

Livingston, New Jersey
March 9, 2020
Meeting #5

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:38 p.m. at Town Hall, 357 South Livingston Avenue, Livingston, New Jersey. The Mayor stated that all the requirements of the "Open Public Meetings Act" had been met. "Annual Notice" was faxed to the West Essex Tribune and the Star Ledger on January 2, 2020.

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

Absent: None

Silent Meditation and Pledge of Allegiance

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

Presentations

Essex County Update/Questions

Public Comments on Agenda Items

Fred Friedman, 1304 Pointe Gate Way, addressed R-20-96, and asked "how many times" the Library roof needed to be fixed. Mayor Fernandez explained the problem and how it had been and was being addressed, and Township Manager Lewis explained the costs involved and that a brand new roof was being obtained.

Justin Alpert, 56 Amherst Place, addressed the Township's membership in several Purchasing Coops (R-20-99 and R-20-100) and asked whether Township businesses "get their fair share " of the business generated. Manger Lewis explained how the co-ops functioned, how the bidding was open to anyone, and that Livingston businesses had the same opportunities to participate.

Resolution—Consent Agenda (Includes All Items Marked ***) R-20-94

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 March 9, 2020, attached hereto, which are preceded by an "***" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approval of Minutes

a) February 24, 2020

Approval of Licenses

Final Hearing Ordinances

Proposed Ordinances

Resolutions

a) R-20-95 Livingston Library Children's Rehabilitation Grant

Resolution to Apply for Funds: Two copies of this resolution must be included in the completed application. Each of the municipality and the library/nonprofit agency/association library must certify that they are authorizing their governing bodies to submit this grant application. This resolution may be executed in counterparts, each of which shall be an original and all of which together shall be one instrument.

The Township of Livingston and the Livingston Public Library

Municipality

Library/Nonprofit Agency

hereby certify that permission has been granted to apply for the project entitled the New Jersey Library Construction Bond Act, in the amount of:

\$ 72,500

The filing of this application was authorized at the official meeting of the governing body of the Municipality/Library/Nonprofit Agency held on: March 9, 2020.

For the Municipality:

Signature

Certification Signature

Barry R. Lewis, Jr., Township Manager

Glenn Turtleaub, Township Clerk

Typed Name and Title

Typed Name and Title

Date

Date

For the Library/Non-Profit Agency:

Signature

Certification Signature

Typed Name and Title

Typed Name and Title

Date

Date

b) R-20-96 Livingston Library Roof Repair Grant

Resolution to Apply for Funds: Two copies of this resolution must be included in the completed application. Each of the municipality and the library/nonprofit agency/association library must certify that they are authorizing their governing bodies to submit this grant application. This resolution may be executed in counterparts, each of which shall be an original and all of which together shall be one instrument.

The Township of Livingston and the Livingston Public Library

Municipality

Library/Nonprofit Agency

hereby certify that permission has been granted to apply for the project entitled the New Jersey Library Construction Bond Act, in the amount of:

\$ \$627,900

The filing of this application was authorized at the official meeting of the governing body of the Municipality/Library/Nonprofit Agency held on: March 9, 2020. For the Municipality:

Signature
Barry R. Lewis, Jr., Township Manager

Typed Name and Title

Certification Signature
Glenn Turtletaub, Township Clerk

Typed Name and Title

c) R-20-97 Authorizing a Contract Extension with Waste Industries, LLC

WHEREAS, the Township of Livingston has a need for the collection and removal of recyclable materials from its residents and other Township locations that cannot otherwise be performed by Township employees; and

WHEREAS, the Township awarded a three (3) year contract with an option to renew for an additional two (2) years at the sole discretion of the Township of Livingston to Giordano Company, Inc.; and

WHEREAS, R-18-129 authorized the assignment of the recycling collection contract from Giordano Company, Inc. to Waste Industries, LLC; and

WHEREAS, the price as per the original contract is as follows: Year 4 - \$425,000; and Year 5 - \$425,000; and

WHEREAS, the Township Manager recommends exercising the option to extend the contract with Waste Industries, LLC for a period of two (2) years effective July 1, 2020; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2020 budget under account 0-01-26-305-003-250 and funding for years 2021 and 2022 is subject to the appropriation of sufficient funds in the 2021 and 2022 municipal budgets.

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 extend the contract with Waste Industries, LLC for two (2) years effective July 1, 2020 for the collection and removal of recyclable materials from residents and other Township locations.

d) R-20-98 Authorizing a Contract with DeMaio Electrical In

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

WHEREAS, on January 23, 2020, the Township of Livingston issued Bid No. 018-2019 as a re-bid to solicit bids from contractors experienced in effluent pump station upgrades; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 23, 2020 and as a result twenty-two (22) bid packages were requested; and

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

WHEREAS, DeMaio Electrical 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, the Director of Utilities has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to DeMaio Electrical Company, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to DeMaio Electrical Company, Inc. in an amount not to exceed \$162,900.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-09-55-019-006-002 and C-09-55-018-001-006.

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 DeMaio Electrical Company, Inc. in an amount not to exceed \$162,900.00.

e) R-20-99 Authorizing Purchases Under State of NJ Cooperative Purchasing Program

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and,

WHEREAS, the Township of Livingston has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced State contract vendors through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current State 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 New Jersey State contract vendors on the attached list, pursuant to all the conditions of the individual State 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, 2020 or upon the expiration of the vendors' contract, whichever event first occurs.

f) R-20-100 Authorizing Purchases Under Morris County Cooperative 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 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, 2020 or upon the expiration of the vendors' contract, whichever event first occurs.

g) R-20-101 Appointing Supervising Certifying Officer and Certifying Officer for Division of Pensions and Benefits

WHEREAS, the State of New Jersey, Department of Treasury, Division of Pensions and Benefits requires all municipalities to designate a Certifying Officer and Supervising Certifying Officer to certify the accuracy and validity of all documents and forms sent to the Division of Pensions and Benefits;

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey as follows, effective immediately;

1. The Certifying Officer for the Township of Livingston Public Employees Retirement System and Police and Fire Retirement System shall be Nada Akmal, Assistant Chief Financial Officer;
2. The Supervising Certifying Officer for the Township of Livingston Public Employees Retirement System and Police and Fire Retirement System shall be Barry R. Lewis, Jr., Township Manager;
3. A certified copy of this resolution shall be filed with the State of New Jersey, Department of Treasury, Division of Pensions and Benefits.

h) R-20-102 Temporary Budget Resolution

WHEREAS, New Jersey Statute 40A:4-19 provides that where any contract, commitments, or payments are to be made prior to the final adoption of the 2020 Budget, temporary appropriations of certain line items totaling within twenty six and one quarter percent (26.25%) of the previous year's General Appropriations for the first three months and prorated for any month following the first three months should be made for the purposes and amounts required in the manner and time herein provided; and

WHEREAS, temporary appropriations for Debt Service and Capital Improvement Fund are authorized without the 26.25% limitation; and

WHEREAS, the Township Council previously approved Temporary Appropriations in Resolutions #20-43; and

WHEREAS, the 2020 Budget has not been adopted and is not anticipated to be adopted until later in the year.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Livingston that this resolution, adopted by not less than a majority vote of the full membership of the governing body, authorizes supplemental temporary appropriations as set forth on the Attached Exhibit A and that a certified copy of this resolution be forwarded to the Township's Chief Financial Officer.

On roll call vote of Resolutions R-20-95 through R-20-103, all members present voted YES.

Public Comment

Brandon Minde, 7 Bear Brook Lane, discussed the condition of basketball courts by the High School which he described as a "dangerous situation." He displayed photographs, and stressed the "need to fix" the courts. He presented a petition with 192 signatures from residents. Mayor Fernandez stated they would certainly look into it, and suggested that such concerns can be brought to the Council's attention via a simple phone call.

Walter LeVine, 345 Walnut Street, asked whether any comments concerning a draft Plastics ordinance had been received from the Food Council, as the group had promised at the last Conference meeting. The Mayor and Clerk confirmed that no such comments had been received. Mayor Fernandez stated it was possible that once the Group's representative had seen the Ordinance, she realized that it included the items her organization had wanted, as the Council had already included local businesses in the discussions leading to the draft Ordinance.

Justin Alpert, 56 Amherst Place, discussed the proposed plastics ordinance under consideration, and also discussed the need to hold a "5 on 5" with the Livingston Board of Education. Mr. Alpert also addressed the methodology report due from the Township assessor, and the use of nuclear plants.

Bob Hunter, 89 Elmwood Drive, complimented the West Essex Tribune, spoke about the status of the Pipeline protest; and suggested the use of the Recycling Center to monitor leaks.

Recess

At 8:10 p.m., the Regular Meeting concluded.

RUFINO FERNANDEZ, JR, Mayor

GLENN R. TURTLETAUB, Township Clerk