

Livingston, New Jersey
January 6, 2020
Meeting #1

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:40 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 Turtleaub

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

Eileen Fishman, Livingston Liaison for Essex County Executive Joseph V. DiVincenzo, advised of ongoing and upcoming County events.

Public Comments on Agenda Items

Resolution—Consent Agenda (Includes All Items Marked ***) R-20-62

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 6, 2020, attached hereto, which are preceded by an "***" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approval of Minutes

- a) December 16, 2019

Approval of Licenses

Final Hearing Ordinances

Proposed Ordinances

a) Ord. 1-2020 Ordinance Of The Township Council Of The Township Of Livingston Amending Chapter 170, Land Use, Article X, Flood Hazard Areas, Of The Code Of The Township Of Livingston - ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170, LAND USE, ARTICLE X, FLOOD HAZARD AREAS, OF THE CODE OF THE TOWNSHIP OF LIVINGSTON was read by title and introduced on first reading. 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, January 27, 2020.

b) Ord. 2-2020 Ordinance Of The Township Of Livingston Repealing Section 170-71 Of The Code Of The Township Of Livingston And Enacting A New Section 170-71 Subdivision Plat And Site Plan Details - ORDINANCE OF THE TOWNSHIP OF LIVINGSTON REPEALING SECTION 170-71 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON AND ENACTING A NEW SECTION 170-71 SUBDIVISION PLAT AND SITE PLAN DETAILS was read by title and introduced on first reading. 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, January 27, 2020.

Resolutions

a) R-20-63 Resolution Of The Township Council Of The Township Of Livingston Authorizing Entering Into A Bulk Water Supply Agreement With The East Orange Board Of Water Commissioners

WHEREAS, the City of East Orange owns and the East Orange Board of Water Commissioners ("EOBWC") is responsible for the operation of the EOBWC water supply system to serve the residents of the City of East Orange, New Jersey; and

WHEREAS, the Township of Livingston desires to enter into a Bulk Water Supply Agreement with the EOBWC to supply water at a wholesale rate to its customers; and

WHEREAS, the Township of Livingston has expressed a need for the bulk sale and purchase of water and the EOBWC is willing to enter into such an agreement; and

WHEREAS, the parties wish to enter into the agreement and specify terms and conditions under which the EOBWC will sell and deliver water from the EOBWC water supply system to the Livingston water supply system for water supply within the service territory supplied by the Township of Livingston; and

WHEREAS, the agreement entered into shall supersede in all aspects earlier agreements or understandings between the parties written or oral for the sale and supply of portable water except for the supply of water to the Township of Livingston that predates the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Mayor is authorized to enter into a Bulk Water Supply Agreement on the terms negotiated between EOBWC and the Township of Livingston for the bulk water supply for a term of twelve (12) years consistent.

b) R-20-64 Authorizing Filing of Essex County Division of Housing and Community Development Block Grant (CDBG) 2020 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 2020 One Year Action Plan application for funding for the 2020 Program Year; and

WHEREAS, the Township of Livingston has been requested to submit Community Development Block Grant Program project proposals for inclusion in the 2020 One Year Action Plan to the Director of the Division of Housing and Community Development by January 8, 2020;

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 2020 One Year Action Plan application:

<u>Priority</u>	<u>Description of Project</u>
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1. ADA Improvements—Accessible Bus

- 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 2020 One Year Action Plan Application.

c) R-20-65 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, 2020 or upon the expiration of the vendors' contract, whichever event first occurs.

c) R-20-66 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.

On motion duly made and seconded, and on roll call vote of Resolutions R-20-63 through R-29-66, all members present voted YES.

Public Comment

Bob Hunter, 89 Elmwood Dr, congratulated Councilmembers on another great year of accomplishments. He expressed frustration about the two large compression stations next to the Environmental Center and said he'd like to see sensors at the EC to detect gas.

David Reinfeld, 257 E Northfield Rd, inquired about the sidewalk ordinance and the dangers presented by the poor condition of sidewalks in his neighborhood. Township Manager Lewis responded that they were looking at several different ideas, however, nothing has been determined as this year's budget is not set at this time. Councilmember Vieira asked if grants could be considered for funding.

Jac Bloomberg, 45 Heron Rd, asked if the Township would consider using asphalt instead of concrete, as it is substantially cheaper and less burdensome on the homeowner.

Justin Alpert, 56 Amherst Pl, felt a sidewalk crew was warranted. He also inquired about the methodology data manual on the Township's Revaluations, and Township Manager Lewis responded that he would make sure Alpert would receive a copy once available.

Mayor Fernandez asked Township Manager Lewis to give an overview about the Revaluations. Township Manager Lewis explained that the overall assessed value increased 16.75% from \$7,416,190,998 to \$8,658,707,000. If a residential property had an assessment that increased less than 16.75%, the homeowner could expect a decrease in their taxes. If a residential property had an assessment that increased more than 16.75%, the homeowner could expect an increase in their taxes. He mentioned that 60.65% of residences should see a decrease, and 39% could expect an increase, but it is expected to be a nominal increase (up to \$500). He urged residents to make an appointment if they disagree with their Revaluation. Mayor Fernandez reminded residents that the Revaluation is revenue neutral and the Township still needs the same amount of money to operate. Township Manager Lewis added that information is also available on the Township's website under Finance and Tax Assessor.

Councilmember Anthony mentioned that he forgot to thank co-chairs Billy Fine and Keith Hines, of the Diversity and Inclusion Committee, at the Reorganization meeting.

RUFINO FERNANDEZ, JR, Mayor

CAROLYN MAZZUCCO, Deputy Township Clerk