

Livestream From Facebook @ facebook.com/LivingstonTownshipNJ – 7pm

Notice of this meeting has been given in accordance with the "Open Public Meetings Law."

"Annual Notice" was faxed to the West Essex Tribune and the Star-Ledger on January 2, 2020.

"48-hr. Notice" was faxed to the West Essex Tribune and the Star-Ledger on June 18, 2020 and posted on the Livingston Township website (livingstonnj.org).

Statement of Decorum

While the Township Council is in session, I would like to remind the Public that this is a public meeting via livestream. During the Public Comment section everyone who wishes to ask a question will have the opportunity to pose their question / statement via email to the meeting administrator (livcomments@livingstonnj.org). Please type your name and address first, followed by your question / statement. The emails will be read aloud, one at a time, and responded to in consecutive order. After your question / statement is addressed you may respond with a follow up comment.

1. Roll Call
2. Silent Meditation and Pledge of Allegiance
3. Presentation
4. Essex County Update/Questions
5. Closed Session
 - a) Attorney Client Privilege (Energy Aggregation)
 - b) Litigation / Attorney Client Privilege / Contract Negotiations (Affordable Housing)
 - c) Attorney Client Privilege (Use of Public Property)
 - d) Attorney Client Privilege / Contract Negotiations (Solid Waste Collection Bids)
 - e) Personnel (Committee Appointments) Packet
6. Legal Fees
 - a) McCarter & English (May 2020) Packet
 - b) McManimon, Scotland & Baumann (May 2020) Packet
7. New Business
 - a) Coronavirus / COVID 19 Update
 - b) Sale of Surplus Packet
 - c) Furnish two (2) Ford F350 Supercab XLT or Equivalent Packet
 - d) Cancellation of Contract Packet
8. Public Comments on Agenda Items
- 9.* Resolution - Consent Agenda [Includes All Items Marked "***"] R-20-142 Packet
- 10.* Approval of Minutes
 - a) Regular and Conference Minutes June 15, 2020 Packet
 - b) Closed Minutes June 15, 2020 Packet
- 11.* Approval of Licenses
12. Final Hearing Ordinances
13. Proposed Ordinances
 - a) Ord 9-2020 Prohibit Certain Activities at the 9-11 Memorial Packet
14. Resolutions
 - a) Res 20-143 Resolution Awarding a Contract to Livingston Community Energy Aggregation (LCEA) 7/08/20
 - b) Res 20-144 Rejecting Price Proposals Received to the LCEA 7/08/20
 - c) Res 20-145 Designating Block 6100, Lots 12 & 13 as Area in Need of Redevelopment Packet
 - d) Res 20-146 Designating Block 3700, Lots 1-8, 24, 25 & 27-30 as Area in Need of Redevelopment 7/08/20
 - e) Res 20-147 Approving and Adopting Corrective Action Plan for FY 2018 Annual Audit Packet
 - f) Res 20-148 Municipal Services Agreement with Cedar Gate Packet
 - g) Res 20-149 Authorizing Contract with United Ford LLC Packet
 - h) Res 20-150 Authorizing Sale of Surplus Personal Property No Longer Needed for Public Use Packet
 - i) Res 20-151 Canceling Contract with Remington & Vernick Engineers for Water Main Replacement Design Project Packet
 - j) Res 20-152 Authorizing Beacon Planning and Consulting Serv, LLC to Prepare Redevelopment Plan BI 102 L 12 Packet
15. Public Comment
16. Recess

GLENN R. TURTLETAUB
Township Clerk

RC 7/08/20
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R-20-142

RESOLUTION

**Accepting, Approving and/or Adopting the
Consent Agenda of July 8, 2020**

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 July 8, 2020, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approved as to form:

Rufino Fernandez, Jr. Mayor

Sharon L. Weiner
Township Attorney

Glenn R. Turtleaub, Township Clerk

Adopted: 7/8/20

ORDINANCE No. 9 –2020

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 210
PARKS AND RECREATION AREAS BY ADDING A NEW ARTICLE IV LIVINGSTON
9/11 MEMORIAL GARDEN

Bold and italicized language is added

[Bracketed language is deleted.]

SECTION 1. A new Article IV – Livingston 9/11 Memorial Garden is added to Chapter 210.

210-13 Purpose.

As the 9/11 Memorial Garden is a place of solemn reflection dedicated to honoring and remembering those individuals who lost their lives on September 11, 2001, proper decorum, personal behavior and conduct is required from all visitors.

210-14 Definition.

Livingston 9/11 Memorial Garden – A remembrance memorial dedicated to the seven Livingston residents and others who died during the attack on September 11, 2001, of the World Trade Center.

210-15 Prohibited Acts.

Sporting or recreational activities including exercising (individual or classes), making loud or unreasonable noise, picnicking, loitering, littering, engaging in commercial activity, soliciting and/or vending, willfully misusing, defacing, destroying or damaging any of the structures or benches in or around the Memorial Garden.

210-16 Violations and Penalties.

Any person who violates any provision of the Article, shall upon conviction thereby, be punished by a fine not to exceed \$2,000.00 or by imprisonment for a term not exceeding 90 days or both.

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 2. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

SECTION 3. This Ordinance shall take effect twenty days from final passage and publication in accordance with the law.

RUFINO FERNANDEZ, JR., Mayor

GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

SHARON L. WEINER, Township Attorney
Introduced: July 8, 2020
Adopted:

RESOLUTION OF THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY DESIGNATING BLOCK 6100, LOTS 12 AND 13, KNOWN AS 8 PEACH TREE HILL ROAD, AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land located therein constitutes an area in need of redevelopment; and

WHEREAS, on February 24, 2020, by Resolution No. 20-93, and in accordance with the provisions of the Redevelopment Law, the Township Council of the Township of Livingston, in the County of Essex, New Jersey (the “**Township Council**”) authorized and directed the Planning Board of the Township of Livingston (the “**Planning Board**”) to conduct an investigation of certain properties, including those identified on the tax maps of the Township of Livingston (the “**Township**”) as Block 6100, Lots 12 and 13 (collectively, the “**Study Area**”), and to determine whether all or a portion of the Study Area meets the criteria set forth in the Redevelopment Law, *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Township engaged Beacon Planning and Consulting Services, LLC (the “**Planning Consultant**”) to conduct an investigation to determine whether the Study Area should be designated an area in need of redevelopment; and

WHEREAS, the Planning Board received a report setting forth the basis for the investigation and a map depicting the Study Area prepared by the Planning Consultant, entitled, “8 Peach Tree Hill Road Redevelopment Area Assessment” dated May, 2020, concerning the determination of the Study Area as an area in need of redevelopment (the “**Report**”); and

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as a non-condemnation area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the property is an area in need of redevelopment; and

WHEREAS, on June 25, 2020, the Planning Board reviewed the Report, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which members of the general public were given an opportunity to present their own evidence and/or to cross-examine the Planning Consultant, and to address questions to the Planning Board and its representatives, concerning the potential designation of the Study Area as an area in need of redevelopment; and

WHEREAS, the Planning Consultant concluded in the Report and testified to the Planning Board on June 25, 2020 that the Study Area satisfies the criterion for a redevelopment area designation as set forth in the Redevelopment Law; and

WHEREAS, after continuation and conclusion of the public hearing described above on July 7, 2020, the Planning Board voted to adopt and accept the recommendation contained in the Report, and recommended that the Study Area be declared a non-condemnation area in need of redevelopment, in accordance with the Redevelopment Law, and for the reasons set forth in the Report; and

WHEREAS, the Township Council agrees with the conclusion of the Planning Board that the Study Area satisfies the criterion for redevelopment area designation set forth in the Redevelopment Law and finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Township Council now desires to declare the Study Area as a non-condemnation area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-6*,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Based on the Report and the recommendation of the Planning Board, the Study Area satisfies the criterion for redevelopment area designation as set forth in the Redevelopment Law.

Section 3. The Study Area is hereby designated as a “Non-Condensation Redevelopment Area” as referenced in the Redevelopment Law.

Section 4. The Township Council hereby directs the Municipal Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs for review.

Section 5. This resolution shall take effect in accordance with applicable law.

Rufino Fernandez, Jr., Mayor

Glenn R. Turtleaub, Township Clerk

Dated: July 8, 2020

**RESOLUTION OF THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF LIVINGSTON APPROVING
AND ADOPTING THE 2018 CORRECTIVE
ACTION PLAN**

WHEREAS, in accordance with the requirements of the Single Audit Act and regulations of the Division of Local Government Services, all municipalities are required to prepare and file a Corrective Action Plan; and

WHEREAS, this plan must be filed with the Division of Local Government Services in accordance with regulations established by the Division; and

WHEREAS, such a plan was prepared by the Chief Financial Officer and reviewed by the members of the governing body of the Township of Livingston; and

NOW THEREFORE BE IT RESOLVED, that the 2018 Corrective Action Plan, attached hereto, be approved by the governing body of the Township of Livingston and filed with the Division of Local Government Services.

Rufino Fernandez, Jr., Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: July 8, 2020

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**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
LIVINGSTON TO ENTER INTO AN AGREEMENT WITH CEDAR GATE AT
LIVINGSTON CONDOMINIUM ASSOC. INC.**

WHEREAS, pursuant to N.J.S.A. 40:67.23 et seq., the Municipal Services Act, a qualified private community shall be reimbursed by the Municipality for certain services within the qualified private community in the same fashion as the Municipality provides these services on public roads and streets; and

WHEREAS, these services include removal of snow and ice, lightening on the roads and collection of leaves and solid waste along roads and streets; and

WHEREAS, Cedar Gate at Livingston Condominium Assoc. Inc. meets the definition of qualified private community and has asked to be reimbursed for these services; and

WHEREAS, Cedar Gate at Livingston Condominium Assoc. Inc. has requested to enter into a Municipal Service Agreement in accordance with the provisions of N.J.S.A. 40:67-23.5.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Township enter into a Municipal Service Agreement with Cedar Gate at Livingston Condominium Assoc. Inc. to annually reimburse it, as provided in the Municipal Services Act, in an amount not to exceed the cost that would have been incurred by the Municipality in providing these services.

Rufino Fernandez, Jr., Mayor

Glenn R. Turtleaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney
Adopted: July 8, 2020

RESOLUTION AUTHORIZING A CONTRACT WITH UNITED FORD, LLC

WHEREAS, the Township of Livingston ("Township") has a need for two (2) Ford F-350 Supercab XLT or equivalent; and

WHEREAS, on May 21, 2020, the Township of Livingston issued Bid No. 9-2020 to solicit bids from companies that furnish vehicles; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on May 21, 2020 and as a result fifteen (15) bid packages were requested; and

WHEREAS, on June 17, 2020, four (4) bids were received by the bid deadline and publicly read; and

WHEREAS, United Ford, LLC 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 Assistant Superintendent of Public Works has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to United Ford, LLC; and

WHEREAS, the Township Manager is recommending the award of a contract to United Ford, LLC in an amount not to exceed \$101,996.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-04-55-019-009-013.

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 United Ford, LLC in an amount not to exceed \$101,996.00.

Rufino Fernandez, Jr., Mayor

Glenn R. Turtleaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: July 8, 2020

Certification Of Availability of Funds

This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

Contract Amount: 101,996.00
Resolution Date: 07/08/20
Resolution Number: R-20-149

Vendor: UNITE001 UNITED FORD LLC
330 COUNTY AV
SECAUCUS, NJ 07094

Contract: C2000016 Bid 9-2020: Furnish Two (2)
Ford F-350 Supercab XLT

Account Number	Amount	Account Description
C-04-55-019-009-013	101,996.00	Public Works Vehicle & Related Equip
Total	101,996.00	

Only amounts for the 2020 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.



Chief Financial Officer

RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of Livingston has determined that its fifty-three (53) Solar Renewable Energy Certificates are no longer needed for public use; and

WHEREAS, the Township of Livingston intends to utilize the online auction services of www.flettexchange.com; and

WHEREAS, the sale is being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15; 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 of Livingston is hereby authorized to sell fifty-three (53) solar renewable energy certificates on an online auction website entitled www.flettexchange.com.

Rufino Fernandez, Jr., Mayor

Glenn R. Turtleaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: July 8, 2020

RESOLUTION CANCELLING THE CONTRACT WITH REMINGTON & VERNICK ENGINEERS, INC.

WHEREAS, R-19-114 authorized contract C1900013 with Remington & Vernick Engineers, Inc. for professional engineering services for the 2019 Water Main Improvements on Laurel Avenue in the amount of \$24,500.00; and

WHEREAS, the potential scope of this project and design needs have changed dramatically and the original design proposal is no longer applicable; and

WHEREAS, the Utility Engineer and Township Manager are recommending that the contract with Remington & Vernick Engineers, Inc. be cancelled.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to cancel the contract with Remington & Vernick Engineers, Inc.

Rufino Fernandez, Jr., Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: July 8, 2020

**RESOLUTION OF THE TOWNSHIP OF LIVINGSTON
AUTHORIZING BEACON PLANNING AND CONSULTING
SERVICES, LLC TO PREPARE A REDEVELOPMENT PLAN
FOR THE PROPERTY DESCRIBED AS BLOCK 102 LOT 12 IN
THE TOWNSHIP OF LIVINGSTON**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the Township of Livingston (the “**Township**”) constitute areas in need of rehabilitation; and

WHEREAS, on January 27, 2020, the Township Council adopted Resolution # 20-69 declaring a number of properties to be Areas in Need of Rehabilitation, which properties include Block 102 Lot 12, also described as 12 Industrial Parkway, Livingston, NJ; and

WHEREAS, the Township is in need of a Redevelopment Plan for Block 102 Lot 12 to facilitate the development of a new facility for the Department of Public Works; and

WHEREAS, the Township has a need for professional planning and engineering services for the preparation of a Redevelopment Plan for Block 102 Lot 12 (the “**Services**”), to be provided by means of a non-fair and open contract; and

WHEREAS, funds shall be available for this purpose; and

WHEREAS, Beacon Planning and Consulting Services, LLC (the “**Planner**”) possesses the experience and qualifications to perform the Services; and

WHEREAS, the Planner provided the Township’s Redevelopment Counsel with a proposal (the “**Proposal**”) to perform the Services for state hourly rates with a not to exceed cap of Eight Thousand Dollars (\$8,000.00); and

WHEREAS, the Township desires to authorize a contract with the Planner for a maximum term of one (1) year, subject to the Planner’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 Planner 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 Planner 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.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL 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 Township Council hereby awards a professional services contract for professional planning and engineering services to the Planner for an amount not to exceed Eight Thousand Dollars (\$8,000.00), payable in accordance with the Proposal, for a period of up to one (1) year to prepare a Redevelopment Plan for Block 102 Lot 12. The Planner shall provide the Services when and as directed by the Township.

Section 8. The Township Manager is hereby authorized to enter into a contract on behalf of the Township, with such modifications, deletions or additions as deemed necessary in consultation with counsel to the Township, all subject to receipt of the Planner's completed Business Disclosure Entity Certification and Political Contribution Disclosure Form.

Section 9. The contract authorized herein has been awarded as a professional services contract under the provisions of the LPCL and as a non-fair and open contract pursuant to *N.J.S.A. 19:44A-20.5* without competitive bidding.

Section 10. In accordance with the LPCL, the Township Clerk is hereby directed to publish notice of this award once in the official newspaper of the Township stating the nature, duration, service and amount of the contract authorized herein, which notice shall state that a copy of this Resolution and the contract are on file and available for public inspection in the office of the Township Clerk.

Section 11. A copy of this resolution, the Business Disclosure Entity Certification and Political Contribution Disclosure Form, and the contract shall be available for public inspection at the offices of the Township.

Section 12. This Resolution shall take effect immediately.

Rufino Fernandez, Jr., Mayor

Glenn R. Turteltaub, Township Clerk

Dated: July 8, 2020