

Livingston, New Jersey
Regular Meeting September 19, 2022

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, Assistant Township Manager Loehner, 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 Neighbors Helping Neighbors (LNHN) – Councilmembers congratulated LNHN as a recipient of the State’s prestigious Jefferson Award and recognized their extraordinary service and contribution to the community. Stacy Rubenstein spoke to the incredible volunteerism and generosity of the residents that have supported LNHN, specifically thanking Nick Santinelli who picks up and delivers the donated food.

Essex County Updates

There were none.

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) September 6, 2022 Regular and Conference Meeting Minutes
- 2) September 6, 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.

Matthew Boxer, 6 Trombley Dr, inquired if the meeting minutes from September 6, 2022 included his comments. Mr. Boxer also inquired about the Comcast hearing being carried from meeting to meeting, and Township Manager Lewis explained that the cable franchise renewal is being carried as the Township is waiting for a response from the cable company. Furthermore, Mr. Boxer expressed that the Township Council meetings should be on zoom, and his frustration with the Township Manager’s reports on the water situation (PFAS).

Justin Alpert, 56 Amherst Place, urged the Township Council not to involve itself in another sustainable energy alliance cooperative (referencing Resolution 22-238). He also suggested that the Affordable Housing Ordinance was not serving the needs of this community and that the municipal housing liaison should be a resident of the Township, not an employee. Mr. Alpert also recommended that the Township not join the litigation with other municipalities to recoup money spent on PFAS, due to the cost of legal services.

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 27-2022 Amending And Supplementing Chapter 170 Of The Code Of The Township Of Livingston By Updating And Replacing Article Xiv Entitled “Affordable Housing Regulations” was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the ordinance. Mr. Justin Alpert, 56 Amherst Place, wanted to know what had changed, and Township Manager Lewis explained that the Ordinance was 98% identical to the prior Ordinance. There being no other 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		

Introduction of Ordinances

There were none.

Resolutions

The Mayor requested that Resolution 22-238 be pulled from the Consent Agenda.

Res 22-237 Resolution Accepting, Approving and/or Adopting the Consent Agenda of September 19, 2022

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 September 19, 2022 attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

*Res 22-239 Authorizing Emergency Contract with Ischia Corp

WHEREAS, the Township Manager has identified the immediate need for a storm water pipe repair on Cornell Drive; and

WHEREAS, the storm water pipe repair is necessary to protect the public health, safety and welfare; and

WHEREAS, the Township Manager has provided written notification to the Township Council of the emergent need for sewer repairs to protect public health, safety, and welfare; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-6, "Emergency Contracts") allows the award of contracts without public advertising for bids and bidding when an emergency affecting public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the provisions of Chapter 19, P.L. 2004 (as amended by P.L. 2005, c.51) of the Pay-to-Play Laws (N.J.S.A. 19:44A-20.4 et seq.) are waived when an emergency exists affecting the public health, safety or welfare which requires the immediate delivery of goods or performance of services; and

WHEREAS, while emergency contracts can be awarded without formal bidding it is still prudent to seek quotations; and

WHEREAS, the Township of Livingston received three quotations for the emergency storm water pipe repair on Cornell Drive; and

WHEREAS, Ischia Corp. submitted the low quote of \$36,800.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account 2-01-26-510-002-224.

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 an emergency contract with Ischia Corp. for the emergency storm water pipe repair on Cornell Drive in an amount not to exceed \$36,800.00.

Resolution 22-239 was read by title. On motion duly made and seconded, and on roll call vote, all members present voting YES.

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

Resolution 22-238 was read by title. Councilmember Anthony suggested a language change in the second to last paragraph. Township Attorney Kantor stated that the Resolution would be carried to the October 3, 2022 regular meeting.

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 Monday, October 3, 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.

Matthew Boxer, 6 Trombley Dr, mentioned the conditions at the construction site adjacent to 7 Fernwood Drive and that it was dangerous. He also stated that the Scott Terrace detention basin had not been mowed and needs to be addressed by the Township.

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

At 8:17 p.m., the Regular meeting was adjourned.

EDWARD MEINHARDT, Mayor

CAROLYN MAZZUCCO, RMC Township Clerk