

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, Township CFO Cucci, 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

The Cricket Association presented personalized tee shirts to the Township councilmembers in advance of the Reliance Sanskriti Premier League finals on Saturday, October 8, 2022. They were very thankful to the Township for their support and dedicated fields for Cricket.

Essex County Updates

There were none.

Township Manager Lewis updated the community about IT (Information Technology) updates for the Township Council meetings, including the incorporation of a hybrid platform as well as new cameras and sound system. He added that a large hurdle concerns the strict guidelines and specifications in a court room, which is where the Township Council meetings are held.

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 19, 2022 Regular and Conference Meeting Minutes
- 2) September 19, 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 when the IT updates for the Township Council meetings would be implemented and if the September 19, 2022 minutes reflected his comments concerning the hazardous condition at the property adjacent to 7 Fernwood Dr, and the maintenance of the Scott Terrace retention basin.

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 29-2022 Adopting the 321 South Livingston Ave Distric Redevelopment Plan Pursuant to the Local Redevelopment and Housing Law 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 except Councilmember Fernandez who recused himself. Councilmember Klein explained that these redevelopment opportunities allow the Township to include language stipulating “green” building. 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

Ord 30-2022 Accepting A Drainage And Two Utility Easements From Kenny Praval On And Over That Certain Property Located On Lots 15.01, 15.02, And 15.04 On Block 5301 Commonly Known As 284 West Hobart Gap Road 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 October 17, 2022.

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

Resolutions:

Res 22-241 Accepting, Approving and /or Adopting the Consent Agenda

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 October 3, 2022 attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

*Res 22-242 Renewing Sustainable Energy Alliance Coop

WHEREAS, on September 18, 2017 the Township of Livingston ("Livingston") adopted Ordinance No. 19-2017 establishing a Government Energy Aggregation program in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 *et seq.* for the purpose of obtaining cleaner energy at as low a cost as possible for residential and business participants through a GEA program; and

WHEREAS, on April 3, 2018 the Township of Maplewood ("Maplewood") adopted Ordinance No. 2899-18 establishing a Government Energy Aggregation ("GEA") program in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 *et seq.*; and

WHEREAS, on June 1, 2020 Livingston adopted Ordinance No. 6-2020 reestablishing a Government Energy Aggregation ("GEA") program in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 *et seq.*; and

WHEREAS, on April 3, 2018 Maplewood adopted Resolution No. 78-18 establishing a Cooperative Pricing System referred to as the Sustainable Essex Alliance Energy Procurement Cooperative (SEAEPC) and authorizing Maplewood to serve as Lead Agency of the SEAEPC; and

WHEREAS, Livingston has determined that it will be advantageous to the residents of Livingston, as well as other participating municipalities, to jointly implement their Government Energy Aggregation programs through a joint purchasing initiative that will achieve economies of scale and attract increased attention of prospective bidding suppliers and, as a result, Livingston has determined that it is in the best interests of its residents to renew its membership in a cooperative pricing system with Maplewood for the purpose of purchasing

electric generation services including a renewable energy component and energy aggregation services for residents and potentially businesses; and

WHEREAS, on August 26, 2020, Livingston adopted Resolution No. R-20-184 authorizing Livingston to become a participating member of a Cooperative purchasing system named the Sustainable Essex Alliance Procurement Cooperative; and

WHEREAS, the member municipalities and Livingston has determined that Maplewood is best suited to serve as Lead Agency of the joint purchasing system; and

WHEREAS, the Lead Agency will from time to time during the Effective Period (from date of adoption through December 31, 2025 hereinafter referred to as "Effective Period") issue one or more Requests for Proposals ("RFPs") for electric generation services and energy aggregation services for residents of the Livingston and member municipalities of the cooperative pricing system, pursuant to Local Public Contract Law Regulations, the Government Energy Aggregation Act and applicable New Jersey Board of Public Utilities regulations pertaining to Government Energy Aggregation programs;

NOW, THEREFORE, BE IT RESOLVED that the Township of Livingston is hereby renewed as a participating member of a cooperative pricing system named the Sustainable Essex Alliance Energy Procurement Cooperative (SEAEPC) for the purpose of obtaining cleaner energy at as low a cost as possible for residential and business participants through a GEA program, and to submit an application to the Department of Community Affairs Division of Local Government Services for authorization to become a participating member of the SEAEPC, and for designation of the Township of Maplewood as Lead Agency of the SEAEPC; and,

BE IT FURTHER RESOLVED that Livingston, is hereby authorized to execute a renewal Agreement for a Cooperative Pricing System, with the Township of Maplewood ("Maplewood"), as Lead Agency of the Cooperative Pricing System, that authorizes Livingston's participation in the SEAEPC and delegates authority to Maplewood, as Lead Agency, to implement a RFP process for the purpose of purchasing electric generation services including a renewable energy component and energy aggregation services for residents of Livingston, on Livingston's behalf, pursuant to Local Public Contract Law Regulations, the Government Energy Aggregation Act and applicable New Jersey Board of Public Utilities regulations pertaining to Government Energy Aggregation programs; and be it.

BE IT FURTHER RESOLVED that Livingston shall not consider the authorization of Maplewood, as Lead Agency, to make an award of a contract to an electric power supplier on Livingston's behalf, unless and until a bid is received in response to an RFP that provides pricing for power supply for Livingston's participating residents that provides costs comparable to the cost of utility-supplier power, meets the renewable energy goals of Livingston and/or is otherwise in the best interests of participating residents, and that is otherwise in compliance with applicable law and regulations; and

BE IT FURTHER RESOLVED that any authorization by Livingston for Maplewood to enter into a specific award of contract will require a further resolution of the Livingston governing body; and

BE IT FURTHER RESOLVED that the authorization provided to the lead agent shall be valid until December 31, 2025 (the Effective Period) at which time the Cooperative Pricing System will be subject to renewal. Any rescission or expiration of this resolution shall not affect any Agreements entered into prior to such rescission or expiration.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage.

*Res 22-243 Authorizing Approval of Final CO With Underground Utilities Corp for the 2020 Eisenhower Pkwy Sanitary Sewer Improvements

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract) with Underground Utilities Corp. for the 2020 Eisenhower Parkway Sanitary Sewer Improvements; and

WHEREAS, the initial Contract was not to exceed One Million, Seven Hundred Thirty Nine Thousand, One Hundred Thirty One Dollars, and Twenty Cents (\$1,739,131.20); and

WHEREAS, due to changed field conditions including increased asphalt and lawn restoration and decreased rock excavation and traffic control, this final change order has been requested; and

WHEREAS, the final change order decreased the contract amount by 0.77% or \$13,381.94; and

WHEREAS, this Change Order has been recommended by Jeannette Harduby, Township Engineer and Barry Lewis, Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of the Final Change Order to the Contract with Underground Utilities Corp. for the 2020 Eisenhower Parkway Sanitary Sewer Improvements; 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.

*Res 22-244 Authorizing Applications for Loans from the NJ Environmental Infrastructure Financing Program

WHEREAS, the Township of Livingston intends to file applications with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the following projects:

- 0710001-001: Livingston PFAS Treatment – Phase A (Wells 1, 2, 4, 8 and 11)
- 0710001-002: Livingston PFAS Treatment – Phase B (Wells 10 and 12)
- 0710001-003: Dorsa Wells – PFAS and 1, 4-Dioxane Treatment

NOW, THEREFORE, BE IT RESOLVED, that Nathan Kiracofe, Township of Livingston Utility Engineer is authorized to act as the Authorized Representative to represent the Township of Livingston in all matters relating to the above projects undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loans to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust.

The Authorized Representative may be contacted at:

357 S. Livingston Avenue
Livingston, NJ 07039
(973) 992-5000, ext. #5506

*Res 22-245 Chapter 159 Insertion of Special Item of Revenue into the Budget

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount,

WHEREAS, the Treasurer certifies that the Township of Livingston has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2022 municipal budget,

Ann M. Cucci, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2022 as referenced below:

Revenue Title: Donation – Adv. Comm. Disabilities Amount: \$1,000.00

Appropriation Title: Donation – Adv. Comm. Disabilities Amount: \$1,000.00

Local Match - Source: _____ Amount: _____

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A 40A:4-87 this resolution has been duly adopted by the Mayor and governing body of the Township of Livingston and that one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

***Res 22-246 Authorizing Purchases Under Bergen County Cooperative Pricing System**

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 County Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Bergen County Cooperative Pricing System #CK04 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 County 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 Bergen County Cooperative Pricing System #CK04 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, 2022 or upon the expiration of the vendors' contract, whichever event first occurs.

Resolutions 22-242 through 22-246 were read by title. On motion duly made and seconded, and on roll call vote, all members present voted YES.

	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 will receive an addendum to the contract from Comcast that will provide approximately \$60,000 - \$75,000 to the Township for IT upgrades. On motion made and duly seconded, and on voice vote, the hearing was opened. There being no speakers, on motion duly made and seconded, and on roll call vote, all members present voted YES.

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

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 that the construction at the property adjacent to 7 Fernwood Dr is a hazard. Mr. Boxer also requested that the Township Council prepare a statement for the Scott Terrace Homeowner's Association that the Township will do the mowing at the Scott Terrace detention basin.

Karen and Josh Garland, 293 Eisenhower parkway, expressed their interest in opening up a retail cannabis establishment in Livingston and that they have a six-month conditional license and would like the Township to reconsider adopting an ordinance to allow cannabis in Livingston.

Justin Escher Alpert, 56 Amherst Pl, stated that there was a large active cannabis community in Livingston. Furthermore, he rebuffed the Conference meeting proposal to raise youth sport participation fees, and felt that since some other communities don't charge fees, neither should Livingston.

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

At 8:15 p.m., the Regular meeting was adjourned.

EDWARD MEINHARDT, Mayor

CAROLYN MAZZUCCO, RMC Township Clerk