

The Regular and Conference Meeting of the Township Council of the Township of Livingston was held via Livestream from Facebook @facebook.com/LivingstonTownshipNJ on the above date at 7:00 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 faxed to the West Essex Tribune and the Star Ledger on January 2, 2020, and that "48-hr. notice" was faxed and emailed to these same publications and posted on the Livingston Township website (livingstonnj.org) on June 18, 2020 and posted on the Livingston Township website (livingstonnj.org).

Present (via Livestream): Mayor Fernandez, Deputy Mayor Klein, Councilmember Anthony, Councilmember Meinhardt, Councilmember Vieira, Township Manager Lewis, Deputy Township Manager Jones, Township Attorney Weiner, Township Clerk Turtletaub, Deputy Clerk Mazucco

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

#### Presentation

##### Essex County Update/Questions

Legal Fees--The Council approved payment of the Legal Fees of Murphy McKeon (June 2020).

##### New Business

a) Coronavirus/COVID 19 Update—Township Manager Lewis provided an update of the Township's responses to the Coronavirus pandemic, including specifically the reopening of the Town Hall building to the general public today. He discussed the Livingston numbers, and that that updated charts and graphs were being would be put on the website.

b) India Independence Day—The Council reviewed and discussed the email received regarding scheduling and procedures, and all were in agreement that the request would be granted.

c) Community Grants, Planning & Housing, LLC—Township Manager Lewis discussed his Memorandum recommending adoption of Res 20-157, and the Council agreed with the recommendation.

d) Water & System Parts—Township Manager Lewis discussed his Memorandum recommending adoption of Res-20-156, and the Council agreed with the recommendation.

e) PFAS Treatment Evaluation—Township Manager Lewis discussed his memorandum recommending adoption of Res 20-158, and the Council agreed with the recommendation.

##### Public Comments on Agenda Items

Township Clerk Turtletaub read aloud any questions to the Council submitted by residents via email.

Justin Escher Alpert, 56 Amherst Place, discussed Res 20-157 (authorizing a Contract with Community Grants Planning and Housing (CGP&H), and suggested that the work to

be performed “seems like the kind of work that could be done” by residents, and asked that the work be done via appointment of a community resident or, alternatively, “appropriating an additional \$3,000 to one of our high school FBLA students for a paid internship with CGP&H”. Township Manager Lewis and Township Attorney Weiner responded, explaining that the work being obtained was highly specialized and beyond the scope of what high school students could provide.

Resolution—Consent Agenda Includes All Items Marked “\*” R-20-154

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 20, 2020, attached hereto, which are preceded by an “\*” are the Consent Agenda and are hereby accepted, approved and/or adopted.

On roll call vote, all members present voted YES.

Approval of Minutes

- A) Regular and Conference Minutes July 8, 2020
- b) Closed Session Minutes July 8, 2020

Approval of Licenses

Final Hearing Ordinances

Proposed Ordinances

Resolutions

a) R-20-155 Authorizing a Contract with Water Works Supply Co... Inc.

WHEREAS, the Township of Livingston (“Township”) has a need to purchase water and sewer system parts; and

WHEREAS, on June 4, 2020, the Township of Livingston issued Bid No. 7-2020 as an open-ended contract, to solicit bids from companies that supply water and sewer system parts; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on June 4, 2020 and as a result twelve (12) bid packages were requested; and

WHEREAS, on June 24, 2020, five (5) bids were received by the bid deadline and publicly read; and

WHEREAS, the bid submitted by Ferguson Ent., LLC failed to acknowledge the bid addendum rendering the bid non responsive as per N.J.S.A. 40A:11-2 (33); and

WHEREAS, Raritan Group, Inc. was identified as the apparent low bidder for Section 5 and submitted a request to withdraw their bid for Section 5; and

WHEREAS, the firm of Water Works Supply Company, Inc. was identified as the lowest responsive and responsible bidder for Sections 2-8 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, Water Works Supply Company, Inc.'s schedule of pricing is attached; and

WHEREAS, the Utility Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Water Works Supply Company, Inc.; and

WHEREAS, the Township Manager is recommending the award of a twelve (12) month contract to Water Works Supply Company, 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 twelve (12) month contract with Water Works Supply Company, Inc. effective August 1, 2020.

b) R-20-156 Authorizing a Contrat with Capital Supply Co., Inc.

WHEREAS, the Township of Livingston ("Township") has a need to purchase water and sewer system parts for the Water and Sewer Departments; and

WHEREAS, on June 4, 2020, the Township of Livingston issued Bid No. 7-2020 as an open-ended contract, to solicit bids from companies that supply water and sewer system parts; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on June 4, 2020 and as a result twelve (12) bid packages were requested; and

WHEREAS, on June 24, 2020, five (5) bids were received by the bid deadline and publicly read; and

WHEREAS, the bid submitted by Ferguson Ent., LLC failed to acknowledge the bid addendum rendering the bid non responsive as per N.J.S.A. 40A:11-2 (33); and

WHEREAS, the firm of Capitol Supply Construction, Inc. was identified as the lowest responsive and responsible bidder for Section 1 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, Capitol Supply Construction, Inc.'s schedule of pricing is attached; and

WHEREAS, the Utility Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Capitol Supply Construction, Inc.; and

WHEREAS, the Township Manager is recommending the award of a twelve (12) month contract to Capitol Supply Construction, 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 twelve (12) month contract with Capitol Supply Construction, Inc. effective August 1, 2020.

c) Res 20-157 Authorizing a Contract with Community Grants Planning and 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 \$30,000.00; 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, 2020 and ending July 31, 2021 in an amount not to exceed \$30,000.00 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.

d) Res 20-158 Authorizing a Contract with Arcadis US Inc.

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Per and Polyfluoroalkyl Substances (PFAS) evaluation study 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 of Livingston solicited proposals from four companies qualified to provide professional engineering services for Per and Polyfluoroalkyl Substances (PFAS) evaluation study; and

WHEREAS, the Township of Livingston received two proposals; and

WHEREAS, Arcadis U.S., Inc. submitted the lowest price proposal; and

WHEREAS, Arcadis U.S., Inc. has completed and submitted a business Entity Disclosure Certification which certifies that Arcadis U.S., 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 Arcadis U.S., Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Utility Engineer and Township Manager are recommending the award of a contract to Arcadis U.S., Inc. to provide professional engineering services for the Per and Polyfluoroalkyl Substances (PFAS) evaluation study as required by the Township in an amount not to exceed \$117,000.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-013-012-002, C-06-55-013-012-003, C-06-55-014-008-01D, C-06-55-015-007-01A, C-06-55-016-003-002 and C-06-55-014-008-01B.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Arcadis U.S., Inc. in an amount not to exceed \$117,000.00 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.

e) Res 20-159 Authorizing Purchases Under the Educational Services Commission of NJ Purchasing Program

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-11(6) and N.J.A.C. 5:34-7.1 et seq. may by resolution and without advertising for bids, purchase any goods or services under a Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Educational Services Commission of New Jersey Purchasing Program and has the need on a timely basis to purchase goods or services using those contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced contract vendors through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable to current 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 Educational Services Commission of New Jersey Purchasing Program vendors on the attached list, pursuant to all the conditions of the individual 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, 2020 or upon the expiration of the vendors' contract, whichever event first occurs.

f) Res 20-160 Authorizing a Five Year with Recycle Track Systems NJ, LLC

WHEREAS, the Township of Livingston ("Township") has a need for 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 its regular employees; and

WHEREAS, on April 2, 2020, the Township of Livingston issued Bid No. 2-2020, to solicit bids from companies experienced in the collection, removal and disposal of solid waste; and

WHEREAS, the bid was advertised on the Township of Livingston website, West Essex Tribune and Star Ledger on April 2, 2020 and as a result seventeen (17) bid packages were requested; and

WHEREAS, on June 10, 2020, two (2) bids were received by the bid deadline and publicly read; and

WHEREAS, the firm of Recycle Track Systems NJ, LLC 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 Manager has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Recycle Track Systems NJ, LLC; and

WHEREAS, the Township Manager is recommending the award of a five (5) year contract (an initial period of three (3) years, with one (1) – two (2) year option to renew at the sole discretion of the Township) in an amount not to exceed \$5,570,900.00 as follows: Year 1- \$1,075,860.00; Year 2 - \$1,094,688.00; Year 3 - \$1,113,845.00; Year 4 - \$1,133,337.00; Year 5 - \$1,153,170.00; and

WHEREAS, the bid 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 Chief Financial Officer has certified that funds will be available in the 2020 budget under account 0-01-26-305-004-278 and 0-01-32-465-001-224 and funding for years 2021 through 2025 is subject to the appropriation of sufficient funds in the 2021, 2022, 2023, 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 enter into a five (5) year contract (an initial period of three (3) years, with a single option to renew for an additional two (2) years) with Recycle Track Systems NJ, LLC in an amount not to exceed \$5,570,900.00.

g) Res 20-161 Authorizing Inclusion in the Essex County Urban County Community Development Program for Yrs 2021-2023

WHEREAS, certain Federal funds are potentially available to the County of Essex under Title I of the Housing and Community Development Act of 1974,-as amended and HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the *Township of Livingston* desires to participate in the Essex County Urban County for conducting certain community development activities for Program Years 2021-2023; and

WHEREAS, a letter has been drafted by the Mayor to the Essex County Division of Housing and Community Development notifying them of the Township's desire to participate in this process ; and

WHEREAS, the Grantee or a unit of general local government that directly or indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the Emergency Shelter Grants program ("ESG") provided through Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act permits for substantial federal funds allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living.

WHEREAS, the current Uniform Shared Services and Consolidated Act contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by July 30, 2020 each municipality must notify the Essex County Division of Housing & Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the *Township of Livingston* and its residents to participate in said program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Livingston that it hereby authorizes the Mayor to execute the attached Cooperation Agreement and notifies the Essex County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and Home Investment Partnership Act Program for the Program Years 2021, 2022 and 2023 (June 1, 2021- May 31, 2023); and

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Essex County Division of Housing & Community Development no later than August 3, 2020.

i) Res 20-162 Approving and Authorizing the Execution of Local Aid Grant Agmnt with Essex Cty for \$150K Open Space Grant for the Replacement of the Community Center and Northland Park Playground

WHEREAS, the County of Essex recently awarded the Township of Livingston an Essex County Open Space and Historic Preservation Trust Fund Grant in the amount of \$150,000 for the replacement of the Community Center and Northland Park playgrounds with ADA accessible and safety compliant playgrounds (the "Grant"); and

WHEREAS, to confirm the respective obligations between the Township of Livingston and Essex County with respect to the Grant, Essex County requires the execution of a Local Aid Grant Agreement, a copy of which is attached hereto; and

WHEREAS, it is in the interests of the Township to accept the awarded Grant, which will offset a significant portion of the costs of the needed playground replacements, and to execute the Local Aid Grant Agreement attached hereto.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Livingston that it does hereby approve the attached Local Aid Grant Agreement with the County of Essex and authorize the Township Manager to executed the Agreement on behalf of the Township.

Councilmember Meinhardt highlighted an article in the paper regarding resident Michael Somach who had been on a ventilator at Saint Barnabas Hospital, but now was returning home, pointing out that it was nice to read such good news.

Manager Lewis noted that there would be another Blood Drive on July 28 and he also gave a "shout out" to the Livingston Police department for its outreach.

At 7:25 p.m., the following Resolution was considered:

Resolution Authorizing Closed Session—Attorney Client Privilege (Solid Waste Collection); Attorney Client Privilege (Affordable Housing Update); Attorney Client Privilege/Contract Negotiations (Redevelopment Update)

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS the Governing Body of the Township of Livingston has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

WHEREAS, the Conference meeting of the Governing Body will reconvene, and

BE IT RESOLVED that this 20th day of July, 2020, that the Township Council of the Township of Livingston will go into Closed Session for the purpose of discussing Attorney Client Privilege, Attorney Client Privilege/;Contract Negotiations and such matters as may come before the council and that are exempted from the public as outlined in N.J.S.A. 10:4-12.

BE IT FURTHER RESOLVED that the matters discussed in closed session will be made public upon disposition.

On motion duly made and seconded, and by voice vote, all members present voted YES.

The Closed Session adjourned at 8:35 p.m.

Adjournment

The meeting was adjourned at 8:35 p.m. p.m.

RUFINO FERNANDEZ, Jr. Mayor  
GLENN R. TURTLETAUB, Township Clerk