

The Regular Meeting of the Township Council of the Township of Livingston was held at 357 S Livingston Ave, Livingston, NJ on the above date at 7:30 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 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 Deputy Township Clerk Peterson.

Moment of Silence and Pledge of Allegiance

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

Mayor Meinhardt announced that Resolution 22-274, Authorizing a Developer's Agreement with 630 W Mt Pleasant Ave, will be removed from tonight's November 21, 2022 Regular Agenda. He thanked all who were involved in the inter-faith service at the Presbyterian Church last night and wished everyone a happy and meaningful Thanksgiving.

Proclamations & Presentations

- 1) HS Senior Charity – Jack Aromando. The Mayor and Council members applauded the LHS student's charitable efforts in donating to people in need, and Jack added that he loves helping people and making them happy.
- 2) Liliana Branquinho – The Mayor and Council members proclaimed November 21, 2022 as "Liliana Branquinho Day", in honor of her tremendous work with the senior citizen community as well as other community initiatives in the Township during the past 11 ½ years. Liliana is leaving the Township for another career opportunity at the end of the month.

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) November 14, 2022 Regular and Conference Meeting Minutes
- 2) November 14, 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.

Justin Escher Alpert, 56 Amherst Pl, inquired if the three (3) Resolutions concerning 21 and 25 E Northfield and 521 S Livingston Ave could be removed from the Consent Agenda and discussed separately with public comment. Mayor Meinhardt concurred to remove them from the Consent Agenda for separate discussion.

There being no more speakers, 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

There were none.

Introduction of Ordinances

There were none.

Resolutions:

Mayor Meinhardt pulled Resolution 22-274 “Authorizing a Developer’s Agreement with 630 W Mt Pleasant Ave” from tonight’s November 21, 2022 Regular Agenda.

Mayor Meinhardt stated that Resolutions 22-275, 22-276, and 22-277 will be considered separately for discussion and vote.

Res 22-270 Resolution Accepting, Approving and/or Adopting the Consent Agenda of November 21, 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 November 21, 2022 attached hereto, which are preceded by an “*” are the Consent Agenda and are hereby accepted, approved and/or adopted.

*Res 22-271 RESOLUTION ESTABLISHING VARIOUS FEES FOR THE DEPARTMENT OF SENIOR, YOUTH AND LEISURE SERVICES

WHEREAS, pursuant to Sections 2-91 through 2-93 of the Township Code, the Township Council is authorized to set and establish program fees, swimming pool fees and facility rental fees; and

WHEREAS, the Township Manager and the Director of the Department of Senior, Youth and Leisure Services have reviewed the current program and other fees as well as the cost of providing the various programs, and have recommended certain adjustments to the fees; and

NOW THEREFORE, as authorized by Sections 2-9 through 2-93 of the Township Code, the fees and charges set forth on the attached Exhibit A are hereby adopted effective January 1, 2023.

*R-22-272 RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of Livingston has determined that its Sixty-Two (62) Solar Renewable Energy Certificates are no longer needed for public use; and

WHEREAS, the Township of Livingston intends to utilize the online auction services of www.flettexchange.com; and

WHEREAS, the sale is being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15; 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 the Township of Livingston is hereby authorized to sell its Sixty-Two (62) solar renewable energy certificates on an online auction website entitled www.flettexchange.com.

*Res 22-273 Resolution Authorizing a Contract with Enterprise Fleet Management, Inc.

WHEREAS, the Township of Livingston ("Township") has the need to lease vehicles for municipal purposes including a maintenance program, specifically for the following; and

1. Six (6) 2022 Ford Escape SE
2. One (1) 2022 Ford F-150
3. Two (2) 2002 Chevrolet Tahoe
4. Three (3) 2002 Ford Ranger
5. One (1) 2023 GMC Sierra 3500 HD

WHEREAS, P.L. 2011, c. 139 authorizes a municipality to use a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit with the State of New Jersey or within any other State; and

WHEREAS, the Township of Livingston is a member of the Sourcewell purchasing cooperative; and

WHEREAS, the Township of Livingston requested pricing from Enterprise Fleet Management, Inc. through Sourcewell for leasing vehicles; and

WHEREAS, Enterprise Fleet Management, Inc.'s proposal meets all of the Township's requirements and complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq.; and

WHEREAS, the Township Manager has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Enterprise Fleet Management, Inc.; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds will be budgeted for five years based on the terms of the lease.

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 lease the vehicles as described above through Sourcewell National Cooperative Contract Number 030122-EFM through Enterprise Fleet Management, Inc.

Resolutions 22-271 through 22-273 were read by title. On motion duly made and seconded, and on roll call vote, all members present voted YES. Resolutions 22-271 through 22-273 were adopted.

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

Res 22-275 RESOLUTION DESIGNATING THE PROPERTY IDENTIFIED ON THE TAX RECORDS AS BLOCK 2700, LOTS 50, 51 AND 52, COMMONLY KNOWN AS 21 AND 25 EAST NORTHFIELD ROAD AND 521 SOUTH LIVINGSTON AVENUE, AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitute an area in need of redevelopment; and

WHEREAS, on April 25, 2022, by Resolution No. 22-142, and in accordance with the provisions of the Redevelopment Law, the Township Council of the Township of Livingston, in the County of Essex, New Jersey (the "Township Council") authorized and directed the Planning Board of the Township of Livingston (the "Planning Board") to conduct an investigation of certain property identified on the tax maps of the Township of Livingston as Block 2700, Lots 50, 51 and 52 commonly known as 21 and 25 East Northfield Road and 521 South Livingston Avenue (the "Study Area"), and to determine whether all or a portion of the Study Area meets criteria set forth in the Redevelopment Law, N.J.S.A. 40A:12A-5, to be designated as a non-condemnation redevelopment area in accordance with the Redevelopment Law, N.J.S.A. 40A:12A-6; and

WHEREAS, by Resolution No. 22-142, the Township Council authorized Beacon Planning and Consulting Services LLC (the "Planning Consultant") to conduct an investigation to determine whether the Study Area should be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, the Planning Board received a report setting forth the basis for the investigation prepared by the Planning Consultant, entitled, "East Northfield Road and South Livingston Avenue Redevelopment Area Assessment Livingston Township, New Jersey" dated June 2022, concerning the determination of the Study Area as an area in need of redevelopment (the "Report"); and

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to a determination whether the Study Area should be designated as a non-condemnation area in need of redevelopment, at which hearing the Planning Board shall

hear all persons who are interested in or would be affected by a determination that the property is an area in need of redevelopment; and

WHEREAS, on August 16, 2022, the Planning Board reviewed the Report, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which members of the general public were given an opportunity to present their own evidence and/or to cross-examine the Planning Consultant, and to address questions to the Planning Board and its representatives, concerning the potential designation of the Study Area as an area in need of redevelopment; and

WHEREAS, after the conclusion of the public hearing described above, and as memorialized in a Memorandum of the Planning Board, the Planning Board voted to adopt and accept the recommendation contained in the Report, and to recommend that the Study Area be declared a non-condemnation area in need of redevelopment, in accordance with the Redevelopment Law, and for the reasons set forth in the Report; and

WHEREAS, the Township Council agrees with the conclusion of the Planning Board that the Study Area satisfies the criterion for redevelopment area designation set forth in the Redevelopment Law and finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Township Council now desires to designate the Study Area as a non-condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6, such designation authorizing the Township and Township Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, in the County of Essex, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The recommendations and conclusions of the Planning Board are hereby accepted by the Township Council.

Section 3. Based upon the findings and recommendations of the Planning Board, the Study Area is hereby designated as a "Non-Condensation Redevelopment Area" as referenced in the Redevelopment Law. The designation of the Study Area as a "Non-Condensation Redevelopment Area" shall authorize the Township to exercise all powers under the Redevelopment Law except the power of eminent domain.

Section 4. In accordance with the Redevelopment Law, the Township Council hereby directs the Municipal Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs and to all record owners and person(s) who filed a written objection with respect to the herein designation.

Section 5. If any part of this resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this resolution.

Section 6. A copy of this resolution shall be available for public inspection at the offices of the Municipal Clerk.

Section 7. This resolution shall take effect immediately.

Res 22-276 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON APPROVING AND AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH MG PROPERTY ONE, LLC, TO PROVIDE FOR THE FUNDING OF REDEVELOPMENT ACTIVITIES ON BLOCK 2700, LOTS 50, 51 AND 52 IN THE TOWNSHIP OF LIVINGSTON

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the Township of Livingston (the "Township") constitute areas in need of redevelopment; and

WHEREAS, on April 25, 2022 by Resolution No. 22-142, in accordance with the provisions of the Redevelopment Law, the Township Council of the Township of Livingston (the "Township Council") authorized the preliminary investigation of conditions of certain property within the Township, identified as Block 2700, Lots 50, 51 and 52, commonly known as 531 S. Livingston Avenue and also known as 25 E. Northfield Road, 521 S. Livingston Avenue, and unnumbered parcel located on E. Northfield Road and S. Livingston Avenue, respectively (hereinafter the "Property"), to determine whether the Property meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment; and

WHEREAS, after notice and hearing by the Planning Board in accordance with the provisions of the Redevelopment Law, the Township Council designated the Property as a non-condemnation area in need of redevelopment (the "Redevelopment Area"); and

WHEREAS, MG Property One, LLC (and its successors and assigns, including an affiliated urban renewal entity, the "Developer") is interested in redeveloping the Property; and

WHEREAS, the Developer has agreed to fund certain Township costs, including but not limited to those relating to the adoption of a redevelopment plan for the Redevelopment Area, or Redevelopment Area if so designated pursuant to the Redevelopment Law, and negotiation and execution of a redevelopment agreement for the construction of a project on the Property (the "Project"); and

WHEREAS, the Township and Developer have negotiated the terms of a funding agreement (the "Funding Agreement"), a copy of which is on file with the Township Clerk, to provide for the funding of redevelopment activities, including all planning and legal costs incurred to date and from this date forward, costs to prepare a redevelopment plan for the Redevelopment Area, costs to negotiate a redevelopment agreement between the Parties and other costs associated with the redevelopment of the Property, in order to establish a mechanism for the provision of sufficient funds so that the undertaking of such work causes no financial hardship to the Township; and

WHEREAS, in consideration for such funding the Township shall enter into exclusive negotiations with the Developer for the aforementioned purposes,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Township Council hereby approves the Funding Agreement with MG Property One, LLC in substantially the form on file with the Township Clerk for the purposes recited above and set forth in the Funding Agreement.

Section 3. The Mayor and/or Township Manager are hereby authorized to execute the Funding Agreement on behalf of the Township, with such modifications, deletions or

additions as deemed necessary in consultation with Redevelopment Counsel to the Township.

Section 4. This Resolution shall take effect immediately.

Res 22-277 RESOLUTION OF THE TOWNSHIP OF LIVINGSTON AUTHORIZING THE PREPARATION OF A REDEVELOPMENT PLAN FOR BLOCK 2700, LOTS 50, 51 AND 52, COMMONLY KNOWN AS 21 AND 25 EAST NORTHFIELD ROAD AND 521 SOUTH LIVINGSTON AVENUE

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the Township of Livingston (the "Township") constitute areas in need of redevelopment; and

WHEREAS, on April 25, 2022, by Resolution No. 22-142, and in accordance with the provisions of the Redevelopment Law, the Township Council of the Township of Livingston, in the County of Essex, New Jersey (the "Township Council") authorized and directed the Planning Board of the Township of Livingston (the "Planning Board") to conduct an investigation of certain property identified on the tax maps of the Township of Livingston as Block 2700, Lots 50, 51 and 52 commonly known as 21 and 25 East Northfield Road and 521 South Livingston Avenue (the "Study Area"), and to determine whether all or a portion of the Study Area meets criteria set forth in the Redevelopment Law, N.J.S.A. 40A:12A-5, to be designated as a non-condemnation redevelopment area in accordance with the Redevelopment Law, N.J.S.A. 40A:12A-6; and

WHEREAS, by Resolution No. 22-142, the Township Council authorized Beacon Planning and Consulting Services LLC (the "Planning Consultant") to conduct an investigation to determine whether the Study Area should be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, the Planning Board received a report setting forth the basis for the investigation prepared by the Planning Consultant, entitled, "East Northfield Road and South Livingston Avenue Redevelopment Area Assessment Livingston Township, New Jersey" dated June 2022, concerning the determination of the Study Area as an area in need of redevelopment (the "Report"); and

WHEREAS, on August 16, 2022, the Planning Board reviewed the Report, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which members of the general public were given an opportunity to present their own evidence and/or to cross-examine the Planning Consultant, and to address questions to the Planning Board and its representatives, concerning the potential designation of the Study Area as an area in need of redevelopment; and

WHEREAS, based on the recommendation of the Planning Board and in accordance with the criteria set forth in the Redevelopment Law, the Township Council designated the Study Area as a non-condemnation area in need of redevelopment (hereinafter, the "Redevelopment Area"); and

WHEREAS, to carry out its powers under the Redevelopment Law, the Township has a need for professional planning and engineering services in connection with the redevelopment of the Redevelopment Area; and

WHEREAS, the Planning Consultant possesses the experience and qualifications to perform professional planning consultant services; and

WHEREAS, by Resolution 22-71 adopted January 10, 2022, pursuant to a request for proposals for professional planning consultant services issued in accordance with applicable law, the Township awarded a contract to the Planning Consultant to provide professional planning consultant services to the Township for a contract term of January 1, 2022 through December 31, 2022; and

WHEREAS, the Township desires to authorize the Planning Consultant to prepare one (1) or more redevelopment plans for the Redevelopment Area; and

WHEREAS, funds shall be available for this purpose pursuant to the existing contract for professional services by and between the Planning Consultant and the Township and/or pursuant to funding agreement(s) with the Township applicable to the Redevelopment Area (or portion(s) thereof),

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Township Council hereby authorizes the Planning Consultant to prepare one (1) or more redevelopment plans for the Redevelopment Area. The Planning Consultant shall prepare the redevelopment plan(s) when and as directed by the Township.

Section 3. A copy of this resolution, the Planning Consultant's contract, the Planning Consultant's completed Business Disclosure Entity Certification and Political Contribution Disclosure Form, and if applicable the relevant funding agreement shall be available for public inspection at the offices of the Township.

Section 4. This Resolution shall take effect immediately.

Mayor Meinhardt stated that Resolutions 22-275 through 22-277 would be read together by title, and added that they do not constitute any type of PILOT (Payment In Lieu Of Taxes) program. Councilmember Klein noted that these Resolutions protect the Township and enable the Township to initiate involvement in the project. Councilmember Fernandez added that these Resolutions create a legally binding agreement that is enforceable. Township Manager Lewis advised that these Resolutions provide the Township with additional tools to find solutions for development of this property.

On motion duly made and seconded, and on voice vote, all members present voted YES for Resolutions 22-275 through 22-277 to be voted on together.

Resolutions 22-275 through 22-277 were read by title.

Justin Alpert questioned the non-condemnation status of the property. Township Attorney Kantor stated that another study could be done if needed, and Councilmember Fernandez mentioned there have been discussions on the benefits of identifying the property as such.

On motion duly made and seconded, and on roll call vote, all members present voted YES. Resolutions 22-275 through 22-277 were adopted.

	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.

Justin Escher Alpert, 56 Amherst Pl, said that he is looking forward to hearing the vision for the four corners at Northfield and Livingston and that this is a beneficial opportunity for the community. He asked that all materials for the Conference Agenda are disclosed to the public as is done with the Regular Agenda, in an effort to improve transparency.

Carrie Parikh, 2 Fredon Dr. advocated for the public participating in choosing the next Mayor of Livingston, including a public hearing in which residents can offer their opinions before a vote by the Council members.

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

ELIZABETH PETERSON, Deputy Township Clerk