

The Regular and Conference Meeting of the Township Council of the Township of Livingston were held via Livestream from Facebook @facebook.com/LivingstonTownshipNJ on the above Update 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 6, 2022, and that "48-hr. notice" was faxed and emailed to these same publications and posted on the Livingston Township website (livingstonnj.org) on January 5, 2022, and posted on the Livingston Township website (livingstonnj.org).

Present (via Livestream): Mayor Meinhardt, Deputy Mayor Vieira, Councilmember Anthony, Councilmember Fernandez, Councilmember Klein, Township Manager Lewis, Deputy Township Manager Jones, Township Attorney Kantor, Township Clerk Turtletaub, Deputy Township Clerk Mazzucco

Mayor Klein read the Sunshine Statement.

A Quorum Roll Call was held. Councilmembers Anthony, Fernandez, Klein, Deputy Mayor Vieira and Mayor Meinhardt were all present.

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

Communications

Proclamations & Presentations

Approval of Minutes, Pending Any Corrections

On motion duly made and seconded, and on voice vote, the Council approved the following, pending any corrections:

- 1) December 27, 2021 Regular and Conference Minutes
- 2) December 27, 2021 Closed Session Minutes
- 3) January 2, 2022 Organization Meeting Minutes

Legal Fees

The Council approved the following Legal Fees:

- 1) Antonelli Kantor (October 2021)
- 2) Antonelli Kantor (November 2021)
- 3) Antonelli Kantor (November 2021)
- 4) Murphy McKeon, P.C. (December 2021)

New Business

1) Upcoming Council Calendar Invitations—The Council discussed members' attendance at upcoming events.

- 2) Samay Malday—Eagle Scout Project

Smay addressed the Council , seeking for support for his Eagle Scout project, which provided for the posting of motivational signs around the schools in town. Councilmember Vieirq suggested he contact the Department of Public Works regarding the placement of those signs. Councilember Fernnde asked Township Attorney Kantor to look into whether ka onetime waiver from sign requiremnts under the Township zoning laws, may be required.

3) Livingston Masonic Lodge #11 2022 Fundraiser Project

The Council addressed the Masonic Lodge's request, and the mayor stated that none with any ideas on possible projects should get back to Ira Drucks.

Public Portion (Agenda Items Only—4 Minute Limit)

On motion duly made and seconded, and by voice vote, the hearing on the Public Portion was opened.

Cliff Schafer, 128 Passaic Ave., addressed Ordinance 2-2022

There being no other speakers, on motion duly made and seconded and on voice vote, the Public Portion on agenda items only was closed.

Passage of Ordinances—Final Hearing/2nd Reading

None.

Introduction

1-2022 Amending and Supplementing Ch 170 of the Code of the Township of Livingston by Establishing a New Inclusionary Development Zone Designated as the R-5L Residence Overlay District (Passaic Ave and Volker La Area)

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, January 24, 2022.

2-2022 Authorizing the Acceptance of Certain Easements

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, January 24, 2022.

Consent Agenda for Resolutions: Res 22-067

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 10, 2022 attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Res 22-068 Authorizing the Award of a Contract to Samuel Klein and Company

WHEREAS, the Township of Livingston has a need to acquire auditing and arbitrage compliance services 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 Council has determined that Samuel Klein and Company has provided auditing and arbitrage compliance services in prior years and has performed in a satisfactory manner; and

WHEREAS, Samuel Klein and Company has completed and submitted a Business Entity Disclosure Certification which certifies that Samuel Klein and Company 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 Samuel Klein and Company from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer and Township Manager are recommending the award of a contract to Samuel Klein and Company to provide auditing and arbitrage compliance services as required by the Township at an amount not to exceed \$98,750.00; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in accounts 2-01-20-135-001-217, 2-01-29-390-001-217, 2-05-55-502-001-217, 2-07-55-502-001-217, 2-09-55-501-000-217 and C-04-55-016-002-220, contingent upon sufficient funds being appropriated in the 2022 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 Samuel Klein and Company for the period of January 1, 2022 through December 31, 2022 in an amount not to exceed \$98,750.00 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.

Res 22-069 Authorizing the Award of a Contract to McManimon, Scotland & Baumann, LLC (Redevelopment Counsel)

On motion duly made and seconded, and on roll call vote, all members present voting YES, the Resolution was adopted.

Res 22-070 Authorizing the Award of a Contract to Pearlman & Miranda, LLC

WHEREAS, the Township of Livingston has a need to acquire Special Counsel to handle the St. Barnabas tax exception appeal 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 Council has determined that Pearlman & Miranda, LLC has provided special counsel services in prior years and has performed in a satisfactory manner; and

WHEREAS, Pearlman & Miranda, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Pearlman & Miranda, 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 Pearlman & Miranda, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Manager is recommending the award of a contract to Pearlman & Miranda, LLC to provide Special Counsel for the St. Barnabas tax exception appeal as required by the Township; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in account 2-01-20-155-001-403, contingent upon sufficient funds being appropriated in the 2022 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 Pearlman & Miranda, LLC for the period of January 1, 2022 through December 31, 2022 in an amount not to exceed \$25,000.00 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.

Res 22-071 Authorizing the Award of a Contract to Beacon Planning & Consulting Serv.

WHEREAS, the Township of Livingston ("Township") has the need to acquire professional planning consultant services 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 Council has determined that Beacon Planning & Consulting Services, LLC has provided professional planning consultant services in prior years and has performed in a satisfactory manner; and

WHEREAS, Beacon Planning & Consulting Services, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Beacon Planning & Consulting Services, 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 Beacon Planning & Consulting Services, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Planning Administrator and Township Manager are recommending the award of a contract to Beacon Planning & Consulting Services, LLC to provide professional planning consultant services as required by the Township; and

WHEREAS, the fees for services provided on applications before the Planning Board and Zoning Board of Adjustment will be charged to applicants through escrow; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in account 2-01-21-180-001-217, contingent upon sufficient funds being appropriated in the 2022 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 Beacon Planning & Consulting Services, LLC for the period of January 1, 2022 through December 31, 2022 in an amount not to exceed \$20,000.00 for Township matters and in such amount as warranted for services charged to applicant escrow accounts.

Res 22-073 Accepting Certain Easements at 220 S Orange Ave

WHEREAS, the Council of the Township of Livingston (the "Council") desires to accept from Livingston Corporate Park Associates, LLC., ("Grantor") a perpetual easement and right of way; and a temporary construction easement (the "Easements") for those certain properties known as Block 6101 Lot 45 in the Tax Map of the Township of Livingston pursuant to the Easement Agreement annexed hereto at **Exhibit "A"** (the "Agreement"); and

WHEREAS, Grantor is the owner of that certain real property located at 220 South Orange Avenue, in the Township of Livingston, more particularly described as Block 6101, Lot 45, as shown on the official tax map of the Township of Livingston; and

WHEREAS, the Township of Livingston desires access through a portion of Grantor's Property to locate and construct a portion of its water main in, upon, along and across a portion Grantor's premises as set forth herein; and

NOW THEREFORE BE IT RESOLVED by the Mayor and the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Mayor is hereby authorized to enter into and execute the Easement Agreement based upon the terms and conditions set forth herein and, in a manner, substantially similar to the Agreement attached hereto as Exhibit "A."

Res 22-074 Authorizing LMAC Grant for 2022/2023 Fiscal Year

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Livingston, County of Essex State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society

amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Essex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Livingston, County of Essex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Livingston Municipal Alliance grant for fiscal year 2022/2023 in the amount of:

DEDR	\$ 24,724
Cash Match	\$ 6,181
In-Kind	\$ 18,543
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Mayor/Head of Governing Body

Res 22-075 Authorizing Purchases Under the Morris Cty Coop Pricing System

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, 2022 or upon the expiration of the vendors' contract, whichever event first occurs.

Res 22-076 Authorizing the Award of a Contract to Antonelli Kantor, PC

WHEREAS, the Township of Livingston has a need to acquire Township Attorney services 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 Council has determined that Antonelli Kantor, PC has provided Township Attorney services in prior years and has performed in a satisfactory manner; and

WHEREAS, Antonelli Kantor, PC has completed and submitted a Business Entity Disclosure Certification which certifies that Antonelli Kantor, PC 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 Antonelli Kantor, PC from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Manager is recommending the award of a contract to Antonelli Kantor, PC to provide Township Attorney services as required by the Township in an amount not to exceed \$150,000.00 for a combination of retainer fees and hourly services; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in account 2-01-20-155-001-401, contingent upon sufficient funds being appropriated in the 2022 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, PC for the period of January 1, 2022 through December 31, 2022 in an amount not to exceed \$150,000.00 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.

On motion duly made and seconded, and on roll call vote, all members present voting YES, the Resolutions 22-068 , 22-069, 22-070, 22-071 were adopted.

Res 22-072 Authorizing the Entering into an Agreement with Habitat for Humanity for the Development, Administration and Sale of Affordable Housing (Harvest La)

WHEREAS, the Township of Livingston has an obligation to provide low and moderate income housing; and

WHEREAS, pursuant to N.J.A.C. 5:97-65 et seq., the Township of Livingston may elect to provide affordable housing through a market to affordability program; and

WHEREAS, the Township of Livingston has chosen to satisfy a portion of its affordable housing obligation by entering into an agreement with Habitat for Humanity, Newark for the purchase and development of one (1) single family home on one (1) vacant parcel located at 28 Harvest Lane and owned by the Township; and

WHEREAS, the Township will include the one (1) Habitat home within its affordable housing plan as permitted by COAH's rules as a compliance mechanism for meeting a portion of the Township's fair housing obligation as determined by COAH.

NOW, THEREFORE, BE IT RESOLVED that the Township of Livingston agrees to enter into an agreement between the Township and the Habitat for Humanity, Newark, Inc. subject to certain conditions and terms including grants from the Township of Livingston's Affordable Housing Trust Fund: \$343,350.00 for the purchase of the properties, and \$125,000.00 for development of the homes, in a form of agreement acceptable to the Township Special Counsel and authorizes the Mayor to execute such agreement on behalf of the Township of Livingston.

On motion duly made and seconded, and on roll call vote, Councilmembers Fernandez, Anthony, Deputy Mayor Vieira and Mayor Meinhardt voted YES. Councilmember Klein voted NO.

N. Reports of Township Officials/Professionals

Township Manager Lewis updated the Council on pending matters, including the new Gazebo, the retention of a Pool Consultant, and the repainting of crosswalks by the schools. Mayor Meinhardt stated he would reach out to the Board of Education concerning the crosswalks), and the erection of "Coming Soon" signs, as well as the development of an RFP and RFQ for the grant consultant. Councilmember Fernandez asked about the response from Beacon as to the preparation of a drive-thru ordinance,

O. Council Reports (7 minute limit, extension of time may be granted by Chair)

P. Mayor's Report

Q. Public Portion (on any subject—3 minute time limit)

On motion duly made and seconded, and on voice vote, the public portion was opened.

Matthew Boxer, 6 Trombly Drive, addressed the notice sent to residents regarding the water (PFAS issue), stating that he felt the notice was confusing and was worrying to residents.

On motion duly made and seconded, and on voice vote, the public portion was closed.

At 7:55 p.m., the following Resolution was read by Township Clerk Turtletaub:

R. Executive (Closed) Session: R-22-077

WHEREAS: the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS: the Township Council is of the opinion that such circumstances presently exist; and

WHEREAS: the Township Council wishes to discuss:

- i. Personnel—Appointment
- ii. Litigation/AttorneyClient—PFAS
- iii. Litigation—Meade
- iv. Fair Share housing—Attorney Client privilege
- v. Saint Barnabas—Contract Negotiations/Attorney-Client
- vi. Zoning (Friedman)

WHEREAS: minutes will be kept, and once the matter involving the confidentiality of the above no longer requires confidentiality, the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Livingston that the public be excluded from this meeting.

On motion duly made and seconded, and by voice vote, all members present voted YES

At 10:22 p.m., the Closed Session meeting was adjourned.

At 10:22 p.m., the Regular/Conference meeting was adjourned.

EDWARD MEINHARDT, Mayor

GLENN R. TURTLETAUB, Township Clerk