

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 April 28, 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 Clerk Turteltaub, Deputy Township Clerk Mazzucco,

Absent: None

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

Mayor Fernandez introduced Assemblyman John McKeon, who gave an update on COVID-19, noted that the primary election would be held on July 7, 2020, and addressing payment of state unemployment benefits and other state issues and responses to the pandemic.

2020 Municipal Budget

Township Manager Lewis gave an overview of the 2020 Township Budget to be introduced this evening highlighting that there is no increase in municipal taxes, and that he was confident that it was appropriate to use some of Township's surplus to address finances in light of the pandemic. A full presentation will be made at the Budget Hearing Date of June 15, 2020.

a) R-20-121 Introduction of 2020 Municipal Budget

BE IT RESOLVED that the statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Livingston, County of Essex, State of New Jersey, for the year 2020, as introduced and approved by the Township Council; and

BE IT FURTHER RESOLVED, that said Budget be published in the West Essex Tribune, and that a hearing on the Budget be held on June 15, 2020 at 7:00 o'clock p.m. via Livestream from Facebook @ facebook.com/LivingstonTownshipNJ.

On roll call vote, all members present voted YES.

b) R-20-122 Establishing 2020 Municipal Open Space Tax Rate

WHEREAS, a referendum was approved by the residents of the Township of Livingston in November, 2002 to establish a Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and,

WHEREAS, a referendum was approved by the residents of the Township of Livingston in November, 2008 to permit the Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund to continue in perpetuity; and,

WHEREAS, The Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund is to be funded through an annual tax levy not to exceed three cents (\$0.03) per one hundred dollars (\$100) of assessed valuation;

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 2020 Municipal Open Space, Recreation Farmland and Historic Preservation Trust Fund tax levy shall be one-half cent (\$0.005) per one hundred dollars (\$100) of assessed valuation.

On roll call vote, all members present voted YES.

c) R-20-123 Authorizing Calculation of 2020 Reserve for Uncollected Taxes

WHEREAS, N.J.S. 40A:4-41c(2), enacted into law (P.L. 1997, c. 28) and amended by Chapter 56 of P.L. 2010, provides alternate methods of calculating the reserve for uncollected taxes; and

WHEREAS, N.J.S. 40A:4-41c(2) permits the governing body of any municipality in which tax reductions have resulted from tax appeal judgements of the County Tax Board pursuant to R.S. 54:3-21 et seq., or the State Tax Court pursuant to R.S. 54:48-1 et seq., to elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy reductions resulting from those judgements; and

WHEREAS, this election shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the introduction of the annual budget pursuant to N.J.S. 40A:4-5; and

WHEREAS, the Township of Livingston has determined that it is advantageous to utilize the method provided under N.J.S. 40A:4-41c(2)

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, that the maximum percentage to be used for the reserve for uncollected taxes in the 2020 budget is _____% based on N.J.S. 40A:4-41c(2).

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed with Director of the Division of Local Government Services.

On roll call vote, all members present voted YES.

The Council approved payment of the Legal Fees of Murphy McKeon and McCarter & English.

New Business

a) Pop-up Drive-In Movie Nights—Ad Hoc Committee---Mayor Fernandez and Deputy Mayor Klein addressed the suggestion raised by Township residents to hold pop up Drive In Movie events in the summer. It was noted that while currently such a Drive –In is currently prohibited by Executive Order that it made sense to establish a committee to make recommendations for such an event, with an eye toward the time when the restrictions on Drive In Theaters would be lifted.

b) Coronavirus/COVID 19 Update---Township Manager Lewis gave an update on the Township's response addressing issues raised by the pandemic.

Resolution—Consent Agenda Includes All Items Marked “*” R-20-120

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 May 11, 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 Minutes April 27, 2020
- b) Closed Session Minutes April 27, 2020
- c) Special Meeting Minutes May 1, 2020

*Approval of Licenses

Essex County Update/Questions

Public Comments on Agenda Items

Township Manager Lewis gave an update on the three Ordinances to be introduced this evening. There were no comments from the public.

Final Hearing Ordinances

Proposed Ordinances

a) Ord. 6-2020 Authorizing the Establishment of a Government Energy Aggregation Program was read by title and introduced on first riding. 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 Monday, June 1, 2020.

b) Ord. 7-2020 Amending Chapter 170 of the Code of the Township of Livingston to Establish the Section 170.107.1 Mixed Use Overlay District was read by title and introduced o 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 Monday, June 15, 2020.

c) Ord. 8-2020 Exceed Calendar Year Municipal Budget Appropriation Limits and to Establish CAP Bank 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 Monday, June 15, 2020.

Resolutions

Public Comment

Deputy Township Clerk Mazzucco read a letter from the Friendship Circle, thanking the Council.

At 8:05 p.m., the following Resolution was read:

Resolution Authorizing Closed Session—Attorney Client Privilege (Residential Adult Inclusionary Zoning), Attorney Client Private (Zoning-Drive Thru and Drive Up) ; Personnel (Appointments)

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 11h day of May, 2020, that the Township Council of the Township of Livingston will go into Closed Session for the purpose of discussing Attorney-Client privilege, Personnel, and such matters as may come before the council and that are exempted form the public as outlined in n.J.S.SA. 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 9:05 p.m.

Adjournment

The meeting was adjourned at 9:05 p.m.

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