

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:38 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, 2019.

Present: Mayor Anthony; Councilmembers Fernandez, Klein, Meinhardt, Vieira; Deputy Township Manager Jones; Township Attorney Weiner; Township Clerk Turtletaub

Silent Meditation and Pledge of Allegiance

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

Presentations

West Essex YMCA- Mayor Anthony congratulated the Livingston YMCA for being named "Branch of the Year." Helen Flores, Director of the YMCA, stated that she is proud that the Township Council recognizes their impact on the community, as they are much more than a swim and gym, but a service organization. The Mayor and Councilmembers thanked them for their contributions to the community.

Public Service Recognition Week – The week of May 5 – 11, 2019 was proclaimed Public Service Recognition Week in honor of the millions of public employees at the federal, state, county and municipal levels. Mayor Anthony added that the Township had planned various events for its employees over the course of the week.

Essex County Update/Questions

Final Hearing Ordinances

a) Ord. 5-2019 Amending Chapter 170 Creating Inclusionary Assisted Living Conditional Use on Block 6300 Lot 30

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON TO ADD NEW SUBSECTION 170-88.I.(2) CREATING INCLUSIONARY ASSISTED LIVING CONDITIONAL USE ON BLOCK 6300 LOT 30 was read by title.

Max Silbermann, 23 Camelot Drive, asked for an explanation as to why the ordinance was being considered this evening. Township Manager Lewis explained that notification from the county was received earlier in the afternoon for the proposed development's egress to include a left-hand turn. Mr. Silbermann wondered if these terms would be stipulated in the Ordinance, and Township Manager Lewis responded that it should be included in the Planning Board application.

Julie Silbermann, 23 Camelot Drive, wanted to make certain that delivery trucks would not be allowed to drive through her neighborhood. Attorney Weiner responded that it would have to be a condition of approval when the application is heard by the Planning Board.

Robert Sanders, 2 Goodhart Drive, asked if there was anyway the ingress/egress could be built before the Sunrise Development. Councilmember Fernandez responded that it would need to be another condition of approval by the Planning Board.

Sara Sanders, 2 Goodhart Drive, expressed frustration about the lack of inclusion on decisions and felt that everything was a fait accompli.

Lydia Dumysch, 2 Passaic Avenue, stated she had two concerns. The first was the development's egress and regress, and the second, was the side setbacks of the development, which gave a 10 foot buffer from adjacent properties. She felt the buffer was not appropriate, and requested another two weeks to work with the Township to increase the 10 foot buffer. Township Manager Lewis stated that he reviewed the plans and there might be an opportunity for the developer to make changes. Ms. Dumysch stated that as the current tax assessor for the Township she did not certify the 200 foot list notice advising property owners within 200 feet of the development of the hearing of the Ordinance.

Larry Silverstein, 4 Goodhart, felt that since there was no notification sent to the property owners of today's county approval, that the Ordinance should not be voted on tonight.

Representatives of Sunrise said they had tweaked the plans since the last Planning Board approval, and felt that they would not be able to change the setbacks of the proposed development.

Township Councilmember Fernandez made a motion to close the public hearing, and Councilmember Meinhardt seconded. Councilmember Fernandez made a motion to move the Ordinance, and Councilmember Meinhardt seconded. On roll call vote, all members present voted YES. Councilmembers stated that they had listened to the public, addressed their issues and incorporated changes

b) Ord. 7-2019 Adopting Amended Zoning Map to Eliminate Split Lot Zoning on Block 6100 Lots 30.01, 30.02 and 30.03

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON ADOPTING AMENDED ZONING MAP TO ELIMINATE SPLIT LOT ZONING ON BLOCK 6100 LOTS 30.01, 30.02 AND 30.03 was read by title. . There being no speakers, on motion duly made and seconded, and on voice vote, the hearing was closed. On motion duly made and seconded, and on roll call vote, all members present voted YES, reluctantly. Councilmembers expressed that the law was on the side of the developer, Pulte Homes, and the owner, Kushner, and unfortunately the affordable housing units will be built without an elevator. They were voting yes to save the Township a lawsuit.

c) Ord.10-2019 Allowing Use of Alcohol on Township Property

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 61 ALCOHOLIC BEVERAGES, ARTICLE IV PUBLIC RECREATION AREAS was read by title. There being no speakers, on motion duly made and seconded, and on voice vote, the hearing was closed. On motion duly made and seconded, and on roll call vote, all members present voted YES. The councilmember agreed that they were looking forward to Summerfest and July 4th festivities at the Oval.

Proposed Ordinances

Resolutions

a) R-19-122 Authorizing Award of Contract to M2 Associates, Inc.

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the redevelopment of Well 1 and Well 10 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, M² Associates, Inc. has completed and submitted a business Entity Disclosure Certification which certifies that M² Associates, Inc. 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 M² Associates, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Junior Utility Engineer and Township Manager are recommending the award of a contract to M² Associates, Inc. to provide professional engineering services for the redevelopment of Well 1 and Well 10 as required by the Township in an amount not to exceed \$339,700.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-06-55-017-003-003, C-06-55-016-003-003 and C-06-55-014-008-01B; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with M² Associates, Inc. in an amount not to exceed 339,700.00 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 by Councilmember Meinhardt and seconded by Councilmember Fernandez, Resolution R-19-122, all members present voted YES.

Public Comment

Justin Alpert, 56 Amherst Drive, commented that he didn't think the assisted living development added value to the community and he also questioned the reason to hire an attorney for the St. Barnabas tax appeal. Attorney Weiner responded that hospitals were deemed not tax-exempt two years ago as the result of a lawsuit, and that there are specialists much better versed in handling these types of cases.

Brandon Minde, 7 Bear Brook Lane, addressed his letter to the editor in last week's West Essex Tribune in response to Michael Vieira's letter to the editor the week prior. Councilmembers assured Mr. Minde that discussions with the state are ongoing, and the issues he raised have always been a factor.

Billy Fine, 20 Cambridge Road, reminded the Township about the Livingston Celebrates Israel event on Thursday, May 9, 2019.

Bob Hunter, 89 Elmwood Drive, stated that since the state owns the Circle on Route 10, they should maintain it. He also was happy about the Riker Hill contract signed by the county.

Dennis Duffy, 38 Bennington Road, commented about the stagnant water on Madonna field and the problem it presents. He requested to get the water tested.

Keith Hines, 166 E. Cedar Street, felt the Township should take over the Circle on Route 10 and would do a good job. He asked about the number of water wells and if they all would need re-development, and Township Manager Lewis responded that calcification does build up over time.

Adjournment

At 9:02 p.m., the Regular Meeting adjourned.

ALFRED M. ANTHONY, Mayor

CAROLYN MAZZUCCO, Deputy Township Clerk