

A. Reading of the Sunshine Statement

B. Quorum Roll Call

C. Moment of Silence

D. Pledge of Allegiance

E. Proclamations & Presentations

1) Robotics Team

Packet

F. Essex County Updates

G. Approval of Minutes, Pending Any Corrections

1) Regular and Conference Meeting Minutes December 19, 2022

Packet

2) Closed Session December 19, 2022

Packet

3) Special Meeting Minutes December 29, 2022

Packet

H. Public Comment on Agenda Items Only (4 minute time limit)

I. Passage of Ordinances

Final Hearing / 2<sup>nd</sup> Reading Ordinances:

Introduction:

J. Consent Agenda for Resolutions: Res 23-058

“All matters listed with an asterisk (\*) are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a member of the governing body so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the general orders.”

*Res 23-059	Authorizing Purchases Under Morris County Cooperative Pricing System	Packet
*Res 23-060	Authorizing Alcoholic Beverages in Designated Public Recreation Areas	Packet
*Res 23-061	Permitting the Following Flags to be Raised as an Expression of Govt Speech	Packet
*Res 23-062	Appointing CDBG Representatives	Packet
*Res 23-063	Authorizing Filing of Essex Cty Division of Housing and Community Development Grant 2023 Application	Packet

K. Public portion (On any subject - 3 minute time limit)

L. Reports of Township Officials and Council Members

M. Executive (Closed) Session: R-23-064

- 1) Fair Share Housing (Attorney Client Privilege)
- 2) Michele Meade Litigation Update (Attorney Client Privilege)

N. Adjournment

**Welcome to the Livingston Township Council Meeting  
January 9, 2023 at 7:30 pm**

**STATEMENT OF COMPLIANCE WITH THE SUNSHINE LAW N.J.S.A. 10:4-10**

This meeting is being held in accordance with the Open Public Meetings Act and adequate notice of this meeting has been provided as required by law. Specifically, the annual notice was faxed to the West Essex Tribune and the Star Ledger on January 3, 2023. The Agenda and Resolutions for the meeting are available on [www.livingstonnj.org](http://www.livingstonnj.org). Certain portions of this meeting may be closed to the public for the purpose of personnel and/or other matters as outlined in the "Sunshine Law." Decisions made and/or discussed in Closed Session will be made known to the public at a later time.

Notice to members of the governing body and Township staff: Any use of electronic devices during this meeting shall be used solely for the purposes of Township business and any communications are subject to the Open Public Records Act.

To the extent possible, this evening's Township of Livingston Council meeting will be livestreamed via Facebook at <https://www.facebook.com/LivingstonTownshipNJ>.

Questions or comments will also be accepted by emailing [livcomments@livingstonnj.org](mailto:livcomments@livingstonnj.org) by 4:00pm on the day of the meeting. Each speaker should follow the rules of order in Livingston code §2-15.

**TOWNSHIP OF LIVINGSTON  
ESSEX COUNTY, NEW JERSEY**

**Resolution Accepting, Approving and/or Adopting the  
Consent Agenda of January 9, 2023**

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 January 9, 2023 attached hereto, which are preceded by an "\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

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Carolyn Mazzucco, RMC Township Clerk

Adopted: 1/9/2023

**TOWNSHIP OF LIVINGSTON  
ESSEX COUNTY, NEW JERSEY**

**AUTHORIZING PURCHASES UNDER MORRIS COUNTY COOPERATIVE PRICING SYSTEM**

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-11(6) and N.J.A.C. 5:34-7.1 et seq. may by resolution and without advertising for bids, purchase any goods or services under a County Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Morris County Cooperative Pricing System and has the need on a timely basis to purchase goods or services using those contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced County contract vendors through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable to current County contracts.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Livingston authorizes the purchase of certain goods and services from those approved Morris County Cooperative Pricing System vendors on the attached list, pursuant to all the conditions of the individual County contracts; and

BE IT FURTHER RESOLVED, by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds shall be certified at such time as the goods or services are called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED, that the duration of this authorization shall be until December 31, 2023 or upon the expiration of the vendors' contracts, whichever event first occurs.

Dated: January 9, 2023

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Carolyn Mazzucco, Township Clerk

Referenced Morris County Cooperative Purchasing Program Vendors

**R-23-059**

<b>Commodity/Service</b>	<b>Vendor</b>	<b>Contract #</b>
Catch Basins and Manhole Castings	Campbell Foundry Company	14
Catch Basins and Manhole Castings	General Foundries, Inc.	14
Concrete Blocks & Granite Curb Blocks	Continental Hardware, Inc.	19
Concrete Blocks & Granite Curb Blocks	Extech Building Materials	19
Crushed Stones, Gravel & Sand	Tilcon New York, Inc.	9
Disposal/Recycling of Municipal Road Clean-up Materials	Custom Environmental Management Company (CEMCO), Inc.	49
Fencing Materials and Installation	Challenger Fence, Inc.	53
Landscaping Materials & Supplies	Ben Shaffer Recreation	42
Landscaping Materials & Supplies	Grass Roots Turf Products, Inc.	42
Landscaping Materials & Supplies	Fibar Group, LLC	42
Motor Gasoline	Griffith-Allied Trucking d/b/a Allied Oil	1
Paving Materials	Tilcon New York, Inc.	5
Police Pursuit Vehicles	Nielsen of Morristown, Inc.	15-A
Police Uniforms & Equipment	Fit-Rite Uniform Company, Inc.	23
Preventative Maintenance/Repair of Emergency Generators	Genserve, Inc.	46
Road Resurfacing	Reivax Contracting Corporation	6
Road Resurfacing	Riverview Paving, Inc.	6
Road Resurfacing	Schifano Construction Corporation	6
Road Resurfacing	Micro Pave Systems, Inc.	6
Rock Salt and Calcium Chloride	Morton Salt	3
Traffic Paint	The Sherwin Williams Company	27
Traffic Sign Materials	Garden State Highway Products, Inc.	28
Traffic Striping on Roadways	Denville Line Painting, Inc.	36
Tree Removal, Trimming and Stump Grinding Services	Tree King, Inc.	18
Water Meters/Data Recorders & Radio Frequency Meter Interface Unit	Rio Supply, Inc.	47

**TOWNSHIP OF LIVINGSTON  
ESSEX COUNTY, NEW JERSEY**

**AUTHORIZING ALCOHOLIC BEVERAGES IN DESIGNATED  
PUBLIC RECREATION AREAS**

**WHEREAS**, the Council of the Township of Livingston (the “Council”) amended and supplemented the language of the Code of the Township of Livingston, Chapter 61 Alcoholic Beverages, Article IV Public Recreation Areas (the “Code”), by adopting Ordinance 23-2021; and

**WHEREAS**, the Council may allow by Resolution the consumption of beer and wine to be sold by an authorized vendor in a designated location for a particular date/time; and

**WHEREAS**, there are two scheduled Township of Livingston events, Summerfest on June 4, 2023, and the 4<sup>th</sup> of July celebration on July 4, 2023; and

**NOW THEREFORE BE IT RESOLVED** by the Mayor and the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Council hereby authorizes the consumption of beer and wine sold by an authorized vendor as follows:

i) Summerfest: June 4, 2023 from 12 pm to 4 pm, or any rescheduled rain date of this event, in the location shown on Exhibit A

ii) 4<sup>th</sup> of July Celebration: July 4, 2023, or any rescheduled rain date of this event, from 3:30 pm to 7:30 pm in the location shown on Exhibit A

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Carolyn Mazzucco, RMC Township Clerk

Adopted: January 9, 2023

**TOWNSHIP OF LIVINGSTON  
ESSEX COUNTY, NEW JERSEY**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
LIVINGSTON PERMITTING THE FOLLOWING FLAGS TO BE RAISED AS  
AN EXPRESSION OF GOVERNMENT SPEECH**

WHEREAS, the Township of Livingston (the "Township") has a formal policy regarding flag raisings within the Township establishing that the Township Council may permit the display of commemorative flags upon the Township owned flagpoles as a form of the government's own expression pursuant to Government Speech Doctrine (See, Shurtleff v. City of Boston, Massachusetts, 142 S.Ct. 1583 (2022)); and

WHEREAS, as a form of its own expression, the Township Council wishes to display certain flags in 2023; and

WHEREAS, there may be more flags that the Township wishes to display in the future that are unknown at this time; and

NOW THEREFORE BE IT RESOLVED by the Mayor and the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the following additional flag(s) are hereby permitted to be displayed upon flagpoles owned by the Township of Livingston as an expression of government speech:

1. Black History Month Flag
2. Juneteenth Flag
3. National Flag of Italy
4. National Hispanic Heritage Flag
5. National Flag of India
6. National Flag of Israel
7. PRIDE Flag

BE IT FURTHER RESOLVED that nothing in this resolution shall limit or in any way abrogate any prior resolutions related to any prior permitted flags in the Township or the limit the Township from adding additional flags in the future.

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Carolyn Mazzucco, RMC Township Clerk

Adopted: January 9, 2023

**TOWNSHIP OF LIVINGSTON  
ESSEX COUNTY, NEW JERSEY**

**Appointing Representatives - Essex County Community Development Committee**

BE IT RESOLVED by the Township Council of the Township of Livingston that the following persons are hereby appointed 2023 Representatives to the Essex County Community Development Committee:

Township Council Appointment: Michael M. Vieira, Mayor

Township Manager Appointment: Deputy Township Manager Russell A. Jones, Jr.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Director of the Essex County Division of Housing and Community Development.

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Carolyn Mazzucco, RMC Township Clerk

Adopted: January 9, 2023



**TOWNSHIP OF LIVINGSTON  
ESSEX COUNTY, NEW JERSEY**

Authorizing Filing of Essex County Division of Housing  
and Community Development Block Grant (CDBG) 2023 Application

WHEREAS, the Township of Livingston has been a participating member of the Essex County Community Development Program since its inception in 1976; and

WHEREAS, the Essex County Division of Housing and Community Development, through its Director, is preparing a 2023 One Year Action Plan application for funding for the 2023 Program Year; and

WHEREAS, the Township of Livingston has been requested to submit Community Development Block Grant Program project proposals for inclusion in the 2023 One Year Action Plan to the Director of the Division of Housing and Community Development by December 29, 2022;

NOW, THEREFORE, BE IT RESOLVED by the Township of Livingston as follows:

- A. The proposed project designated and prioritized herewith be submitted to the Director of the Essex County Division of Housing and Community Development for inclusion in the Essex County 2023 One Year Action Plan application:

Priority      Description of Project

1. **ADA Improvements—Sensory Trailer Acquisition**
2. **ADA Improvements—Accessible Van Acquisition**

- B. That the Deputy Township Manager is hereby authorized and directed to execute and file such proposed projects with the Director of the Essex County Division of Housing and Community Development and to provide additional application information and furnish such documents as may be required and to act as the authorized correspondent of the Township of Livingston.

- C. The Mayor and Members of the Township Council endorse the proposed Community Development Block Grant Program project described herewith for inclusion in the Essex County 2023 One Year Action Plan Application.

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Carolyn Mazzucco, RMC      Township Clerk

Adopted: January 9, 2023

**TOWNSHIP OF LIVINGSTON  
ESSEX COUNTY, NEW JERSEY**

RESOLUTION to go into Closed Session

**WHEREAS:** the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS:** the Township Council is of the opinion that such circumstances presently exist; and

**WHEREAS:** the Township Council wishes to discuss:

1. Fair Share Housing (Attorney Client Privilege)
2. Michele Meade Litigation Update (Attorney Client Privilege)

**WHEREAS:** minutes will be kept, and once the matter involving the confidentiality of the above no longer requires confidentiality, the minutes can be made public.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Livingston that the public be excluded from this meeting.

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Carolyn Mazzucco, RMC Township Clerk

Adopted: January 9, 2023