

The Regular meeting of the Township Council of the Township of Livingston was held on the above date commencing at 7:32 p.m. The Mayor read the statement of compliance with the Sunshine Law N.J.S.A. 10:4-10 and 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.

A Quorum Roll Call was held.

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

Also present were professionals Township Manager Lewis, Deputy Township Manager Jones, Township Attorney Kantor, and Deputy Township Clerk Mazzucco. Township Clerk Turtletaub was absent.

Moment of Silence and Pledge of Allegiance

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

Proclamations & Presentations

1) Celebrating Women's History Month – Mayor Meinhardt read the Proclamation celebrating Women's History Month and applauded the accomplishments of all women.

Communications

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) March 7, 2022 Regular and Conference Minutes
- 2) March 7, 2022 Closed Session Minutes

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.

Alyse Berger Heilpern, 4 Highland Drive, and co-chair of Livingston's Diversity and Inclusion committee, mentioned an event occurring on Sunday, at March 27, 2022 at 3:30pm at the

Senior Community Center, and that all are invited to attend and celebrate inspiring women in the community.

Justin Eschert Alpert, 56 Amherst Place, questioned the purpose of Ordinance 4-2022. He expressed opposition to a proposed warehouse at 8 Peachtree Hill Road and stated that it doesn't add value to the community.

There being no speakers, on motion duly made and seconded and on voice vote, the public portion on Agenda items was closed.

Passage of Ordinances

Final Hearing/2nd Reading

There were none.

Introduction

Ord. 4-2022 Approving the Application for a Long-Term Exemption and Authorizing the Execution of a Financial Agreement Related to a Redevelopment Project Located at 8 Peach Tree Hill Rd was read by title. 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, April 4, 2022.

	Yes	No	Abstain
Ed Meinhardt	X		
Michael Vieira	X		
Al Anthony	X		
Rudy Fernandez	X		
Shawn Klein	X		

Res 22-118 Consent Agenda for Resolutions

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 21, 2022 attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

*Res 22-119 Transfer 2021 Budget Appropriations

WHEREAS, New Jersey Statute Title 40A:4-58 provides for appropriation transfers as of November 1, 2021; and

BE IT RESOLVED by the Township Council of the Township of Livingston that the following transfers between appropriations be and the same are hereby authorized to be made in conformity with the State Statutes in such cases made and provided; and,

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized to make the necessary entries on the books and 2021 budget in connection with said transfers:

FROM: Sewer Operating Expenses \$1.00
 TO: Sewer Down Payment on Improvements \$1.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston (not less than two-thirds thereof affirmatively concurring) that the transfers listed be made effective December 30, 2021.

*Res 22-120 Transfer of 2021 Budget Appropriation Reserves

WHEREAS, N.J.S. 40A:4-58 authorizes transfers between budget appropriation reserves during the first three months of the subsequent fiscal year; and

WHEREAS, certain 2021 budget appropriation reserves are expected to be insufficient to meet expenditure requirements through the end of the fiscal year, and certain 2021 budget appropriations are expected to have funds available to offset these expenditure requirements; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston (not less than two-thirds thereof affirmatively concurring) that the transfers listed on the attached page be made effective March 21, 2022.

CURRENT FUND		R-22-120	
Department	Line Item	FROM	TO
Township Clerk	Other Expenses	10,000.00	
Information Technology	Other Expenses	15,000.00	
Utilities: Electric, Gas & Heat	Other Expenses		25,000.00
Total Current Fund Transfers		25,000.00	\$ 25,000.00

<u>SEWER UTILITY</u>	<u>FROM</u>	<u>TO</u>
Salary & Wages	6,618.32	
Other Expenses		6618.32
Total Sewer Utility		\$
Transfers	6,618.32	6,618.32

*Res 22-121 Authorizing 2022 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 2022 budget adoption and no adequate provision has been made in the CY2022 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 2021 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution is:

Current Fund	\$3,764,000.00
Sewer Utility	500,000.00
Water Utility	<u>200,000.00</u>
Total	\$4,464,000.00

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 \$4,464,000.00 as per attached.
2. Said emergency temporary appropriations will be provided for in the 2022 Budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

<u>Current Fund</u>	<u>Salary & Wages</u>	<u>Other Expenses</u>
Administrative and Executive		\$ 8,000.00
Financial Administration		15,000.00
Tax Appeals		250,000.00
Collection of Taxes		11,000.00

Legal Services and Costs		100,000.00
Engineering Services and Costs		2,000.00
DPW: Streets and Roads		232,000.00
Vehicle Maintenance		100,000.00
Fire		26,000.00
Police		100,000.00
Lease Purchase of Vehicles		300,000.00
Senior, Youth & Leisure Services		20,000.00
Other Insurance		20,000.00
General Liability Insurance		200,000.00
Group Health Insurance		750,000.00
Group Health Insurance - Waivers		30,000.00
Dental Insurance		100,000.00
Solid Waste Collection/Disposal		340,000.00
Recycling		110,000.00
Gasoline		150,000.00
Social Security		200,000.00
Maintenance of Free Public Library		<u>700,000.00</u>
Total Current Fund	=	<u>3,764,000.00</u>
TOTAL		<u>\$ 3,764,000.00</u>

Water Utility

Other Expenses		<u>200,000.00</u>
Total Sewer Utility		<u>\$ 200,000.00</u>

Sewer Utility

Other Expenses		<u>500,000.00</u>
Total Sewer Utility		<u>\$ 500,000.00</u>

Swimming Pool Utility

Salary & Wages	50,000.00	
Other Expenses	=	<u>50,000.00</u>
Total Sewer Utility		<u>\$ 100,000.00</u>

GRAND TOTAL		<u>\$ 4,264,000.00</u>
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*Res 22-122 Authorizing Disposition of Surplus Vehicles

WHEREAS, the Township of Livingston is the owner of certain personal property described on the attached Schedule A and which is no longer needed for public purposes; and

WHEREAS, the condition of the items are such that they are not saleable and can be junked; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston that said property listed in the attached schedule shall be junked.

Department	Item	QTY	Make	Model	Serial / VIN Number
DPW	Vehicle	1	2007 Ford	F550 Super Duty	1FDAW57P97EA84718
DPW	Vehicle	1	2004 Dodge	Dakota SXT	1D7HG12K04S686866

***Res 22-123 Authorizing Purchases Under the 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, 2022 or upon the expiration of the vendors' contract, whichever event first occurs.

<u>Commodity/Service</u>	<u>Vendor</u>	<u>Contract #</u>
Aboveground Fuel Tanks Installation, Removal, Repair and Related Equipment	Ted Slack Environmental Services, Inc.	42266

Aboveground Fuel Tanks Installation, Removal, Repair and Related Equipment	Independence Constructors	42270
Auctioneering Services: Internet Auctions to Sell Surplus Property	Municibid	19-GNSV1-00696
Automotive Parts for Heavy Duty Vehicles	Beyer Bros Corp	42069
Automotive Parts for Heavy Duty Vehicles	Dover Brake & Clutch, Inc.	42094
Automotive Parts for Heavy Duty Vehicles	Route 23 AutoMall	42073
Automotive Parts for Heavy Duty Vehicles	Trius, Inc.	42108
Automotive Lubricants	IEH Auto Parts, LLC	20-FLEET-01344
Breakaway Upost Sign Support	Garden State Highway Products	19-FLEET-01137
M0483- Computers, Equipment, Peripherals & Related Services	Dell Marketing L.P.	19-TELE-00656
M0483- Computers, Equipment, Peripherals & Related Services	CDW Government, LLC	89980
M0483- Computers, Equipment, Peripherals & Related Services	Gold Type Business Machines, Inc.	89980
M0483- Computers, Equipment, Peripherals & Related Services	SHI International Corp.	89980
M0483- Computers, Equipment, Peripherals & Related Services	Wireless Electronics	89980
M0483- Computers, Equipment, Peripherals & Related Services	Ocean Computer Group, Inc.	19-TELE-00656
M0483- Computers, Equipment, Peripherals & Related Services	EMC Corporation	89968
M0483- Computers, Equipment, Peripherals & Related Services	HP, Inc.	89974
M4002- NAPSO ValuePoint Cloud Solutions	SHI International Corp.	21-TELE-01360
Computers, Equipment, Peripherals & Related Services	CDW Government, LLC	40166
Computers, Equipment, Peripherals & Related Services	Microsoft	40166
Computers, Equipment, Peripherals & Related Services	SHI International Corp.	40166
Copiers, Multifunction Devices	Xerox Corporation	40469
Copiers, Maintenance and Supplies	Ricoh USA, Inc.	40467
Environmental Testing Instruments	Applied Analytics, Inc.	21-FOOD-01687
Fence, Chain Link (Installation & Replacement)	Consolidated Steel & Aluminum Fence Co., Inc.	88680
Firefighter Protective Clothing and Equipment	Skylands Area Fire Equipment & Training, LLC	17-FLEET-00810
Firefighter Protective Clothing and Equipment	Firefighter One, LLC	17-FLEET-00807 & 17-FLEET 00819
Facilities, Maintenance Repair & Operations (MRO) & Industrial Supplies	Grainger	19-FLEET-00566
Facilities, Maintenance Repair & Operations (MRO) & Industrial Supplies	Fastenal	19-FLEET-00565
Facilities, Maintenance Repair & Operations (MRO) & Industrial Supplies (Custom Orders)	Fastenal	19-FLEET-00678
Influenza Vaccine	FFF Enterprises, Inc.	41502
Inspection of Fire Suppression	Johnson Controls Fire Protection	83717
Law Enforcement Firearms Equipment and Supplies	Atlantic Tactical, Inc.	17-FLEET-00732 & 17-FLEET-00787
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00719
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00792

Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00761
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00728
Law Enforcement Firearms Equipment and Supplies	Eagle Point Gun Shop	17-FLEET-00721
Law Enforcement Firearms Equipment and Supplies	Elite Emergency Lights, LLC	17-FLEET-00749
Law Enforcement Firearms Equipment and Supplies	Gen-El Safety and Industrial Products	17-FLEET-00722
Law Enforcement Firearms Equipment and Supplies	General Sales Administration	17-FLEET-00760
Law Enforcement Firearms Equipment and Supplies	Lawman Supply Co., NJ Inc.	17-FLEET-00740, 17-FLEET-00754 & 17-FLEET-00751
Law Enforcement Firearms Equipment and Supplies	SF Mobile Vision, Inc.	17-FLEET-00731
Law Enforcement Firearms Equipment and Supplies	MPH Industries, Inc.	17-FLEET-00755
Law Enforcement Firearms Equipment and Supplies	Turn Out Fire and Safety	17- FLEET-00751, 17-FLEET-00752, 17-FLEET-00778, 17-FLEET-00813, 17-FLEET-00113 & 16-FOOD-00113
Mailroom Equipment and Maintenance	Quadient, Inc.	41267
Maintenance & Repair Heavy Duty Vehicles	Route 23 AutoMall	89262
Maintenance & Repair Heavy Duty Vehicles	A. Lembo Car & Truck Collision, Inc.	89274
Marine Craft: Boat, Motor, Trailer	Firefighter One, LLC	86336
OEM Automotive Parts for Light Duty Vehicles	Beyer Bros Corp	19-FLEET-00922
OEM & NON-OEM Maintenance and Repair Services for Light/Medium Duty Vehicles	American Hose & Hydraulics Co.	40866
OEM & NON-OEM Maintenance and Repair Services for Light/Medium Duty Vehicles	Beyer Bros Corp	40801
OEM & NON-OEM Maintenance and Repair Services for Light/Medium Duty Vehicles	Route 23 AutoMall	40812
Non-OEM Automotive Parts & Accessories for Light Duty Vehicles	Samuels, Inc. d/b/a Buy-Wise Auto Parts	85992
Non-OEM Automotive Parts & Accessories for Light Duty Vehicles	Route 23 AutoMall	86007
Parks & Playground Equipment	Ben Shaffer Recreation, Inc.	16-FLEET-00135
Parks & Playground Equipment	MRC, Inc.	16-FLEET-00121
Parts & Repairs for Road Maintenance Equipment	Trius, Inc.	85856
Parts & Repairs for Lawn & Grounds Equipment	Storr Tractor Company	43038
Purchasing Card System for the State of NJ	FIA Card Services, NA, A Bank of America Company	84675
Radio Communication Equipment	Gold Type Business Machines, Inc.	83909
Radio Communication Equipment	Micro Strategies, Inc.	83921
Radio Communication Equipment and Accessories	Motorola Communications & Electronics, Inc/	83909
Radio Communication Equipment and Accessories	Philip M. Casciano Associates, Inc.	83900
Radio Communication Equipment and Accessories	Regional Communications	83909
Rock Salt, Treated Salt & Solar Salt	East Cost Salt Dist., Inc.	20-FLEET-01520

Rock Salt, Treated Salt & Solar Salt	Morton Salt, Inc.	20-FLEET-01519
Signs- reflective fluorescent roll-up warning signs	Garden State Highway Products	20-FLEET-01159
Snow Plow Parts, and Grader & Loader Blades	A & K Equipment Company, Inc.	88273
Software Reseller Services	Dell Marketing L.P.	20-TELE-01510
Statewide Equipment and Space Rental	United Rentals North America, Inc.	19-GNSV2-00853
Telecommunications Equipment & Services	Johnston GP, Inc.	80802
Tires, Tubes and Services	Firestone Complete AutoCare	19-FLEET 00708
Tires, Tubes and Services	Cleveland Auto Tire	19-FLEET 00708
Tree Trimming, Pruning & Removal Services	Rich Tree Service, Inc.	18-DPP-00645
Office Supplies & Recycled Copy Paper	W B Mason Company, Inc.	0000003
Ultra Low Sulfur Diesel and Biodiesel	National Fuel Oil, Inc.	19-FOOD-01100
Vehicles, Trucks, Pick-Up Class 1	Chas S. Winner Inc.	17-Fleet-00212
Vehicles, Trucks, Class 2, Pickup/Utility, with Snow Plow Option	Chas S. Winner Inc.	88726
Vehicles, Trucks, Class 3, Pickup/Utility, with Snow Plow Option	Chas S. Winner Inc.	88758
Wireless Devices and Services	Verizon Wireless	82583

*Res 22-124 Authorizing 2022 Inclusive Healthy Communities Grant Application

WHEREAS, the Township of Livingston desires to apply for and obtain a grant from the New Jersey State Department of Human Services Division of Disability Services for approximately \$60,000 to promote and implement initiatives that support the health and well-being of individuals with disabilities in Livingston.

Approx. Grant Funds \$ 60,000
Cash Match \$ 15,000 (or 25% of award)

BE IT THEREFORE RESOLVED,

- 1) that the Township of Livingston does hereby authorize the application for such a grant; and
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey State Department of Human Services Division of Disability Services, does further authorize the execution of any such grant agreement; and also, upon receipt of the full executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Livingston and the New Jersey State Department of Human Services Division of Disability Services.
- 3) BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their

successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Edward Meinhardt
Mayor

Barry Lewis
Township Manager

*Res 22-125 Authorizing Contract with Miracle Chemical Co for Supply of Water Treatment Chemicals

WHEREAS, on April 26, 2021 the Township Council of the Township of Livingston awarded a contract to Miracle Chemical Company, Inc. (“Miracle”) for the supply of water treatment chemicals; and

WHEREAS, Miracle has requested to amend the contract by revising the end date of its existing contract from April 30, 2023 to April 30, 2022; and

WHEREAS, the request made by Miracle Chemical Company, Inc. is due to market conditions that have rendered it impossible for Miracle to perform its contractual obligations; and

WHEREAS, after reviewing the circumstances presented by Miracle, the availability to the Township of the needed chemicals under purchasing cooperatives, and to avoid the disruption of supply and the legal costs of seeking to enforce the contract, the Township Purchasing Agent and Township Manager have recommended that the Township approve the amendment of the contract.

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 amendment of the term of the existing contract with Miracle Chemical Company, Inc. for the supply of water treatment chemicals to provide for an end date of April 30, 2022.

On motion duly made and seconded, and on roll call vote, all members present voting YES, Resolutions 22-118 through 22-125 were adopted.

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.

Deputy Clerk Mazzucco read an email from Arleen Winston Goldman, at 1207 Pointe Gate Drive, regarding the overdevelopment of land in the Township.

Deputy Clerk Mazzucco read an email from Jack Levine, 30 Harvest Lane, regarding the purchase of 28 Harvest Lane by Habitat for Humanity. Township Manager Lewis added that this property was never a part of the Township’s Open Space records.

Nilesh Mhatre, 96 S Ashby, thanked the DPW for all their efforts and the pickle ball courts at Northland.

Milind Sapre, 18 Hemlock Rd, congratulated the Township Council on their efforts over the last few challenging years. He also added that April 23rd is Cricket Day.

Libby Segal, 54 Rockledge Drive, mentioned that pickle ball is the fastest growing sport in the country, and would like the Township Council to reconsider adding more courts at Northland.

Justin Eschert Alpert, 56 Amherst Place, discussed wise community development and that Livingston should pave the way in NJ, as he feels the whole State of NJ is broken.

Phil Edelstein, 27 Harvest Lane, inquired about the Habitat for Humanity purchase at 28 Harvest Lane.

There were no other speakers.

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

At 8:06 p.m., the Regular meeting was adjourned.

EDWARD MEINHARDT, Mayor

CAROLYN MAZZUCCO, Deputy Township Clerk