract hereunder shall be publicly advertised in accordance with the requirements of the LPCL.

WHEREAS, funding is available through the Township’s Open Space, Recreation and Historic Preservation Trust Fund;

NOW THEREFORE be it resolved by the Township Council of the Township of Livingston that the Township Council approves a professional services agreement with Barton Ross & Partners, LLC for the preparation of a Preservation Plan for the Old Force Homestead in an amount not to exceed \$30,500, inclusive of all reimbursable expenses, and authorizes the Township Manager, Barry R. Lewis, Jr., to execute the agreement.

R-20-189 Authorizing Shared Services Agreement with the City of Newark for Provision of interim Health Officer Services

WHEREAS, the City of Newark is in need of licensed Health Officer services as a result of an unexpected retirement; and

WHEREAS, the Township of Livingston’s Health Officer and Assistant Health Officer are both New Jersey licensed Health Officers; and

WHEREAS, the Township is always desirous of assisting neighboring communities, where possible, though shared services; and

WHEREAS, the Township Manager, Health Officer and Assistant Health Officer have met with the Director of the City of Newark Health Department and the Newark Deputy City Administrator to review the needed services and have determined that the Township can provide the requested interim Health Officer services to the City of Newark without adversely impacting the services and operations of the Livingston Health; and

WHEREAS, the Township and the City of Newark have negotiated the terms of a proposed Shared Services Agreement for a period of not more than six months; or less should Newark hire a permanent Health Officer prior to the expiration of six months; and

WHEREAS, Shared Service Agreements between municipalities are exempt from bidding under the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (the “**LPCL**”), and specifically *N.J.S.A. 40A:11-5(2)*.

NOW THEREFORE be it resolved by the Township Council of the Township of Livingston that the Township Council approves a Shared Services Agreement with the City of Newark for the Township’s provision of interim Health Officer Services and authorizes the Township Manager, Barry R. Lewis, Jr., to execute the Agreement.

On motion duly made and seconded, and on roll call vote of Resolutions R-20-178-189 Inclusive, all members present voted YES.

Public Comment

Township Clerk Turtletaub and Deputy Clerk Mazzucco read comments submitted by Township residents.

Karen Goodman, 10 Locust Place, stated that Northland Pool was closed to residents this summer so that it could be used for day camp, and she asked what the plan was for Northland Pool for forthcoming summers.

SYLS Director Jennifer Walker sent out congratulations to Camp Supervisor Corrine Olson and all of SYLS Town Camp Staff, for their work this summer dealing with challenges which were “daunting” and “literally have never been faced before”. Ms. Walker praised her staff members for “stepping up and meeting the challenges,” and that they had done “a great job providing over 400 Livingston children the opportunity to safely socialize, play, learn and most importantly have fun!”

Justin Escher Alpert, 56 Amherst Place, addressed the Mall Blue Ribbon Committee and asked about the return to Live Council meetings, Mayor Fernandez responded to his questions.

Councilmember Klein asked whether the 9-11 ceremony could be open so that family members be allowed to attend.

Councilmember Klein urged that the Town send letters to JCP&L, PSE&G and the Board of Public Utilities regarding the poor responsiveness and coordination with Verizon resolving lengthy power outages during the recent storm. Township Manager Lewis noted that the sending of such letters jointly with other municipalities was also being considered.

Councilmember Klein advised of the Township's October 10 Recycling event, and thanked Scott Goldman and Lori Babij, and the Livingston Public Schools for their participation, and also thanked Michael Schofel for making his space available.

Councilmember Vieira reiterated the Mayor's comments that residents or businesses can apply to PSE&G for reimbursement for spoiled food or medicines during the power outages during the recent storms, and that the information is available on the Township website.

Mayor Fernandez advised that he had spoken with Bruce Beck, son of former Mayor Doris Beck who had passed away recently. The Beck family wants to do something for the community, and discussions are ongoing regarding possible donations and/or naming in honor of former Mayor Beck.

Councilmember Vieira discussed the request of Cheryl Francione to use of the Oval to permit pinwheels on the 26th, and he will pass around her email request to all.

Councilmember Vieira discussed the idea to clean up particular areas of town, and Township Manger Lewis look into the matter

Manager Lewis will work on a draft of a letter to be sent to the BPU, PSE&G, and JCP&L.

Mayor Fernandez advised of a call inquiring about the Township's interest in selling Blok 5900, Lot 39. Manager Lewis will find out if the property is on the ROSI, and if so whether the Township can have it removed.

At 8:20 p.m., the following Resolution was considered:

Resolution Authorizing Closed Session—Personnel (Blue Ribbon Committee on the Redevelopment at the Livingston Mall); Attorney-Client Privilege (Sustainable Energy); Personnel (Social Justice Committee)

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 17th day of August, 2020, that the Township Council of the Township of Livingston will go into Closed Session for the purpose of discussing Personnel, Attorney-Client Privilege, and such matters as may come before the council and that are exempted form 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 9:30 p.m.

Adjournment

The meeting was adjourned at 9:30 p.m.

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