

AGENDA

Meeting #15 Regular

Livingston Township Council

Monday, August 5, 2019

Livingston Town Hall—357 S. Livingston Avenue—7:30 p.m.

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, 2019.

Statement of Decorum

Pursuant to Township Code Section 2-15, while the Township Council is in session, any person who desires to address the Council must first be recognized by the presiding officer. Recognized speakers must make their statements within six cumulative minutes, unless such time is extended by the Council.

Appropriate decorum is to be observed at all times.

- 1. Roll Call
- 2. Silent Meditation and Pledge of Allegiance
- 3. Presentations
 - a) Kevin Mullaney, Essex County Police Officer of the Year Packet
 - b) Livingston Police Department Swearing--In
 - c) 4th of July Committee Packet
 - d) Steven Rosenstark—SHVE Clean Tech Competition Packet
- 4. Essex County Update/Questions
- 5. Public Comments on Agenda Items
- 6.* Resolution - Consent Agenda [Includes All Items Marked "**"] R-19- 154 Packet
- 7.* Approval of Minutes
 - a) July 22, 2019 Packet
- 8.* Approval of Licenses
- 9. Final Hearing Ordinances
- 10. Proposed Ordinances
 - a) Ord. 15-2019 Amending Ord. 10-2018 Retaining the name Miracle Way for a Portion of the Street with the Remainder Reverting Back to Microlab Road Packet
 - b) Ord. 16-2019 Authorizing the Guaranty by the Township of Livingston, New Jersey or Payment of Principal and Interest on the Capital Equipment Lease Revenue Bonds, Series 2019 (Livingston Board of Education Project) of the Essex County Improvement Authority Packet
- 11. Resolutions
 - a) R-19-155 Authorizing Filing of County of Essex Community Development Block Grant (CDBG) 2019 Reprogramming Application Packet
 - b) R-19-156 First Amendment to the 1990 "Restated and Amended Agreement Between Millburn Township and Livingston Township Providing for Sanitary Sewer Services" Packet
 - c) R-19-157 Authorizing Contract with USALCO Baltimore Plants LLC—Polyaluminum Chloride Packet
 - d) R-19-158 Authorizing Contract with Mott Macdonald LLC—Congressional Generator Replacement Packet
 - e) R-19-159 Authorizing Approval of Change Order No. 2 with Suburban Consulting Engineers, Inc.—Water System Improvements Packet
 - f) R-19-160 Authorizing Contract with Water Works Supply Co., Inc.—Water System Parts Packet
 - g) R-19-161 Reivax Change Order --2018 Water Main Replacements Packet
 - h) R-19-162 Authorizing Purchases Under Educational Services Commission of NJ Purchasing Program Packet
 - i) R-19-163 Authorizing Contract with Tri-Plex Industries, Inc. (Furnish and Install Partition Doors) - *Removed* Packet
 - j) R-19-164 Appointing Antonelli Kantor, P.C. as Special Counsel Packet
 - k) R-19-165 Rejecting Bid for Garage Expansion Packet
 - l) R-19-166 Authorizing Contract with Midwest Construction Inc. Packet
- 12. Public Comment
- 13. Recess

GLENN R. TURTLETAUB
Township Clerk

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R-19-154

RESOLUTION

Accepting, Approving and/or Adopting the Consent Agenda of August 5, 2019

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 5, 2019, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approved as to form:

Alfred M. Anthony

Mayor

Sharon L. Weiner
Township Attorney

Glenn R. Turteltaub Township Clerk

Adopted: 8/5/19

8/5/19 R
10a.

ORDINANCE No. 15 -2019

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING ORDINANCE NO. 10-2018 RETAINING THE NAME MIRACLE WAY FOR A PORTION OF THE STREET WITH THE REMAINDER REVERTING BACK TO MICROLAB ROAD

WHEREAS, pursuant to N.J.S.A. 40:67-1(k) et seq., the governing body of a municipality may pass ordinances to provide for the changing of names of streets within the municipality; and

WHEREAS, by Ordinance No. 10-2018 the Township Council changed the name of the entire length of Microlab Road to Miracle Way being advised that none of the property owners had objections; and

WHEREAS, subsequent to the passage of the name change ordinance, the Township Council has been advised that several property owners prefer to retain the original name of Microlab Road.

NOW, THEREFORE, be advised that Ordinance No. 10-2018 is amended as follows:

Bold and italicized language is added
[Bracketed language is deleted.]

SECTION 1. ***The portion of the street directly off West Mt. Pleasant Avenue extending to Regent Street will retain the name Miracle Way; the remainder of the street from Regent Street to Industrial Parkway will revert back to Microlab Road.***

SECTION 2. The Township Manager and Clerk are hereby directed to coordinate all necessary actions to effectuate this name change including but not limited to arranging for a modification of the Tax Map and notification to the United States Postal Service.

SECTION 3. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect twenty days from final passage and publication in accordance with the law.

ALFRED M. ANTHONY, Mayor

GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

SHARON L. WEINER, Township Attorney
Introduced: August 5, 2019
Adopted:

8/5/19 R

106

ORDINANCE NO. 16-2019

TOWNSHIP COUNCIL
MEETING DATE – August 5, 2019

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF LIVINGSTON, NEW JERSEY OR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2019 (LIVINGSTON BOARD OF EDUCATION PROJECT) OF THE ESSEX COUNTY IMPROVEMENT AUTHORITY

BE IT ORDAINED by the TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 *et. seq.*, the Township of Livingston, New Jersey (the “Municipality”) is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2019 (Livingston Board of Education Project) (the “Bonds”) of The Essex County Improvement Authority (the “Authority”) Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled “Capital Equipment Lease Revenue Bond Resolution ((Livingston Board of Education Project)” (the “Bond Resolution”) to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Board of Education of the Township of Livingston (the “Board”) pursuant to a lease and agreement to be entered into by the Authority and the Board (the “Lease”). Such guaranty shall be given in accordance with the guaranty agreement (the “Guaranty Agreement”) between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

- (1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Board’s equipment as set forth in Schedule A which will be subject to the Lease and to pay the Board’s share of the costs of issuance, but in no event shall such principal amount exceed \$2,700,000.
- (2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

SCHEDULE A - EQUIPMENT LIST

Township of Livingston Board of Education

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
Dell PowerEdge 830 Server	5	5	\$ 13,902
2 Dell PowerEdge 730xd Servers	5	5	22,474
Wireless Upgrade	5	5	140,000
2040 Student Laptops	5	5	1,201,560
5 Smartboard/Projectors	5	5	13,475
69 Mac Labs-Digital Photography & Music	5	5	86,181
4 PC Lyric Character Generator	5	5	122,852
4 Pedestal Vision Ped Plus	5	5	19,040
4 SDI Pro Cameras	5	5	68,600
4 Lenses	5	5	24,000
4 Smartboard/Projectors	5	5	10,780
4 Chromebook Cart/Refresh	5	5	31,440
4 Chromebook Cart/Refresh	5	5	31,440
Chromebook Cart – New	5	5	9,210
5 Chromebook Cart/Refresh	5	5	39,300
5 Chromebook Cart/Refresh	5	5	39,300
Chromebook Cart – New	5	5	9,210
6 Chromebook Cart/Refresh	5	5	47,160
2 Smartboard/Projectors	5	5	5,390
Chromebook Cart – New	5	5	9,210
3 Chromebook Cart/Refresh	5	5	23,580
Smartboard/Projector	5	5	2,695
Chromebook Cart – New	5	5	9,210
Ford Van	5	5	35,000
4 Buses	10	5	440,000
2 Vans	5	5	120,000
Total			\$2,575,009

NOTICE

The Ordinance published herewith was introduced and passed upon first reading at a regular meeting of the governing body of the Township of Livingston, New Jersey, held on August 5, 2019. It will be further considered for final passage after public hearing thereon at a meeting of the governing body to be held at the Township Hall, 357 South Livingston Avenue, Livingston, New Jersey, in said Township on September 3, 2019 at 7:30 o'clock p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Glenn R. Turteltaub
Clerk

STATEMENT

The Ordinance published herewith has been finally adopted on September 3, 2019 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such Ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement.

Glenn R. Turtletaub
Clerk

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RESOLUTION

Authorizing Filing of County of Essex
Community Development Block Grant (CDBG)
2019 Reprogramming 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 2019 Reprogramming application for funding; and

WHEREAS, the Township of Livingston has been requested to submit Community Development Block Grant Program project proposals for inclusion in the 2019 Reprogramming Plan to the Director of the Division of Housing and Community Development by July 24, 2019;

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 2019 Reprogramming application:

<u>Priority</u>	<u>Description of Project</u>
1.	ADA Improvements—Municipal Building

- 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 CDBG 2019 Reprogramming Application.

Approved as to form:

Alfred M. Anthony Mayor

Sharon L. Weiner
Township Attorney

Glenn R. Turtleaub Township Clerk

Adopted: August 5, 2019

8/5/19
116.

RESOLUTION No. R-19-156

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
LIVINGSTON AUTHORIZING ENTERING INTO FIRST AMENDMENT TO THE 1990 AGREEMENT BETWEEN
MILLBURN TOWNSHIP AND LIVINGSTON TOWNSHIP PROVIDING FOR SANITARY SEWER SERVICES**

WHEREAS, on February 7, 1990, Millburn and Livingston entered into the "Restated and Amended Agreement" between Millburn Township and Livingston Township providing for sanitary sewer service providing for the terms and conditions under which sewage from certain properties and facilities in Livingston has been continuing to be disposed of into the Millburn sewer system and treated at the sewage plant of the Joint Meeting (the 1990 Sewer Agreement); and,

WHEREAS, the parties wish to continue the benefits and obligations of the 1990 Sewer Agreement; and

WHEREAS, the parties have negotiated and agreed to the terms of the First Amendment to the 1990 Sewer Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Township Council authorizes entering into the First Amendment to the 1990 Sewer Agreement between Millburn Township and Livingston Township providing for sanitary sewer services.

Alfred M. Anthony, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney
Adopted: August 5, 2019

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RESOLUTION AUTHORIZING A CONTRACT WITH USALCO BALTIMORE PLANT, LLC

WHEREAS, the Township of Livingston ("Township") has a need to purchase polyaluminum chloride for the Water Pollution Control Facility; and

WHEREAS, on June 13, 2019, the Township of Livingston issued Bid No. 008-2019 as an open-ended contract, to solicit bids from companies that provide polyaluminum chloride; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on June 13, 2019 and as a result nine (9) bid packages were requested; and

WHEREAS, on July 10, 2019, two (2) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of USALCO Baltimore Plant, 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, USALCO Baltimore Plant, LLC submitted a price of \$1.7236 per gallon for a twenty-four (24) month contract; and

WHEREAS, the Director of Utilities has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to USALCO Baltimore Plant, LLC; and

WHEREAS, the Township Manager is recommending the award of a twenty-four (24) month contract to USALCO Baltimore Plant, LLC; 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 twenty-four (24) month contract with USALCO Baltimore Plant, LLC effective September 1, 2019.

Alfred M. Anthony, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: August 5, 2019

8/5/19 R
112

RESOLUTION AUTHORIZING A CONTRACT WITH MOTT MACDONALD, LLC

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Congressional generator replacement 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 of Livingston solicited proposals from five companies qualified to provide professional engineering services for generator replacements; and

WHEREAS, the Township of Livingston received three proposals on July 15, 2019; and

WHEREAS, Mott MacDonald, LLC submitted the lowest price proposal; and

WHEREAS, Mott MacDonald, LLC has completed and submitted a business Entity Disclosure Certification which certifies that Mott MacDonald, LLC 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 Mott MacDonald, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Engineer and Township Manager are recommending the award of a contract to Mott MacDonald, LLC to provide professional engineering services for the Congressional generator replacement as required by the Township in an amount not to exceed \$39,400.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account C-06-55-014-008-01B; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Mott MacDonald, LLC in an amount not to exceed \$39,400.00 as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be Placed on file with this resolution.

BE IT FURTHER RESOLVED that a notice of this action shall be printed in the West Essex Tribune as required by law within ten (10) days of its passage.

Alfred M. Anthony, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: August 5, 2019

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112.

RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER NUMBER 2 AND FINAL WITH
SUBURBAN CONSULTING ENGINEERS, INC.

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1400021") with Suburban Consulting Engineers, Inc. for Professional Engineering - Water System Improvements & Water Storage Tanks; and

WHEREAS, the initial Contract was not to exceed One Hundred Twenty-Five Thousand One Hundred Ninety Dollars and No Cents (\$125,190.00); and;

WHEREAS, Change Order Number One in the amount of \$11,960.00 was approved as per R-15-210; and

WHEREAS, due to field conditions, which resulted in changed quantities, Change Order Two has been requested for the following:

A.	REDUCTIONS	
	Tank 1 Task 004 Allowance for MBA Tanks	-\$13,500.00
	Fawn Drive Task 004 Allowance for MBA Tanks	-\$1,850.00
	Mine Hill Tank Task 001 Contract Documents	-\$30.00
	Mine Hill Tank Task 002 Part Time Inspection	-\$1,647.50
	Total	-\$17,027.50

WHEREAS, the total of change order number two decreased the contract amount by 12.42% or \$17,027.50 making the new contract sum \$120,122.50; and

WHEREAS, this Change Order has been recommended by the Utility 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 2 and Final to the Contract with Suburban Consulting Engineers, Inc. for Professional Engineering - Water System Improvements & Water Storage Tanks and 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.

Alfred M. Anthony, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: August 5, 2019

8/5/19
11P

RESOLUTION AUTHORIZING A CONTRACT WITH WATER WORKS SUPPLY COMPANY, INC.

WHEREAS, the Township of Livingston ("Township") has a need to purchase water system parts for the Water Department; and

WHEREAS, on July 11, 2019, the Township of Livingston issued Bid No. 009-2019 as an open-ended contract, to solicit bids from companies that supply water system parts; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on July 11, 2019 and as a result ten (10) bid packages were requested; and

WHEREAS, on July 30, 2019, three (3) bids were received by the bid deadline and publicly read; and

WHEREAS, the firm of Water Works Supply Company, 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, Water Works Supply Company, Inc.'s schedule of pricing is attached; and

WHEREAS, the Junior Utility Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Water Works Supply Company, Inc.; and

WHEREAS, the Township Manager is recommending the award of a twelve (12) month contract to Water Works Supply Company, Inc.; 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 twelve (12) month contract with Water Works Supply Company, Inc. effective August 5, 2019.

Alfred M. Anthony, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: August 5, 2019

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RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER NUMBER 1 AND FINAL WITH REIVAX CONTRACTING CORP

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1800016") with Reivax Contracting Corp. for 2018 Water Main Replacements to Edgemere Road, Chaucer Court, and Highland Drive; and

WHEREAS, the initial Contract was not to exceed Two Million Three Hundred Twenty-Two Thousand, Six Hundred Forty Dollars and no cents (\$2,322,640.00); and

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

A. SUPPLEMENTAL	
For 6-inch Diameter Ductile Iron Pipe	\$1,520.00
For 8-inch Diameter Ductile Iron Pipe	\$5,040.00
For 8-inch Diameter Mechanical Joint Gate Valves	\$7,500.00
For Removal of Existing Hydrants	\$3,400.00
Allowance for Traffic Control Measures & Maintenance of Traffic, Including Off-Duty Police, Complete - \$5,000	\$2,232.50
Maintenance and Protection of Traffic	\$8,225.00
Asphalt Price Adjustment	\$349.22
Milling, Less than 3"	\$56,354.52
Hot Mix Asphalt Surface Course Mix I-5	\$10,025.34
8" PVC Pipe, Sch. 40	\$5,500.00
Reconstructed Manhole, Using New Casting	\$2,400.00
Concrete Driveway, Reinforced, 6" Thick	\$834.00
Hot Mix Asphalt Sidewalk, 4" Thick (As Needed for Restoration)	\$1,207.20
Total	\$104,587.78
B. EXTRAS	
Install Fire Hydrant with 6-inch Gate Valve and Pipe	\$9,800.00
Reimbursement to Resident for Landscaping Damage	-\$2,079.18
Total	\$7,720.82
C. REDUCTIONS	
For 8-inch Diameter Insertion Valves	-\$15,600.00
For 1-inch Diameter Services	-\$10,800.00
For 1.5-inch Diameter Services	-\$4,500.00
For 2-inch Diameter Services	-\$3,000.00
For Hydrostatic Pressure Testing of Water Mains	-\$50.00
For Disinfection and Bacteriological Testing of Water Mains	-\$50.00
For Rock Excavation, Complete	-\$17,500.00
For Test Pits	-\$10,000.00
Allowance for Asphalt Price Adjustment - \$5,000	-\$5,000.00
Allowance for Fuel Price Adjustment - \$5,000	-\$5,000.00
Allowance for Utility Relocations - \$10,000	-\$10,000.00
Fuel Price Adjustment - \$3,900	-\$3,900.00
Excavation Unclassified	-\$36,850.00
Dense Graded Aggregate Base Course, Variable Thickness	-\$29,700.00
Milling, More than 3", Less than 6"	-\$75,912.37
Hot Mix Asphalt Base Course Mix I-2	-\$48,364.68
Roof Leader and Drain Connection to 8" PVC Pipe	-\$3,300.00
Under Drain	-\$27,500.00
Bicycle Safety Grate	-\$3,780.00

Curb Piece, Type N-Eco	-\$3,040.00
Reconstructed Inlet, Type B, Using New Casting	-\$9,600.00
Yard Drain (If and Where Directed)	-\$2,300.00
Hot Mix Asphalt Driveway, 2" Thick	-\$33,230.40
Driveway Restoration , Concrete Block	-\$12,317.00
Concrete Sidewalk, 4" Thick	-\$1,050.00
Granite Block Curb	-\$26,541.00
Concrete Curb (Full Face and Depressed at ADA Curb Ramps)	-\$750.00
Steel Root Plate (If and Where Directed)	-\$1,600.00
Traffic Markings, Thermoplastic	-\$765.00
Sign	-\$1,650.00
Total	-\$403,650.45

WHEREAS, the total change order decreased the contract amount by 12.54% or \$291,341.85 making the new contract sum \$2,031,298.15; and

WHEREAS, this Change Order has been recommended by 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 Reivax Construction Corp. for the 2018 Water Main Improvements; 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.

Alfred M. Anthony, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: August 5, 2019

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11 h.

**AUTHORIZING PURCHASES UNDER THE EDUCATIONAL SERVICES COMMISSION OF
NEW JERSEY PURCHASING PROGRAM**

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 Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Educational Services Commission of New Jersey Purchasing Program 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 contract vendors through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable to current 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 Educational Services Commission of New Jersey Purchasing Program vendors on the attached list, pursuant to all the conditions of the individual 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, 2019 or upon the expiration of the vendors' contract, whichever event first occurs.

Alfred M. Anthony, Mayor

Glenn R. Turtleaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: August 5, 2019

Referenced Educational Services Commission of New Jersey Purchasing Program Vendors

R-19-162

Commodity/Service	Vendor	Contract #
Document Management for Records Retention and Disposal	Alpline Consulting, Inc. d/b/a Accu Scan	ESC NJ 16/17-48
Document Management for Records Retention and Disposal	Foveonics Imaging Technologies, Inc.	ESC NJ 16/17-48
Grounds Equipment	Bobcat of Central Jersey	ESC NJ 18/19-25
Grounds Equipment	North Jersey Bobcat, Inc.	ESC NJ 18/19-25
Grounds Equipment	Jesco, Inc.	ESC NJ 18/19-25
Grounds Equipment	Storr Tractor Company	ESC NJ 15/16-08
Playground Equipment, Site Furnishings, Outdoor Circuit Training Equipment & Related Products	Ben Shaffer Recreation, Inc.	ESC NJ 17/18-20
Playground Surfacing	Whirl Corporation, Inc.	ESC NJ 17/18-18
Technology Supplies and Services	CDW-G	ESC NJ 18/19-03
Trucks 26,000 lbs. GVW or Greater	Campbell Freightliner	ESC NJ 17/18-30
Trucks 26,000 lbs. GVW or Greater	Jet Vac Equipment, LLC	ESC NJ 17/18-30

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R-19-164

RESOLUTION APPOINTING ANTONELLI KANTOR, P.C. AS SPECIAL COUNSEL

WHEREAS, the Township of Livingston has a need and desire to retain Special Counsel to be available to represent the Township in various specialized legal matters that may arise; and

WHEREAS, the Township Manager has determined and that the value of the services may exceed \$17,500; and,

WHEREAS, the Township's Purchasing Agent issued RFP No. 13-2019 Professional Services – Special Counsel in a Fair and Open process under N.J.S.A. 19:44A-20.5 et. seq. ; and

WHEREAS, the firm of Antonelli Kantor, P.C. submitted a proposal responsive to the RFP demonstrating the qualifications required to provide Special Counsel services; and

WHEREAS, the Township Manager is recommending the award of a contract to Antonelli Kantor, P.C. to be retained as Special Counsel to be available to provide specialized legal service when and as directed by the Township on the terms set forth in the attached proposal; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2019 municipal budget.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Antonelli Kantor, P.C. for the period of August 5, 2019 through December 31, 2019.

Alfred M. Anthony, Mayor

Glenn R. Turtletaub, Township Clerk

Adopted: August 5, 2019

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R-19-165

RESOLUTION OF THE TOWNSHIP COUNCIL REJECTING BID

WHEREAS, the Township of Livingston ("Township") has a need for the garage expansion 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. 011-2019 to solicit bids from contractors experienced in garage expansions; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on July 11, 2019 and as a result twenty-five (25) bid packages were requested; and

WHEREAS, on July 31, 2019, three (3) bids were received by the bid deadline and publicly read; 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 bids for the garage expansion due to the fact that the apparent low bid substantially exceeds 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. 011-2019 are hereby rejected.

Alfred M. Anthony, Mayor

Glenn R. Turtleaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: August 5, 2019

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RESOLUTION AUTHORIZING A CONTRACT WITH MIDWEST CONSTRUCTION, INC.

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

WHEREAS, on July 18, 2019, the Township of Livingston issued Bid No. 012-2019 to solicit bids from contractors experienced in sidewalk improvements; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on July 18, 2019 and as a result eighteen (18) bid packages were requested; and

WHEREAS, on August 2, 2019, eight (8) bids were received by the bid deadline and publicly read; and

WHEREAS, Midwest Construction, 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 Township Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Midwest Construction, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to Midwest Construction, Inc. in an amount not to exceed \$344,225.00 and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available 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 Midwest Construction, Inc. in an amount not to exceed \$344,225.00.

Alfred M. Anthony, Mayor

Glenn R. Turtleaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: August 5, 2019