

The Regular Meeting of the Township Council of the Township of Livingston was held at 357 S Livingston Ave, Livingston, NJ on the above date at 7:45 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 emailed to the West Essex Tribune and the Star Ledger on January 27, 2023 and 48-Hour notice was emailed to the West Essex Tribune and the Star Ledger on February 16, 2023.

A Quorum Roll Call was held.

	Present	Absent
Mayor Vieira	X	
Deputy Mayor Anthony	X	
Councilmember Bagolie	X	
Councilmember Klein	X	
Councilmember Meinhardt	X	

Also present were professionals Township Manager Lewis, Deputy Township Manager Jones, Assistant Township Manager Loehner, Township Attorney Kantor, Township Attorney Cooke, Township CFO Cucci, and Township Clerk Mazzucco.

Moment of Silence and Pledge of Allegiance

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

Proclamations & Presentations

1) Swearing of Police Sergeant –Chief Marshuetz thanked the Mayor and Council for their unwavering support and praised Angelo Vella on his promotion. Sergeant Vella has 11 years of experience in the Police Department, served in the marine corps, including two combat tours, and is also an active shooter instructor. Mayor Vieira swore in Mr. Angelo Vella as Sergeant of the Livingston Police Department, and the Mayor and Council members praised the Livingston Police Department for all their efforts with procuring public safety in such a tumultuous time.

2) The Livingston HS Team “Fire” Robotics stated they had qualified for the State championships and presented a robot they built which boasted 360 degrees of motion and a forklift.

3) Vision 20/20 Pool Committee Presentation – Ron Valentine, the spokesperson for the Vision 20/20 pools committee, presented their ideas and recommendations on how the Township should move forward to include as much public opinion as possible on what to do with the two pools in the Township. Their ideas included research on the pools, a town wide survey, two Township forums, and are actively recruiting residents to join the pools committee.

Essex County Updates

Eileen Fishman, Essex County Liaison to Livingston Liaison to Essex County Executive Joseph Di Vincenzo, advised of upcoming County events, including the Cherry Blossom Festival and other interesting events at the Environmental Center.

Approval of Minutes, Pending Any Corrections

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

- 1) February 13, 2023 Regular and Conference Meeting Minutes

The February 13, 2023 Closed Session minutes were pulled from tonight’s February 27, 2023 Agenda for further consideration by Council members.

Public Portion (Agenda Items Only—4 Minute Limit)

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

Justin Alpert, 56 Amherst Place, inquired about the Closed Session item listed on tonight’s February 27, 2023 Agenda, 19 S Livingston Ave / Old Bottle King site, and Township Attorney Kantor stated redevelopment negotiations were being discussed. Mayor Vieira mentioned that Resolution 23-102 was being pulled from tonight’s February 27, 2023 Agenda, the Brightview Redevelopment Resolution, in response to Mr. Alpert’s question on the Resolution.

On motion duly made by Council member Meinhardt and seconded and on voice vote, the public portion on Agenda items was closed.

Passage of Ordinances

Final Hearing/2nd Reading

Ord. 2-2023 Amending and Supplementing Ch. 6 Boards, Committees and Commissions, Article II Environmental Commission was read by title.

On motion duly made by Council member Anthony and seconded, and on voice vote, the hearing was opened on the ordinance. There being no speakers, on motion duly made by Council member Meinhardt and seconded, and on voice vote, the hearing was closed. On motion duly made by Council member Klein and seconded, and on roll call vote, all members present voted yes. It was ordered advertised according to law.

	Yes	No	Abstain
Michael Vieira	X		
Al Anthony	X		
Rosy Bagolie	X		
Shawn Klein	X		
Ed Meinhardt	X		

Introduction of Ordinances

Introduction

Ord. 4-2023 Bond Ordinance Providing An Appropriation Of \$5,600,000 For Various Improvements In And By The Township Of Livingston, Authorizing The Issuance Of \$5,333,333 Bonds Or Notes Of The Township For Financing Part Of The Appropriation was read by title.

On motion duly made by Council member Meinhardt 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, March 13, 2023.

	Yes	No	Abstain
Michael Vieira	X		
Al Anthony	X		
Rosy Bagolie	X		
Shawn Klein	X		
Ed Meinhardt	X		

Mayor Vieira stated that Resolution 23-102, Designating Brightview Senior Living Development, Llc As Redeveloper Of And Authorizing The Execution Of A Redevelopment Agreement For Property Commonly Known As 321 South Livingston Avenue, will be pulled from tonight’s February 27, 2023 Regular Agenda.

Res 23-096 Consent Agenda

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 February 27, 2023 attached hereto, which are preceded by an “*” are the Consent Agenda and are hereby accepted, approved and/or adopted.

*Res 23-097 2nd Revision Annual Revised Township Council Meeting Calendar

BE IT RESOLVED that the 2023 Calendar of Township Council Meetings, to be held at 357 South Livingston Ave, Livingston, New Jersey, unless 48-hour notice determines otherwise, shall be held on the following dates and times. The Conference meeting may continue after the Regular meeting has concluded. Closed Session (Executive Session) may take place after the Regular and Conference meetings have concluded or at such other appropriate time pursuant to NJSA 10:4-6, et seq.

REVISED 2023 Township of Livingston Township Council Annual Meeting Calendar

2023	Date	Conference	Regular
February	27	6:30pm	7:30pm
March	13 27	6:30pm 6:30pm	7:30pm 7:30pm
April	10 24	6:30pm 6:30pm	7:30pm 7:30pm

May	15 30 (Tues)	6:30pm 6:30pm	7:30pm 7:30pm
June	12 26	6:30pm 6:30pm	7:30pm 7:30pm
July	10 24	6:30pm 6:30pm	7:30pm 7:30pm
August	7 21	6:30pm 6:30pm	7:30pm 7:30pm
September	13 (Wed) 26 (Tues)	6:30pm 6:30pm	7:30pm 7:30pm
October	16 30	6:30pm 6:30pm	7:30pm 7:30pm
November	13 27	6:30pm 6:30pm	7:30pm 7:30pm
December	11 18	6:30pm 6:30pm	7:30pm 7:30pm

*Res 23-098 Authorizing a Contract with Shauger Property Services, Inc.

WHEREAS, the Township of Livingston ("Township") has a need for on-call sanitary sewer repairs at various locations; and

WHEREAS, on January 19, 2023, the Township of Livingston issued Bid No. 4-2023 as an open-ended contract, to solicit bids from companies that provide on-call sanitary sewer repairs; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 19, 2023 and as a result sixteen (16) bid packages were requested; and

WHEREAS, on February 8, 2023, four (4) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of Shauger Property Services, 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, Shauger Property Services, Inc.'s schedule of pricing is attached; and

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

WHEREAS, the Township Manager is recommending the award of a six (6) month contract with the option for one six (6) month extension at the sole discretion of the Township to Shauger Property Services, 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 six (6) month contract with the option for one six (6) month extension with Shauger Property Services, Inc.

Project				Res 23-098	
BID NO: 004-2023 - ON-CALL SANITARY SEWER REPAIRS AT VARIOUS LOCATIONS - OPEN ENDED CONTRACT (SHEET 1 OF 2)				Contractor Name	
				Shauger Property Services, Inc.	
				Street Address	
				429 Dodd Street	
				City State/Zip	
		East Orange, NJ 07017			
Item #	Description	Quantity	Unit	Unit Price	Amount
1	Sanitary Sewer Point Repairs (Pipe Size up to 12") (0'-6' Deep) Point Repair Length < 10 LF	50	LF	\$1,800.00	\$90,000.00
2	Sanitary Sewer Point Repairs (Pipe Size up to 12") (0'-6' Deep) Point Repair Length > 10 LF	50	LF	\$1,800.00	\$90,000.00
3	Sanitary Sewer Point Repairs (Pipe Size up to 12") (6.1'-12' Deep) Point Repair Length < 10 LF	50	LF	\$1,800.00	\$90,000.00
4	Sanitary Sewer Point Repairs (Pipe Size up to 12") (6.1'-12' Deep) Point Repair Length > 10 LF	50	LF	\$1,800.00	\$90,000.00
5	Sanitary Sewer Point Repairs (Pipe Size up to 12") (Over 12' Deep) Point Repair Length < 10 LF	50	LF	\$750.00	\$37,500.00
6	Sanitary Sewer Point Repairs (Pipe Size up to 12") (Over 12' Deep) Point Repair Length > 10 LF	50	LF	\$750.00	\$37,500.00
7	Sanitary Sewer Point Repairs (Pipe Size 15"-24") (0'-6' Deep) Point Repair Length < 10 LF	50	LF	\$500.00	\$25,000.00
8	Sanitary Sewer Point Repairs (Pipe Size 15"-24") (0'-6' Deep) Point Repair Length > 10 LF	50	LF	\$500.00	\$25,000.00
9	Sanitary Sewer Point Repairs (Pipe Size 15"-24") (Over 6' Deep) Point Repair Length < 10 LF	50	LF	\$500.00	\$25,000.00
10	Sanitary Sewer Point Repairs (Pipe Size 15"-24") (Over 6' Deep) Point Repair Length > 10 LF	50	LF	\$500.00	\$25,000.00
11	Sanitary Sewer Lateral Re-Connections, All Depths	30	EA	\$1,000.00	\$30,000.00
12	Temporary Gravity Sewer Bypass Piping and Pumping	35	LS	\$100.00	\$3,500.00
13	Manhole Interior Resurfacing	5	VF	\$500.00	\$2,500.00
14	Manhole Base, Bench and Invert Repair	5	EA	\$500.00	\$2,500.00
15	Remove and Replace Manhole Steps	5	EA	\$500.00	\$2,500.00
16	Sanitary Sewer Manhole Cover and Rim	5	EA	\$3,000.00	\$15,000.00
17	Resetting Sanitary Sewer Manhole to Grade	5	EA	\$1,000.00	\$5,000.00
	Total				\$596,000.00

***Res 23-099 NJ DEP Green Acres Program: Twp of Livingston Supplemental Funding Request**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Livingston has previously obtained a Green Acres loan of \$ and/or a Green Acres grant of \$2,750,000 from the State [and an Urban Parks grant of \$ from the State] to fund the following project(s):

0710-03-008-08, Grackle Hill Land, LLC and 0710-03-008-07, Licari

WHEREAS, the Township of Livingston desires to further the public interest by requesting an additional Green Acres loan of \$ and/or an additional Green Acres grant of \$2,665,000 [and an additional Urban Parks grant of \$ from the State] to fund the project(s); and

WHEREAS, the State shall determine if the supplemental funding request is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, the governing body/board resolves that:

1. Barry R. Lewis, Jr., Township Manager, *(name of authorized official)* or the successor to the office of the Township Manager *(title of authorized official)* is hereby authorized to:

- (a) request such a loan and/or such a grant,
 - (b) provide additional information and furnish such documents as may be required, and
 - (c) act as the authorized correspondent of the above-named applicant; and
2. The applicant agrees to provide the local government/nonprofit share if a match is required.
 3. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
 4. This resolution shall take effect immediately.

***Res 23-100 Authorizing 2023 Temporary Emergency Appropriations**

WHEREAS, an emergent condition as arisen in that the Township of Livingston is expected to enter into contracts, commitments and/or payments prior to the 2023 budget adoption and no adequate provision has been made in the CY2023 temporary budget for the aforesaid purposes; and

WHEREAS, N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2023 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution is:
Current Fund \$7,693,189.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, County of Essex, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with the provision of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$7,693,189.00 as per attached.
2. Said emergency temporary appropriations will be provided for in the 2023 Budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

Township of Livingston		
2023 Temporary Emergency		
		R-23-100

Current Fund	Salary & Wages	Other Expenses
Administrative and Executive	50,000.00	
Information Technology		100,000.00
Financial Administration		10,000.00
Collection of Taxes	30,000.00	
Engineering Services and Costs	50,000.00	5,000.00
Construction Code Office		124,000.00
Vehicle Maintenance		120,000.00
Police		100,000.00
Police Dispatch/911		10,000.00
Animal Control		10,000.00
General Liability Insurance		160,000.00
Dental Insurance		43,000.00
Recycling		20,000.00
Telephone		40,000.00
Social Security/FICA		200,000.00
PFRS		3,300,418.00
PERS		2,020,771.00
Maintenance of Free Public Library		700,000.00
Add'l Funding to Public Library		<u>300,000.00</u>
Sub-Totals	\$ 130,000.00	\$ 7,263,189.00
Total Subject to 26.25% Limitation		\$ 7,393,189.00
Capital Improvement Fund		300,000.00
Total Not Subject to 26.25% Limitation		<u>\$ 300,000.00</u>
TOTAL TEMPORARY EMERGENCY		<u>\$ 7,693,189.00</u>

*Res 23-101 Authorizing A Contract Extension With Recycle Track Systems NJ, LLC

WHEREAS, the Township of Livingston has a need for the curbside collection, removal and disposal of solid waste with optional rear yard service for its residents and other Township locations that cannot otherwise be performed by Township employees; and

WHEREAS, on July 20, 2020, Recycle Track Systems NJ, LLC was 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; and

WHEREAS, Recycle Track Systems NJ, LLC bid as per the original contract is as follows: Year 4 - \$1,133,337.00 and Year 5 - \$1,153,170.00; and

WHEREAS, the original contract included an option for rear yard service to be paid directly by residents to the contractor at a cost of \$28.75 per month for one can and \$28.75 per month for a maximum of three cans; and

WHEREAS, the Township Manager recommends exercising the option to extend the contract with Recycle Track Systems NJ, LLC for a period of two (2) years effective September 1, 2023; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2023 budget under account 3-01-26-305-004-278 and funding for years 2024 and 2025 is subject to the appropriation of sufficient funds in the 2024 and 2025 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 Recycle Track Systems NJ, LLC for two (2) years effective September 1, 2023 for the collection, removal and disposal of solid waste from residents and other Township locations.

*Res 23-102 Designating Brightview Senior Living Development, Llc As Redeveloper Of And Authorizing The Execution Of A Redevelopment Agreement For Property Commonly Known As 321 South Livingston Avenue

Pulled from tonight's February 27, 2023 Regular Agenda.

*Res 23-103 Cancelling Delinquent Taxes on Block 3803 Lot 7 (VFW)

WHEREAS, the property identified as Block 380 Lot 7 on the Tax Maps of the Township of Livingston is owned by the Arthur Smith Post VFW (VFW), which is exempt from property taxes under New Jersey statutes as a Veterans Organization; and

WHEREAS, prior to the recent pandemic, the VFW leased a portion of its property to a non-exempt use, which rendered that leased portion of the property taxable, and taxes were paid on that non-exempt assessment; and

WHEREAS, the VFW lease with the non-exempt use ended in February of 2022 and the VFW determined that the re-lease of the space was no longer economically viable and, as a result, the use of the entire property has reverted to the tax exempt Veteran's Organization exempt use from and after February 2022; and

WHEREAS, property taxes were previously assessed for the entire tax year of 2022 on the portion of the property leased to the non-exempt use, and the first quarter 2022 taxes were paid; and

WHEREAS, there are outstanding 2nd, 3rd and 4th quarter 2022 property taxes, interest and penalties that were assessed for the balance of 2022 after the property returned to full exempt use; and

WHEREAS, the Township deems it appropriate, under the foregoing circumstances, to authorize the cancellation of all outstanding and delinquent 2022 property taxes, interest and penalties from and after the March 1, 2022 return to fully exempt use following the end of the prior lease.

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby authorizes the cancellation of all outstanding and delinquent 2022 property taxes, penalties and interest on the property described as Block 3803 Lot for the reasons stated herein.

On motion duly made by Council member Meinhardt and seconded, and on roll call vote, all members present voted YES, and Resolutions 23-096 through 23-101, and Resolution 23-103, were adopted.

	Yes	No	Abstain
Michael Vieira	X		
Al Anthony	X		
Rosy Bagolie	X		
Shawn Klein	X		
Ed Meinhardt	X		

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

On motion duly made by Council member Klein and seconded, and on voice vote, the public portion was opened. There were no speakers. On motion duly made by Council member Meinhardt and seconded, and on voice vote, the public portion was closed.

Reports of Township Officials and Council Members

Township Attorney Kantor mentioned that he'd like to add Fair Share Housing (Attorney Client Privilege) to tonight's February 27, 2023 Closed Session Resolution, and Township Manager Lewis added that he would like to add Brightview Redevelopment (Contract Negotiations) as well.

Council member Anthony stated that the LEC (Livingston Environmental Commission) chair has two LHS students to recommend to the Township Council for approval, now that the Ordinance has been adopted. Mayor Vieira instructed Township Clerk Mazzucco to include this on the March 13, 2023 Conference Meeting Agenda.

The Mayor and council members expressed gratitude to the Township's Police Department, especially Sergeant Vella on his promotion, and thanked them for their response to last Saturday's "day of hate" proclaimed by a neo-Nazi group threatening temples and synagogues.

Mayor Vieira shared the following:

"And today we come together to say that
Hate does not belong in this Town,
Hate does not belong in this County,
Hate does not belong in this State or in this Country or in the World."

At 8:30 p.m., the Regular meeting was adjourned.

MICHAEL VIEIRA, Mayor

CAROLYN MAZZUCCO, Township Clerk