

The Regular meeting of the Township Council of the Township of Livingston was held on the above date commencing at 7:30 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 Township Clerk Mazzucco.

Moment of Silence and Pledge of Allegiance

Troop 12 performed the opening flag ceremony for the meeting. Mayor Meinhardt asked everyone to stand for a Moment of Silence, followed by the Pledge of Allegiance.

Essex County Updates & Communications

There were none.

Proclamations & Presentations

- 1) Zach Turbin Eagle Scout – Zach Turbin was honored for achieving the Eagle Scout designation.
- 2) Evan Leung Eagle Scout – Evan Leung was honored for achieving the Eagle Scout designation.
- 3) Sheryl Starr – Sheryl decided to retire from her position as the drone operator for Township sponsored events like Memorial Day Parade and the 4<sup>th</sup> of July celebration, so she could participate in the events. Councilmembers thanked her for her commitment and support of the Township.

2022 Municipal Budget Hearing

Township Chief Financial Officer Ann Cucci joined the meeting.

Township Manager Lewis gave a power point presentation on the Budget.

On motion duly made and seconded, and on voice vote, the budget hearing was opened.

Jean Stoloff, 18 North Drive, mentioned that during inflationary times people can't afford to pay taxes, and any increase may be a hardship for some.

On motion to close the hearing, duly made and seconded, and on voice vote, all members present voted YES.

**1) Res 22-207a Resolution To Read Budget by Title**

WHEREAS, N.J.S.A. 40A 4-8 as amended provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Budget
  - (a) shall be made available for public inspection in the free public library, if any, of the municipality and in the free county libraries or regional libraries located in the municipality or, if no county libraries or regional libraries are located in the municipality, the county or regional library of the county in which the municipality is located, and the public officer delegated responsibility for delivering copies of the approved budget to such library shall forward to the governing body an attestation that each such delivery was made, and
  - (b) is made available to each person requesting the same, during said week and during the public hearing.
2. The Township has made the introduced budget available in accordance with N.J.S.A. 40A:4-6.1; as modified by the Governor's Executive Orders, and guidance from the Department of Community Affairs, Division of Local Government Services, as addressed in Local Finance Notice 2020-07.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Livingston that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended set forth in subsections 1(a) and 1(b) and 2 above, have been met and therefore the Budget shall be read by title only.

On motion duly made and seconded and on roll call vote, all members present voted YES.

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

**2) Res 22-207b Computing 2022 Reserve for Uncollected Taxes**

WHEREAS, N.J.S.A. 40A:4-41c(2), enacted into law (P.L. 2010, c. 56), provides alternate methods of calculating the Reserve for Uncollected Taxes, and

WHEREAS, one method under N.J.S.A. 40A:4-41c(2) permits the Governing Body of any municipality in which the amount of tax reductions resulting from tax appeal judgments of the County Tax Board pursuant to R.S. 54:3-21 et seq., or the State Tax Court pursuant to R.S. 54:48-1 et seq., result in tax reductions in the preceding fiscal year, may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustment resulting from those judgments. Election of this choice shall be made by Resolution, approved by a majority vote of the full



work, especially in such a high inflationary environment (9%) while producing a budget with a 1.049% increase to taxpayers. Councilmember Vieira stated that the budget was delayed due to the tax settlement with Cooperman Barnabas (RWJ) Medical Center.

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) July 25, 2022 Regular and Conference Meeting Minutes
- 2) July 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. There being none, 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 23-2022 Bond Ordinance providing an Appropriation of \$7,294,000 for Various Improvements and Authorizing the Issuance of \$6,394,283 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 24-2022 Amending §29-10.5 to Amend Parking Restrictions 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 25-2022 Amending Ch. 170 Section 170-90Q, Temporary New Development Signs 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. Councilmember Klein commented that it was important that the community be informed about new development. 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 26-2022 Amending the Township Code with Respect to the Display of Flags on Township Flag Poles was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the Ordinance. Clerk Mazzucco read Justin Esher Alpert's email which stated that flag raisings of any kind would not be allowed at Town Hall upon adoption of this Ordinance. Township Attorney Kantor responded that the Township would be able to raise flags by passage of a Resolution, and the purpose of the Ordinance was to protect the Township from litigation. 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		

Introduction of Ordinances

Resolutions

\*Res 22-208 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 August 8, 2022 attached hereto, which are preceded by an "\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

\*Res 22-209 Authorizing 2022-2023 Recreational Opportunities For Individuals With Disabilities Grant Application

WHEREAS, the Township of Livingston desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$15,000 to \$25,000 to carry out a project to provide recreational activities for school age children with special needs; with a 20% Township Match of grant funds awarded and

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 Department of Community Affairs, 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 Department of Community Affairs.

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:

\*Res 22-210 Annual Renewal of ABC License – Marsag LP (Pocket)

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

1, There be issued to the following applicant a **Plenary Retail Consumption license** from the first day of July, 2022, until expiration on June 30, 2023:

0710-33-006-006 Marsag LP

Pocket (Inactive) License

\*Res 22-211 Authorizing the Award of a Contract to Allied Construction Group, Inc.

WHEREAS, the Township of Livingston ("Township") has a need for the Water Pollution Control Facility Disc Filters – Phase One that cannot otherwise be performed by its regular employees; and

WHEREAS, on June 16, 2022, the Township of Livingston issued Bid No.11-2022 to solicit bids from contractors experienced in disc filters; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on June 16, 2022 and as a result twenty-two (22) bid packages were requested; and

WHEREAS, on July 20, 2022, six (6) bids were received by the bid deadline and publicly read; and

WHEREAS, Allied Construction Group, Inc. 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 Consulting Engineer and Township Engineer have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Allied Construction Group, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to Allied Construction Group, Inc. in an amount not to exceed \$1,067,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-08-55-020-012-C01-C-08-55-021-027-C01 and C-08-55-022-019-D01.

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 Allied Construction Group, Inc. in an amount not to exceed \$1,067,000.00.

**\*Res 22-212 Authorizing the Award of a Contract to Community Grants, Planning & Housing**

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 \$20,000.00; and,

WHEREAS, the Chief Financial Officer has certified that funding is available in account T-16-55-850-001-501.

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, 2022 and ending July 31, 2023 in an amount not to exceed \$20,000.00 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.

Resolutions 22-209 through 22-212 were read by title. On motion duly made and seconded, and on roll call vote, all members present voting YES, Resolutions 22-209 through 22-212 were 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 is continuing to review their contract with Comcast. On motion made and duly seconded, and on voice vote, the hearing will be carried to the August 22, 2022 Township Council meeting.

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.

Parul Khemka, 70 Elmwood Drive, spoke about the Rutgers grant funding and that the steering committee needed direction from the Township council on the best way to reach the entire community.

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

At 8:43 p.m., the Regular meeting was adjourned.

EDWARD MEINHARDT, Mayor

CAROLYN MAZZUCCO, RMC Township Clerk