

Livingston, New Jersey  
July 8, 2019  
Meeting #14

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 8:15 p.m. 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; Township Manager Lewis; Deputy Township Manager Jones; Township Attorney Weiner; Township Clerk Turtleaub

Silent Meditation and Pledge of Allegiance

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

Presentations

Essex County Update/Questions

Public Comments on Agenda Items

Resolution—Consent Agenda (Includes All Items Marked \*\*\*) R-19-138

**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 July 8, 2019, attached hereto, which are preceded by an "\*\*\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approval of Minutes

a) June 17, 2019

Approval of Licenses

Final Hearing Ordinances

Proposed Ordinance

Resolutions

a) R-19-139 Authorizing a Contract with Suburban Consulting Engineers

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Wardell Road Pedestrian Bridge 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, Suburban Consulting Engineers, Inc. has completed and submitted a business Entity Disclosure Certification which certifies that Suburban Consulting Engineers, 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 Suburban Consulting Engineers, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Engineer and Township Manager are recommending the award of a contract to Suburban Consulting Engineers, Inc. to provide professional engineering services for the Wardell Road Pedestrian Bridge as required by the Township in an amount not to exceed \$65,050.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account T-11-01-001-001-001; 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 Suburban Consulting Engineers, Inc. in an amount not to exceed \$65,050.00 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.

b) R-19-140 Resolution in Support of Electric Vehicles

WHEREAS, the Township of Livingston is committed to fostering increased adoption of electric vehicles and needed infrastructure in order to reduce global warming pollution and improve air quality in the municipality, the state and nationally; and,

WHEREAS, Electrify New Jersey, in partnership with Jersey Renews, a state coalition promoting the transition to clean, renewable energy in New Jersey, and ChargeEVC, a diverse electric vehicle coalition, have developed a comprehensive framework to serve as a roadmap for creating a sustainable and growing EV market in New Jersey; and

WHEREAS, the Electrify New Jersey roadmap includes recommended goals and policy actions designed to:

- Expand public charging infrastructure;
- Foster greater affordability of EVs to increase adoption;
- Ensure sufficient private charging infrastructure;
- Ensure electrification solutions to reach all communities equitably;
- Ensure long term funding for the transportation trust fund;
- Build consumer awareness; and
- Support market development efforts; and

WHEREAS, electrifying the state's transportation system is one of the top priorities stated in the January 1, 2018 recommendations of New Jersey Governor Phil Murphy's Environment and Energy Transition Advisory Committee; and

WHEREAS, the widespread adoption of Electric Vehicles (EVs) will bring significant economic benefit, including lower electricity rates by recreating a more resilient and responsive electric grid and reduced vehicle operating costs, and substantial emission reductions that result in cleaner air for everyone.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that it supports the implementation of New Jersey's Clean Car standards, the ability of states that adopt Clean Car standards to have stronger safeguards to protect the health of New Jerseyans above and beyond federal standards, and in opposition to efforts at the federal level by the current administration or Congress to weaken these standards or usurp local control to protect the state's residents from air pollution from the transportation sector.

c) R-19-141 Authorizing the Entering Into a Developer's Agreement with Formosa Plastics

WHEREAS, Formosa Plastics Corp. has made an Application No. 2018-69-PFSPV to the Livingston Planning Board for approval to install solar panels on the roof of the existing buildings; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on April 16, 2019; and

WHEREAS, the Board's Model Condition of Approval #17 states: "Prior to the issuance of any permits the Applicant shall have entered into a Developer's Agreement negotiated with the Township Attorney in conjunction with the Township Engineer."; and

WHEREAS, the Township Attorney has negotiated the terms of the Developer's Agreement which has been approved by the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes the Mayor on behalf of the Township Council, to execute the Developer's Agreement with Formosa Plastics Corp.

d) R-19-142 Authorizing the Entering Into a Developer's Agreement with Newark Academy

WHEREAS, Newark Academy has made an Application No. 2009-49-PFSPV to the Livingston Planning Board in order to redesign the indoor auditorium and make other site improvements to the main entrance and access; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on April 16, 2019; and

WHEREAS, the Board's Model Condition of Approval #17 states: "Prior to the issuance of any permits the Applicant shall have entered into a Developer's Agreement negotiated with the Township Attorney in conjunction with the Township Engineer."; and

WHEREAS, the Township Attorney has negotiated the terms of the Developer's Agreement which has been approved by the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes the Mayor on behalf of the Township Council, to execute the Developer's Agreement with Newark Academy.

e) R-19-143 Authorizing the Entering Into a developer's Agreement with Crystal Plaza

WHEREAS, Crystal Plaza has made an Application No. 2018-16-PFSP-UV to the Zoning Board of Adjustment for the expansion and renovation of the existing catering facility; and

WHEREAS, the Livingston Zoning Board of Adjustment passed a Resolution approving the application on July 24, 2018; and

WHEREAS, the Board's Model Condition of Approval states: "Prior to the issuance of any permits the Applicant shall have entered into a Developer's Agreement negotiated with the Township Attorney in conjunction with the Township Engineer."; and

WHEREAS, the Township Attorney has negotiated the terms of the Developer's Agreement which has been approved by the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes the Mayor on behalf of the Township Council, to execute the Developer's Agreement with Crystal Plaza.

f) R-19-144 Authorizing a Contract with S. Rotondi & Sons, Inc. (Leaf Disposal)

This Resolution was not introduced.

g) R-19-145 Authorizing Approval of Change Order Number 1 and Final With Fai-Gon Electric, Inc. (Emergency Generator)

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1800017") with Fai-Gon Electric, Inc. for the Emergency Generator Replacement; and

WHEREAS, the initial Contract was not to exceed Four Hundred Ninety-Five Thousand; Five Hundred Dollars and no cents (\$495,500.00); and

WHEREAS, due to a change in field conditions which resulted changed quantities, a Change Order has been requested for the following:

A. REDUCTIONS

Miscellaneous Allowance	<u>-\$16,500.00</u>
Total	-\$16,500.00

WHEREAS, the total change order decreased the contract amount by 3.33% or \$16,500.00 making the new contract sum \$479,000.00; and

WHEREAS, this Change Order has been recommended by the Township Engineer and Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract with Fai-Gon Electric, Inc. for the Emergency Generator Replacement; that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

h) R-19-146 Authorizing a Contract Extension with Water Works Supply Company, Inc.

WHEREAS, on July 16, 2018 the Township Council of the Township of Livingston authorized the Township Manager to enter into a twelve (12) month contract with Water Works Supply Company, Inc. for the purchase of water system parts as an open ended contract; and

WHEREAS, pursuant to 40A: 11-15 (45), the Township will extend its existing contract for an additional one-year with Water Works Supply Company, Inc. at the same prices bid; and

WHEREAS, Water Works Supply Company, Inc.'s schedule of pricing is attached; and

WHEREAS, the Junior Utility Engineer and Township Manager are recommending a one-year extension of the contract with Water Works Supply Company, Inc. at the same prices bid; 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 extend the contract with Water Works Supply Company, Inc. for one-year effective August 1, 2019.

i) R-19-147 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 item is such that it is 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.

Schedule A

Department	Item	QTY	Make	Model	Serial / VIN Number
DPW	Vehicle	1	2000 FORD	Crown Victoria	2FAFP71WXYX178809
DPW	Vehicle	1	1993 FORD	L8000	1FDYK82EPVA16600

j) R-19-148 Resolution Participation—Safe and Secure Communities Grant Program

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE**

**SAFE AND SECURE COMMUNITIES PROGRAM**

**RESOLUTION OF PARTICIPATION**

**A RESOLUTION APPROVING PARTICIPATION WITH THE  
STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE,  
DEPARTMENT OF LAW AND PUBLIC SAFETY**

**WHEREAS**, the Township of Livingston desires to apply for and to accept funding in the amount of \$60,000; and

**WHEREAS**, the Township of Livingston desires to apply for and to accept funding in the amount of \$60,000.00 dollars, with a match of fringe benefits, under the Safe and Secure Communities Program, State Fiscal Year 2019, State Grant 19-0710; and

**WHEREAS**, the Township of Livingston has reviewed the accompanying applications and has approved said requests, and

**WHEREAS**, this project is a joint effort between the Department of Law and Public Safety and the Livingston Township Police Department for the purpose described in the application;

**THEREFORE, BE IT RESOLVED** this 8th day of July, 2019, by the Township Council of Livingston Township, Essex County, New Jersey that:

1. As a matter of public policy the Livingston Township Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice will be responsible for the receipt and review of the application for said funds.
4. The Division of Criminal Justice will initiate allocations to each applicant as authorized.
5. The Grant Duration Period is 4/15/19 through 4/14/20.

k) R-19-149 Authorizing Award of Contract to Shauger Property Services, Inc.

WHEREAS, the Township of Livingston has a need for the catch basin repair/rebuild pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and,

WHEREAS, a request for quotes was advertised using the fair and open process on the Township of Livingston website on June 6, 2019; and

WHEREAS, on June 26, 2019, four (4) responses were received by the deadline and publicly read; and

WHEREAS, the Superintendent of Public Works has evaluated the quotation for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Shauger Property Services, Inc.; and

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

WHEREAS, the Township Manager is recommending the award of a contract 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 contract with Shauger Property Services, Inc.

I) R-19-150 Authorizing Contract with Community Grants, Planning & Housing LLC

WHEREAS, the Township of Livingston has a need to acquire professional affordable housing services and rehabilitation 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 Community, Grants, Planning & Housing, LLC has provided affordable housing services and rehabilitation services in prior years and has performed in a satisfactory manner; and

WHEREAS, Community Grants, Planning & Housing, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Community Grants, Planning & Housing, 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 Community Grants, Planning & Housing, 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 Community Grants, Planning & Housing, LLC to provide professional affordable housing services and rehabilitation services as required by the Township in an amount not to exceed \$39,000.00; and,

WHEREAS, the Chief Financial Officer has certified that funding is available in account T-15-55-850-001-501.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Community, Grants, Planning & Housing, LLC for the period of August 1, 2019 and ending July 31, 2019 in an amount not to exceed \$39,000.00 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

R-19-151 Authorizing Purchases Under 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, 2019 or upon the expiration of the vendors' contract, whichever event first occurs.

R-19-152 Authorizing Approval of Change Order Number 1 And Final With S Brothers

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1800024") with S. Brothers Inc. for the Two Inch Mill and Pave of Falcon Road - Section 5; and

WHEREAS, the initial Contract was not to exceed Six Hundred Nineteen Thousand, Eight Hundred Twenty- Nine Dollars and Thirty Cents (\$619,829.30); and

WHEREAS, due to a change in field conditions which resulted changed quantities, a Change Order has been requested for the following:

A. SUPPLEMENTAL

Hot Mix Asphalt 9.5M64 Surface Course	\$1,958.88
Reconstructed Inlet, Type B, Using New Casting	\$1,500.00
Driveway Restoration, Concrete Block	\$2,080.00
Concrete Sidewalk 4" Thick	\$3,622.00
Hot Mix Asphalt Sidewalk, 4" Thick (As Needed for Restoration)	\$4,743.00
Granite Block Curb	\$14,724.00
<b>Total</b>	<b>\$28,627.88</b>

B. REDUCTIONS

Breakaway Barricade	-\$10.00
Drum	-\$40.00
Police Traffic Director	-\$13,877.50
Traffic Director, Flagger	-\$100.00
Fuel Price Adjustment	-\$2,400.00
Asphalt Price Adjustment	-\$11,062.52
Excavation, Unclassified	-\$13.45
Geotextile Fabric	-\$26.85
Dense Graded Aggregate Base Course, Variable Thickness	-\$9.00
Milling, Less than 3"	-\$151.10
Hot Mix Asphalt 19M64 Base Course	-\$5,525.00
8" PVC Pipe, Sch. 40	-\$1,295.00
Roof Leader and Drain Connection	-\$750.00
Under Drain	-\$10,000.00
Bicycle Safety Grate	-\$640.00
Curb Piece, Type N-Eco	-\$760.00
Reconstructed Manhole, Using New Casting	-\$300.00
Yard Drain (If and Where Directed)	-\$100.00
Hot Mix Asphalt Driveway, 2" Thick	-\$5,512.00
Concrete Driveway, Reinforced, 6" Thick	-\$631.20
Detectable Warning Surface	-\$1,610.00
Concrete Curb (Full Face and Depressed at ADA Curb Ramps)	-\$1,800.00
Traffic Stripes, Long Life, Thermoplastic, 6" Width	-\$93.00
<b>Total</b>	<b>-\$56,706.62</b>

WHEREAS, the total change order decreased the contract amount by 4.53% or \$28,078.74 making the new contract sum \$591,750.56; and

WHEREAS, this Change Order has been recommended by the Township Engineer and Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract with S. Brothers Inc. for the Two Inch Mill and Pave of Falcon Road – Section 5; that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

R-19-153 Authorizing Renewal of ABC License

**BE IT RESOLVED** by the Township Council of the Township of Livingston, County of Essex, in accordance with the provisions of Legislature entitled “An Act concerning Alcoholic Beverages,” passed December 6, 1933, and several amendments and supplements thereto and subject to the rules and regulations of the New Jersey Division of Alcoholic Beverage Control, that

There be issued to the following applicants a **Plenary Retail Consumption** license to be for the term of one year from the first day of July, 2019:

0710-33-021-007 RTC Restaurant Corp. (Pocket) No Livingston Location

On motion duly made and seconded, and on roll call vote of Resolutions R-19-139 through R-19-143, and Resolutions R-19-145 through R-19-153, all members present voted YES.

Public Comment

Justin Alpert, 56 Amherst Place, asked when the Appraisal Systems manual will be on line, and Township Manager Lewis said he would check. Mr. Alpert discussed the consolidation of parking lots and suggested ideas, including repurchasing the lots. Mr. Alpert advised encouraged attendance at the upcoming Governor’s Housing Conference, which he said would be a “wonderful opportunity for Livingston to claim a forward position.”

Walter LeVine, 345 Walnut Street, discussed legislation pending in Trenton to allow little houses on municipal property, as a way to both raise revenue through leasing the properties, and to provide housing opportunities for those who could not otherwise afford to live in town.

Fred Friedman, 1304 Pointe Gate Drive, discussed a rumor he had heard that Eastman was building a four story condominium.

Adjournment

At 8:57 p.m., the Regular Meeting adjourned.

ALFRED M. ANTHONY, Mayor

GLENN R. TURTLETAUB, Township Clerk