

The Regular meeting of the Township Council of the Township of Livingston was held on the above date commencing at 8:05 p.m. after a presentation and flag raising ceremony proclaiming Livingston and Chevonohrad as “Sister Cities”. 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 Township Clerk Mazzucco.

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) Livingston and Chevonohrad – Sister Cities. (7:30pm in front of Town Hall) Natalia Swaka and her brother thanked the Livingston for their generosity in helping them fundraise for tablets for the refugee children. They led the community in singing the Ukraine national anthem while the Ukraine flag was raised at Town Hall.

Essex County Updates

Eileen Fishman, Liaison to Livingston on behalf of Essex County Executive Joseph DiVincenzo, spoke of upcoming County events, including programs at the Environmental Center, the electronics recycling event on May 21, 2022, and the fishing derby. She also mentioned that Kmart is closed for COVID vaccines and testing, but that Sears was now open Thursday – Saturday.

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) April 25, 2022 Regular and Conference Minutes
- 2) April 25, 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.

Fred Friedman, 1304 Pointe Gate Drive, applauded the Council in their support of the Ukraine by becoming "Sister Cities".

Clerk Mazzucco read an email from Andy Babij that was sent to livcomments@livingstonnj.org regarding the three (3) bond ordinances on tonight's agenda, which Township Manager Lewis responded too.

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

Ord. 6-2022 Bond Ordinance Providing for Phase A of the Well Remediation Project Appropriating the Issuance Not to Exceed \$6.4 Million Bonds or Notes was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the ordinance. 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. It was ordered advertised according to law.

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

Ord. 7-2022 Bond Ordinance Providing for the Improvement of the Dorsa Ave Wellfield Appropriating the Issuance Not to Exceed \$15.7 Million Bonds or Notes was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the ordinance. 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. It was ordered advertised according to law.

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

Ord. 8-2022 Bond Ordinance Providing for Phase B of the Well Remediation Project Appropriating the Issuance Not to Exceed \$4 Million Bonds or Notes was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the ordinance. 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. It was ordered advertised according to law.

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

Ord. 9-2022 Partially Releasing the Sanitary Sewer Easement at 29 Westmount Dr was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the ordinance. 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. It was ordered advertised according to law.

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

Ord. 11-2022 Amending and Supplementing Ch2, Administration, of the Township Code was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the ordinance. 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. It was ordered advertised according to law.

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

Ord 12-2022 Amending §170-106.1 RIAO Inclusionary Adult Residential Overlay District 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, June 6, 2022.

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

Ord 13-2022 Releasing, Extinguishing and Vacating the Rights of the Public Portion of a Certain Paper Street and Right-of-Way Known as Plymouth Drive 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, May 26, 2022.

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

Deputy Mayor Vieira requested “Res 22-162 Authorizing the Award of a Contract to Bruno Associates, Inc for Grant Writing” be pulled from the consent agenda.

Res 22-155 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 May 9, 2022 attached hereto, which are preceded by an “*” are the Consent Agenda and are hereby accepted, approved and/or adopted.

*Res 22-156 Adopting 2022 Budget - Livingston Community Partnership Corporation (BID)

BE IT RESOLVED that the Township Council of the Township of Livingston, Essex County, NJ that the attached annual budget in the amount of \$373,110 for the year 2022 submitted by the Livingston Community Partnership Corporation is approved.

*Res 22-157 Resolution Of The Township Council Of The Township Of Livingston Authorizing The Acceptance Of A Street Known As Scott Terrace

WHEREAS, the Township Engineer has reported that the street mentioned below has been fully installed and completed in accordance with the applicable ordinances of the Township of Livingston and the standard specifications of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Township hereby accepts as of the date hereof the following as a public street as it is shown and laid down on the Map entitled Road As-Built Survey, as prepared by Casey & Keller Incorporated, dated December 15, 2021:

Scott Terrace

BE IT FURTHER RESOLVED that any and all bonds and other security posted with the Township by the Developer to insure the improvement and completion of the same in accordance with the Township specifications and requirements be and the same are hereby released, except that nothing herein contained shall be deemed or construed to release any bond or other security posted for the maintenance or any necessary repair of any such street or installation therein.

*Res 22-158 Sale of Suplus Property (Trucks)

WHEREAS, the Township of Livingston has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the items are appropriate for sale and will be auctioned pursuant to N.J.S.A. 40A:11-36.

WHEREAS, the Township of Livingston intends to utilize the online auction services of Municbid located at www.municbid.com under State contract 19-GNSVI-00696; and

WHEREAS, the sale is being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15; 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 the Township of Livingston is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website located at www.municbid.com.

*Res 22-159 Authorizing the Award of a Contract to Stanziale Construction

WHEREAS, the Township of Livingston ("Township") has a need for the 2022 Road Improvements- Bid Two that cannot otherwise be performed by its regular employees; and

WHEREAS, on March 31, 2022, the Township of Livingston issued Bid No. 8-2022 to solicit bids from contractors experienced in road improvements; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on March 31, 2022 and as a result thirty-four (34) bid packages were requested; and

WHEREAS, on April 26, 2022, twelve (12) bids were received by the bid deadline and publicly read; and

WHEREAS, Stanziale Construction 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, the Township Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Stanziale Construction; and

WHEREAS, the Township Manager is recommending the award of a contract to Stanziale Construction in an amount not to exceed \$1,587,559.50; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-04-55-021-030-B01 and C-04-55-019-009-002.

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 contract with Stanziale Construction in an amount not to exceed \$1,587,559.50.

***Res 22-160 Authorizing The Township Of Livingston Tax Collector To Prepare And Mail Estimated Tax Bills**

WHEREAS, the Essex County Board of Taxation has not certified the General Tax Rate throughout Essex County for 2022 and the Livingston Township Tax Collector will be unable to mail the Township's 2022 tax bills on a timely basis; and,

WHEREAS, the Township of Livingston Tax Collector in consultation with the Livingston Township Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and,

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Township Council approves the estimated tax levy to enable the Township to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey as follows:

1. The Township of Livingston Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2022 taxes. The Tax Collector shall proceed and take such actions, as are permitted and required by L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54.4-66.3).
2. The entire estimated tax levy for 2022 is hereby set at \$202,250,424.20.
3. In accordance with applicable law the third installment of 2022 taxes shall not be subject to interest until the later of August 11th or the twenty fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Township of Livingston

Res 22-160

Calculation of 2022 Estimated Tax Levy

<u>2021 Tax Levy and Rate</u>	<u>Tax Levy</u>	<u>Tax Rate</u>	<u>95%</u>	<u>105%</u>
Local	\$ 35,680,984.67	0.414	\$ 33,896,935.44	\$ 37,465,033.90
Minimum Library Tax	2,889,492.77	0.034	2,745,018.13	3,033,967.41
Local Open Space	430,796.74	0.005	409,256.90	452,336.58
School	118,769,161.00	1.379	112,830,702.95	124,707,619.05
County	40,234,294.00	0.467	38,222,579.30	42,246,008.70
County Open Space	<u>1,305,770.78</u>	<u>0.015</u>	<u>1,240,482.24</u>	<u>1,371,059.32</u>
		\$		
Total	\$ 199,310,499.96	2.314	\$ 189,344,974.96	\$ 209,276,024.96

2022 Tax Levy and Rate

	<u>Tax Levy</u>	<u>Tax Rate</u>	<u>% Increase</u>
Local	\$ 37,108,224.06	\$ 0.433	4.68%
Minimum Library Tax	2,957,330.00	0.035	2.94%
Local Open Space	428,116.57	0.005	0.00%
School	119,433,424.00	1.395	1.15%
County	41,038,979.88	0.479	2.63%
County Open Space	<u>1,284,349.70</u>	<u>0.015</u>	<u>0.00%</u>
Total	\$ 202,250,424.20	\$ 2.363	2.10%

2022 Assessed Value

\$ 8,562,331,311.00

***Res 22-161 Authorizing The Planning Board To Conduct A Preliminary Investigation Of Conditions Of Block 6100, Lot 5 For Determination As A Non-Condemnation Area In Need Of Redevelopment Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40a:12a-1 Et Seq., And Authorizing Beacon Planning And Consulting Services, Llc To Conduct The Investigation And Prepare A Report**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the Township of Livingston (the "Township") constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the municipal council of the Township ("Township Council") must authorize the planning board of the Township (the "Planning Board") to conduct a preliminary investigation of the area and make recommendations to the Township Council; and

WHEREAS, the Township Council hereby requests that an investigation occur with respect to the property described as Block 6100, Lot 5 on the tax maps of the Township, (hereinafter the "Study Area"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder authorizes the Township and Township Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area"); and

WHEREAS, to carry out its powers under the Redevelopment Law, the Township has a need for professional planning and engineering services, including preparation of a study of the Study Area (the "Services"), to be provided by means of a non-fair and open contract; and

WHEREAS, funds shall be available for this purpose; and

WHEREAS, Beacon Planning and Consulting Services, LLC (the "Planner") possesses the experience and qualifications to perform the Services; and

WHEREAS, the Planner has been appointed as the Planner for the Township and the Planning Board for the calendar year 2022, in accordance with the Local Public Contracts Law, *N.J.S.A.*

40A:11-1 *et seq.* (the "LPCL"), which authorizes the award of professional services contracts by resolution of the municipal governing body without competitive bidding; and

WHEREAS, the Township Council desires to authorize the Planner to perform the Services.
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Municipal Council to exercise the power of eminent domain to acquire any property in the delineated area, as the Study Area is being investigated as a possible Non-Condernation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Municipal Council as to whether the Municipal Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. The Municipal Council hereby authorizes the Planner to provide the Services under its 2022 Township Planner professional services contract. The Planner shall provide the Services when and as directed by the Township.

Section 8. A copy of this resolution, the Business Disclosure Entity Certification and Political Contribution Disclosure Form, and the 2022 Township Planner professional services contract shall be available for public inspection at the offices of the Township.

Section 9. This Resolution shall take effect immediately.

On motion duly made and seconded, and on roll call vote, all members present voting YES, Resolutions 22-155 through Resolutions 22-161, were adopted.

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

*Res 22-162 Authorizing the Award of a Contract to Bruno Associates, Inc for Grant Writing

WHEREAS, the Township of Livingston ("Township") has the need to acquire Grant Consulting Tax Appeal Appraiser services pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, on January 27, 2022 the Township of Livingston issued RFP #5-2022 as a fair and open process, to solicit proposals from firms experienced performing grant consulting services; and

WHEREAS, the request for proposals ("RFP") was advertised on the Township of Livingston website and RFP packages were requested; and

WHEREAS, on March 2, 2022, two (2) proposals were received by the bid deadline and publicly read; and

WHEREAS, Bruno Associates, Inc. submitted a proposal that meets all of the requirements of the RFP, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., and is the most advantageous to the Township; and

WHEREAS, a committee consisting of the Mayor, Deputy Mayor, Township Manager and Township CFO interviewed the responding firms and has recommended the award of a contract to Bruno Associates, Inc. to provide grant consulting services as required by the Township and as set forth in their proposal at a fixed annual fee of \$30,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds will be appropriated in the 2022 municipal budget.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that the Township Manager is hereby authorized to enter into a contract with Bruno Associates, Inc. for one year of grant consulting services in the fixed amount of \$30,000.00 in accordance with the terms of the RFP and the proposal submitted by Bruno Associates, Inc.

On motion duly made and seconded, followed by comments from Councilmember Vieira about the importance of hiring a professional grant writer and untapped sources of funds from grants, and on roll call vote, all members present voted yes. Resolution 22-162 was adopted.

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

Comcast Hearing: Evaluating the Application of Comcast of New Jersey, II, LLC for the Renewal of its Municipal Consent to Own, Operate, Extend, and Maintain a Cable Television and Cable Communications System in the Township of Livingston. Township Manager Lewis stated that Federal law governs cable franchises in municipalities, and that the Township Council will be reviewing their contract with Comcast and will carry the hearing to May 26, 2022.

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.

Clerk Mazzucco read the names and address of the 18 individuals that emailed livcomments@livingstonnj.org regarding the sale of the 28 Harvest Lane property to Habitat of Humanity. All were in objection of the prior sale of the property, and raised concerns about storm water and flooding, traffic, notice requirements, and that they felt the land was registered as "recreation and conservation".

Phil Edelstein, 27 Harvest Lane, read a statement from Frank Levine regarding 28 Harvest Lane, which he referred to as a hidden gem, and his hope that the Township would undo the sale to Habitat for Humanity.

Township Manager explained that the property was never included as open space nor a part of the ROSI (Recreation and Open Space Inventory), and that the designation of "recreation and conservation" on the property record card was a classification assigned by the tax assessor for the MOD IV system.

Edward Lefty Grimes, 84 Hanover Rd, East Hanover, claimed that the Council meeting violates the 1st amendment rights of the disabled.

John Bintzileos, 264 John St, South Amboy, stated that the disabled are treated as second class citizens.

Margaret Laldocetta, 5 N Cedar Pkwy, inquired as to why other properties suggested for sale to Habitat for Humanity were not considered.

Joe Genovioso, 10 Roosevelt Terr, said that the opening of Harvest La will create a thorough fare for vehicles and also provide a shortcut to Route 10 from Northfield Rd.

Joel Lightner, 12 N Cedar Pkwy, introduced Jude Nezda, from 373 W Northfield Rd, a licensed tree expert, who visited 28 Harvest La and stated there were 200 trees designated for removal which would have significant impact on the water table and drainage in the area.

Scott Goldman, 42 N Baums Ct, spoke in support of a Women Veterans Day event.

Bob Hunter, 89 Elmwood Dr, applauded the Township Manager on hiring a new Assistant.

Adbhishek Gangwal, 6 Hazelwood Ave, inquired about the timeline for a decision in the Township regarding marijuana.

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

At 9:08 p.m., the Regular meeting was adjourned.

EDWARD MEINHARDT, Mayor

CAROLYN MAZZUCCO, RMC Township Clerk