

A. Reading of the Sunshine Statement

B. Quorum Roll Call

C. Moment of Silence

D. Pledge of Allegiance

E. Proclamations & Presentations

- 1) Essex County Updates - Eileen Fishman

F. Communications

- 1) Letter from Jerome Dreskin, 34 Heron Rd Packet

G. Approval of Minutes, Pending Any Corrections

- 1) January 24, 2022 Regular Meeting Minutes Packet
- 2) January 24, 2022 Closed Session Minutes (1st and 2nd) Packet

H. Legal Fees

- 1) Antonelli Kantor Tax Services (December 2021) Packet
- 2) Antonelli Kantor General Services (December 2021) Packet

I. New Business

- 1) Electronics Recycling Box Drop-off Packet
- 2) Community Library Packet
- 3) Sale of Surplus (Trucks) Packet
- 4) Professional Engineering and Permitting - Stream Cleaning Packet
- 5) Emergency Contract - Pump Replacement Well #'s 15 & 9 Packet
- 6) NJ I-Bank Funding Assistance for PFAS Packet
- 7) Bond Counsel Services - 2022 Packet
- 8) Draft Filming Ordinance Packet
- 9) Upcoming Council Calendar Invitations

J. Public Comment on Agenda Items Only (4 minute time limit)

K. Passage of Ordinances

Final Hearing / 2nd Reading Ordinances:

- 3-2022 Approving the Application for a Long-Term Tax Exemption and Authorizing the Execution of a Financial Agreement with Insite Development Livingston Urban Renewal, LLC Packet

Introduction:

L. Consent Agenda for Resolutions: Res 22-086

“All matters listed with an asterisk (*) are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a member of the governing body so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the general orders.”

- | | | |
|-------------|--|--------|
| *Res 22-087 | Authorizing the Township of Livingston to Accept a Subgrant Award of the Federal Fiscal year 2021 of Emergency Management Performance Grant and Emergency Management Agency Assistance | Packet |
| *Res 22-088 | Authorizing Disposition of Surplus | Packet |
| *Res 22-089 | Authorizing a Award of a Contract to Christopher P Statile, PA | Packet |
| *Res 22-090 | Authorizing Purchases Under Bergen Cty Cooperative Pricing System | Packet |
| *Res 22-091 | Authorizing the Award of a Contract to Mott MacDonald, LLC | Packet |
| *Res 22-092 | Authorizing the Award of a Contract to Gibbons, P.C. | Packet |
| *Res 22-093 | Authorizing an Emergency Contract with William Stothoff Company, Inc. | Packet |

N. Reports of Township Officials / Professionals

O. Council Reports (7 minute limit, extension of time may be granted by Chair)

P. Mayor's Report

Q. Public portion (On any subject - 3 minute time limit)

R. Executive (Closed) Session: R-22-094

- 1) Affordable Housing (Attorney-Client Privilege)
- 2) Meade Litigation Update (Attorney-Client Privilege)

S. Adjournment

**Welcome to the Livingston Township Council Meeting
February 7, 2022 at 7:00 pm**

STATEMENT OF COMPLIANCE WITH THE SUNSHINE LAW N.J.S.A. 10:4-10

This meeting is being held in accordance with the Open Public Meetings Act and adequate notice of this meeting has been provided as required by law. Specifically, the annual notice was faxed to the West Essex Tribune and the Star Ledger on January 6, 2022. "48-hr. Notice" was emailed to the West Essex Tribune and Star-Ledger on January 31, 2022 and posted on the Livingston Township website. The Agenda and Resolutions for the meeting are available on www.livingstonnj.org. Certain portions of this meeting may be closed to the public for the purpose of personnel and/or other matters as outlined in the "Sunshine Law." Decisions made and/or discussed in Closed Session will be made known to the public at a later time.

Notice to members of the governing body and Township staff: Any use of electronic devices during this meeting shall be used solely for the purposes of Township business and any communications are subject to the Open Public Records Act.

This evening's Township of Livingston Council meeting will be livestreamed via Facebook at <https://www.facebook.com/LivingstonTownshipNJ>. Anyone who wishes to speak during the Public Comment section and/or the Public Hearing may comment by either accessing the zoom link which was notice and advertised; or by calling one of the dial in numbers as listed in the notice. [(312) 626-6799, (646) 558-8656, (301) 715-8592, (346) 248-7799, (669) 900-9128, (253) 215-8782] .

If attending the webinar online, please raise your hand by utilizing the hand signal on the zoom screen and the host will allow you to speak on a first come/ first serve basis. If you are attending by telephone, you must select *9 to seek permission to speak.

Questions or comments will also be accepted by emailing livcomments@livingstonnj.org . Each speaker should follow the rules of order in Livingston code §2-15.

Zoom Meeting Information

Webinar Link: <https://us02web.zoom.us/j/85636091871?pwd=VTBGOTY2b3FibHRLQjVtMnRyUFFEUT09>

Webinar ID: 856 3609 1871

Passcode: 627644

ORDINANCE NO. 3-2022

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON,
COUNTY OF ESSEX, NEW JERSEY APPROVING THE
APPLICATION FOR A LONG-TERM TAX EXEMPTION
AND AUTHORIZING THE EXECUTION OF A
FINANCIAL AGREEMENT WITH INSITE
DEVELOPMENT LIVINGSTON URBAN RENEWAL, LLC**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended from time to time (the “**Redevelopment Law**”), provides a process for municipalities, such as the Township of Livingston (“**Township**”), to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the municipal council (the “**Township Council**”) must authorize the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the area and make recommendations to the Township Council; and

WHEREAS, by Resolution No. 20-69 adopted on January 27, 2020, the Township Council designated certain properties within the Township, including the parcel identified as Block 100, Lot 2 on the tax maps of the Township, commonly known as 644 Route 10 (the “**Property**” or “**Block 100, Lot 2**”), as an area in need of rehabilitation; and

WHEREAS, on November 23, 2020, the Township Council adopted Resolution 20-222 authorizing and directing the Planning Board to conduct an investigation of Block 100, Lot 2 and Block 100, Lot 3 (the “**Study Area**”), and authorizing Beacon Planning and Consulting Services, LLC (“**Planning Consultant**”) to prepare a report, to determine whether the Study Area 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, which designation would authorize the Township and Township Council to use all those powers permitted by the Redevelopment Law, other than the power of eminent domain; and

WHEREAS, by Resolution No. 21-083 adopted on January 25, 2021, the Township Council authorized the Planning Consultant to prepare a redevelopment plan for Block 100, Lot 2, on the basis of its designation as an area in need of rehabilitation, entitled the “644 NJSH Route 10 Overlay District Redevelopment Plan” (as may be amended from time to time, the “**Redevelopment Plan**”); and

WHEREAS, on January 25, 2021, the Township Council adopted Resolution 21-084 in accordance with *N.J.S.A. 40A:12A-7* referring the Redevelopment Plan to the Planning Board for its review and recommendation; and

WHEREAS, in accordance with the Redevelopment Law, on February 2, 2021, the Planning Board reviewed the Redevelopment Plan and found the Redevelopment Plan to be in substantial compliance with the Township’s Master Plan; and

WHEREAS, in accordance with the Redevelopment Law, upon review of the Planning Board's recommendation, by Ordinance 3-2021 adopted on February 8, 2021 the Township Council adopted the Redevelopment Plan on the basis of the Property's designation as an area in need of rehabilitation to ensure redevelopment of the Property in conformity with the Township's redevelopment objectives; and

WHEREAS, on February 16, 2021, the Planning Board held a public hearing in accordance with *N.J.S.A.* 40A:12A-6 at which it reviewed the findings of a report prepared by the Planning Consultant entitled "630 and 644 Redevelopment Area Assessment Livingston Township, New Jersey" dated January, 2021 (the "**Redevelopment Study**") which determined that the Study Area met the criteria for designation as an "area in need of redevelopment" under the Redevelopment Law, and adopted a resolution which endorsed the findings of the Redevelopment Study and recommended to the Township Council, pursuant to *N.J.S.A.* 40A:12A-6, that the Study Area be designated as an "area in need of redevelopment"; and

WHEREAS, in accordance with the Redevelopment Law, by Resolution 21-098 adopted on February 22, 2021, the Governing Body designated certain properties, including the Property, as an "area in need of redevelopment" without the power of eminent domain (the "**Redevelopment Area**"), pursuant to which the Property was made and shall continue to be subject to the Redevelopment Plan; and

WHEREAS, the Township Council is the designated "redevelopment entity," as such term is defined in the Redevelopment Law at *N.J.S.A.* 40A:12A-3, for the Redevelopment Area, with full authority to exercise the powers contained in the Redevelopment Law to facilitate and implement the development of the Redevelopment Area; and

WHEREAS, Insite Development Livingston Urban Renewal, LLC (the "**Entity**") is the designated redeveloper of the Property and is redeveloping the Property with a redevelopment project consisting of the construction of a self-storage facility, together with all related on-site and off-site improvements and any additional work incidental thereto, all in accordance with the Redevelopment Plan (the "**Project**"); and

WHEREAS, the Township has determined that the Entity meets all necessary criteria, including financial capabilities, experience and expertise, and, as a result, entered into a redevelopment agreement with the Entity dated July 1, 2021 (the "**Redevelopment Agreement**"), to effectuate the redevelopment of the Property; and

WHEREAS, the Project will conform to all applicable municipal zoning ordinances as amended by the Redevelopment Plan and will be in conformance with the Master Plan of the Township; and

WHEREAS, the Entity filed: (1) the application attached hereto as Exhibit A (the "**Application**") seeking a tax exemption and approval of an urban renewal project; and (2) a form of financial agreement, pursuant to the Long Term Tax Exemption Law, *N.J.S.A.* 40A:20-1 *et seq.* (the "**LTTE Law**"); and

WHEREAS, the Township Council has determined that the Project represents an undertaking permitted by the LTTE Law, and has further determined that the Project is an improvement made for the purposes of clearance, replanning, development or redevelopment of an area in need of redevelopment within the Township, as authorized by the LTTE Law; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the Township seeks to enter into the Financial Agreement in the form attached hereto as Exhibit B (the “**Financial Agreement**”), which shall govern the terms of the tax exemption for the Project and the Annual Service Charge (as defined in the Financial Agreement) to be paid to the Township in lieu of conventional taxation; and

WHEREAS, the Township has made the following findings:

1. An estimated Annual Service Charge will be generated upon completion of the Project under the terms of the Financial Agreement. Upon expiration of the exemption, the Project will be fully assessed and conventionally taxed;
2. In light of market conditions and other factors currently impacting investment risk, it is not financially feasible to undertake the development of the Project in the absence of the tax exemption provided by the Financial Agreement;
3. The Project will create both temporary construction jobs and permanent jobs; and
4. The Project will revitalize the Redevelopment Area as the Property has been underutilized for several years; and
5. Given the scale of the Project and the risks associated with new construction development, without the exemption, the Entity would likely not have developed the Project; and
6. The Project is consistent with the Redevelopment Plan, will further its objectives, and will contribute to the economic growth of the Township; and

WHEREAS, the Township Manager has submitted the Application and Financial Agreement to the Township Council with a recommendation for approval (the “**Recommendation Letter**”), which Recommendation Letter is on file with the Township Clerk.

NOW, THEREFORE, BE IT ORDAINED 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 Application and the Financial Agreement are hereby approved.
- Section 3.** An exemption from taxation as set forth in the Application is hereby granted to the Entity with respect to the Project on the Property for the term set forth in the

Financial Agreement; provided that in no event shall the tax exemption exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement or (ii) to the extent permitted by *N.J.S.A.* 40A:20-12, thirty (30) years from the Entity's receipt of a Certificate of Occupancy for the Project and only so long as the Entity remains subject to and complies with the Financial Agreement and the LTTE Law and any other agreement related to the Project or the Property; and provided further, that in no event shall the Annual Service Charge, for every year the property tax exemption is in effect, be less than the total taxes levied against the Property in the last full tax year it was subject to taxation.

Section 4. The Mayor, Deputy Mayor, and/or Township Manager, in consultation with counsel to the Township, are hereby authorized to execute and/or amend, modify or make such necessary changes to the Application, the Recommendation Letter, the Financial Agreement and any other agreements or documents necessary to effectuate this ordinance and the Financial Agreement.

Section 5. The Entity shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the Financial Agreement.

Section 6. This ordinance shall take effect in accordance with all applicable laws.

Ed Meinhardt, Mayor

Glenn R. Turtletaub, Township Clerk

Introduced: January 24, 2022
Adopted:

EXHIBIT A

Application for Long Term Tax Exemption

EXHIBIT B

Form Financial Agreement

**RESOLUTION
TOWNSHIP OF LIVINGSTON**

**Accepting, Approving and/or Adopting the
Consent Agenda of February 7, 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 February 7, 2022 attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Glenn R. Turtleaub, Township Clerk

Adopted: 2/07/22

Livingston Township
County of Essex

Resolution Authorizing the Township of Livingston to Accept a Subgrant Award of the Federal Fiscal Year 2021 of Emergency Management Performance Grant and Emergency Management Agency Assistance

WHEREAS, the Township of Livingston Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY21-EMPG-EMAA 0710 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Township of Livingston will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2021 to June 30, 2022; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the Township of Livingston Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

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

1. That the Council accepts the award of the FFY21 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolutions shall be forwarded to the New Jersey State Police, Office of Emergency Management, the City Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

I HEREBY CERTIFY that the foregoing is a correct and true copy of a resolution adopted by the Livingston Township Council at a meeting duly held on February 7, 2021.

Glenn R. Turtletaub Township Clerk

Adopted: February 7, 2022

AUTHORIZING DISPOSITION OF SURPLUS

WHEREAS, the Township of Livingston is the owner of certain personal property described on the attached Schedule A and which is no longer needed for public purposes; and

WHEREAS, the condition of the items are such that they are not saleable and can be junked; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston that said property listed in the attached schedule shall be junked.

Adopted:
February 7, 2022

Glenn R. Turtletaub, Township Clerk

Schedule A

Department	Item	QTY	Make	Model	Serial / VIN Number
DPW	Vehicle	1	2001 Ford	F250 Super Duty	1FTNF21L31EA86742
DPW	Vehicle	1	2002 Ford	F250 Super Duty	1FTNF21L62EB82950

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO CHRISTOPHER P. STATILE, P.A.

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for stream cleaning 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 stream cleaning; and

WHEREAS, the Township of Livingston received two proposals; and

WHEREAS, Christopher P. Statile, P.A. submitted the lowest price proposal; and

WHEREAS, Christopher P. Statile, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Christopher P. Statile, P.A. 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 Christopher P. Statile, P.A. from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Engineer and Township Manager are recommending the award of a contract to Christopher P. Statile, P.A. to provide professional engineering services for stream cleaning as required by the Township in an amount not to exceed \$102,000.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-04-55-021-030-B04; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Christopher P. Statile, P.A. in an amount not to exceed \$102,000.00 as described herein.

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.

Adopted:
February 7, 2022

Glenn R. Turtleaub, Township Clerk

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.

Adopted:
February 7, 2022

Glenn R. Turtletaub, Township Clerk

Referenced Bergen County Cooperative Pricing System Vendors

R-22-090

Commodity/Service	Vendor	Contract #
Commercial/Grounds Maintenance Equipment & Accessories / Catalog	Storr Tractor Company	20-03
Computer Equipment & Peripherals	Gold Type Business Machines, Inc.	19-34
Computer Equipment & Peripherals	SHI International Corp.	19-34
Snap-On Tools and Equipment	Snap-On Industrial	18-42

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MOTT MACDONALD, LLC

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the NJ I-Bank assistance for PFAS treatment projects 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 Mott MacDonald, LLC has provided engineering services in prior years and has performed in a satisfactory manner; and

WHEREAS, Mott MacDonald, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald, 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 Mott MacDonald, LLC 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 Mott MacDonald, LLC to provide professional engineering services for the NJ I-Bank assistance for PFAS treatment projects as required by the Township in an amount not to exceed \$50,000.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-020-012-C01; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Mott MacDonald, LLC in an amount not to exceed \$50,000.00 as described herein.

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.

Adopted:
February 7, 2022

Glenn R. Turteltaub, Township Clerk

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO GIBBONS P.C.

WHEREAS, the Township of Livingston ("Township") has the need to acquire Bond Counsel Services pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, on November 1, 2021, the Township of Livingston issued RFP No. 15-2021 as a fair and open process, to solicit proposals from firms experienced performing bond counsel services; and

WHEREAS, the request for proposals ("RFP") was advertised on the Township of Livingston website on November 1, 2021, and as a result nine (9) rfp packages were requested; and

WHEREAS, on November 23, 2021, four (4) proposals were received by the rfp deadline and publicly read; and

WHEREAS, in accordance with the selection criteria established in the rfp, the proposals were evaluated for management criteria, technical criteria, past experience and performance, and financial considerations; and

WHEREAS, Gibbons P.C. submitted a proposal that meets all of the requirements of the RFP, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., and is the most advantageous to the Township; and

WHEREAS, the Chief Financial Officer and Township Manager are recommending the award of a contract to Gibbons P.C. to provide Bond Counsel services in an amount not to exceed \$30,000.00; 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.

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 Gibbons P.C. for the period February 7, 2022 through December 31, 2022 in an amount not to exceed \$30,000.00.

Adopted:
February 7, 2022

Glenn R. Turtletaub, Township Clerk

RESOLUTION AUTHORIZING AN EMERGENCY CONTRACT WITH WILLIAM STOTHOFF COMPANY, INC.

WHEREAS, the Township Manager has identified the immediate need for well numbers 15 and 9 pump replacements; and

WHEREAS, pump replacements are 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 well numbers 15 and 9 pump replacements 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, William Stothoff Company, Inc. submitted a quote of \$32,990.30; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-019-007-002.

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 William Stothoff Company, Inc. for well numbers 15 and 9 pump repairs in an amount not to exceed \$32,990.30.

Adopted:
February 7, 2022

Glenn R. Turtleaub, Township Clerk

**TOWNSHIP OF LIVINGSTON
ESSEX COUNTY, NEW JERSEY**

RESOLUTION to go into Closed Session

WHEREAS: the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS: the Township Council is of the opinion that such circumstances presently exist; and

WHEREAS: the Township Council wishes to discuss:

- 1) Affordable Housing (Attorney-Client Privilege)
- 2) Meade Litigation Update (Attorney-Client Privilege)

WHEREAS: minutes will be kept, and once the matter involving the confidentiality of the above no longer requires confidentiality, the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Livingston that the public be excluded from this meeting.

Glenn R. Turtletaub, Township Clerk

Adopted: February 7, 2022