Meeting #4 Regular
Livingston Township Council
Livingston Town Hall—357 S. Livingston Avenue—7:30 p.m.

Notice of this meeting has been given in accordance with the "Open Public Meetings Law."
"Annual Notice" was faxed to the West Essex Tribune and the Star-Ledger on January 2, 2020.

Statement of Decorum
Pursuant to Township Code Section 2-15, while the Township Council is in session, any person
who desires to address the Council must first be recognized by the presiding officer. Recognized speakers
must make their statements within six cumulative minutes, unless such time is extended by the Council.
Appropriate decorum is to be observed at all times.

1. Roll Call

2. Silent Meditation and Pledge of Allegiance

3. Presentations
   a) Karen Garber
   b) Trudi Fredersdorf

4. Essex County Update/Questions

5. Public Comments on Agenda Items

6.* Resolution - Consent Agenda [Includes All Items Marked **] R-20-82

7.* Approval of Minutes
   a) February 3, 2020

8.* Approval of Licenses

9. Final Hearing Ordinances
   a) Ord. 3-2020 Amending and Supplementing Chapter 29 Traffic and Parking
   b) Ord. 4-2020 Amending and Supplementing Chapter 316 Water by Adding an Amended Section Special Permit
      from Division of Water and Sewers
   c) Ord. 5-2020 Bond Ordinance Providing an Appropriation of $2,600,000 for the Acquisition of Real Property to Preserve Open Space
      and Authorizing the Issuance of $2,400,000 in Bonds or Notes of the Township for Financing Part of the Appropriation

10. Proposed Ordinances

11. Resolutions
   a) R-20-81 Approving Collective Negotiation Agreement with Communication Workers of America AFL-CIO Local 1031
   b) R-20-83 Approving Annual Budget for Livingston Community Partnership Corporation (BID)-2020
   c) R-20-84 Auth. Disposition of Surplus Property
   d) R-20-85 Auth. Contract with Stanziaie Construction, LLC
   e) R-20-86 Auth. Contract with Matrix New World Engineering, Inc.
   f) R-20-87 Auth. Contract to Associated Appraisal Group, Inc.
   g) R-20-88 Auth. Contract with Northeast Roof Maintenance
   h) R-20-89 Auth. Approval of Change Order 1 and Final with DeMaio Electrical Co., Inc.
   i) R-20-90 Auth. The Filing of an Essex County Open Space and Historic Preservation Grant
   j) R-20-91 Auth. Awarded of Contract to Preferred Planning Group, LLC
   k) R-20-92 Transfer 2019 Appropriation Reserves
   l) R-20-93 Authorizing Planning Board to Conduct a Preliminary Investigation

12. Public Comment

13. Recess
RESOLUTION

Accepting, Approving and/or Adopting the Consent Agenda of February 24, 2020

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 24, 2020, attached hereto, which are preceded by an “*” are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approved as to form: Rufino Fernandez, Jr. Mayor

Sharon L. Weiner
Township Attorney

Glenn R. Turtletaub, Township Clerk

Adopted: 2/24/20
BE IT ORDAINED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey, as follows:

**Bold and italicized language is added**

[Bracketed language is deleted.]

SECTION 1. 29-8. Left Turns. The driver of any vehicle shall not turn such vehicle as to make a left turn at any time at the following locations:

Location:

[West on Dogwood Drive to south on Old Short Hills Road.]

SECTION 2. 29-9.4. Right Turns Only. The driver of any vehicle shall be permitted to turn right only at the following locations:

Location:

**West on Dogwood Drive to north on Old Short Hills Road.**

SECTION 3. 29-22. Stop Intersections.

The following intersections are hereby designated as stop intersections:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Stop signs shall be installed on:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arlington Drive and Balmoral Drive</td>
<td>Balmoral Drive</td>
</tr>
<tr>
<td>Arlington Drive and Bunyan Drive</td>
<td>Bunyan Drive</td>
</tr>
<tr>
<td>Arlington Drive and Falcon Road</td>
<td>Arlington Drive</td>
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<tr>
<td>Badger Drive and Martin Road</td>
<td>Badger Drive</td>
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<tr>
<td>Belvedere Drive and Tremont Terrace</td>
<td>Belvedere Drive</td>
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<tr>
<td>Bowling Drive and Martin Road</td>
<td>Bowling Drive</td>
</tr>
<tr>
<td>Breton Place and Martin Road</td>
<td>Breton Place</td>
</tr>
</tbody>
</table>
SECTION 4. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

SECTION 5. This Ordinance shall take effect twenty days from final passage and publication in accordance with the law.

RUFINO FERNANDEZ, JR., Mayor

GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

SHARON L. WEINER, Township Attorney
Introduced: January 27, 2020
Adopted:
BE IT ORDAINED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey, as follows:

**Bold and italicized language is added**

*Bracketed language is deleted.*

SECTION 1. The following §316-14 Special Permit from Division of Water and Sewers is amended as follows:

[§316-14 Special Permit from Division of Water and Sewers. Unless a special permit is obtained from the Division of Water and Sewers:

A. No person shall furnish water to others for any purpose.
B. No person shall open any of the fire hydrants of the Township.
C. No water shall be turned on.]

§316-14. Special Permit from Division of Water and Sewers.

*It shall be unlawful for any person to furnish water to others for any purpose, open any fire hydrants of the Township or turn on water unless a special permit is obtained from the Division of Water and Sewers.*

A. Persons seeking to open a fire hydrant for any purpose shall be required to obtain, in addition to the special permit, a hydrant meter from the Township of Livingston Division of Water and Sewers.

1. Each Applicant upon receipt of the permit shall provide the Township with a surety deposit in the amount of $3,000 to guarantee against damage to the meter or hydrant.

2. Each meter will be billed at a rate of $15.00 per day, until returned to the Township, plus metered water charges.

3. Surety deposits will be returned to the Applicant following satisfactory inspection of the hydrant and meter for damage by Township personnel and payment of all outstanding meter rental and water charges by the Applicant.
SECTION 2. §316.16. Connection by Authorized Personnel Only; Fees.

[A. No person, except an employee of the Division of Water duly authorized for the purpose, shall tap a water main, or insert a corporation cock therein, or make any water connection therewith.]

A. No person shall tap a water main or make any water connection therewith prior to the issuance of a water connection permit by the Water Department of the Township of Livingston.

SECTION 3. [§316-17. Excavations.]

[A. Whenever it shall be necessary to excavate the roadway of any street or road under the jurisdiction of the Township for the purpose of making a connection with a water main, such excavation and the backfilling thereof, as well as the temporary patching of the roadway, shall be done and performed by the owner of the premises for whose benefit such connection is made, at the cost and expense of such owner, and in accordance with applicable ordinances and regulations of the Township. After the backfilling of the excavation or trench and the temporary patching of the roadway have been completed, the permanent patching shall be done and performed by the Township.

B. Whenever it shall be necessary to excavate the roadway of any street or road under the jurisdiction of the County of Essex or the State of New Jersey, application shall be made by the owner to the appropriate county or state agency for that purpose.]

§316-17. Installation, Repair and Replacement of Service Laterals.

A. Service laterals.

(1) All service laterals from the curb stop or shut-off valve in the Township right of way to the meter shall be the sole responsibility of the property owner. Repairs of service laterals from the curb stop or shut-off valve in the Township right of way to the meter shall be completed under the direction of the Township Engineer’s office in accordance with current Township standards. All costs shall be borne by the property owner.

(2) In the case of a leaking service lateral, the property owner shall be required to repair said service lateral leak within 48 hours. If no arrangements have been made to repair leakage within the time prescribed herein, the Township shall be permitted to retain a contractor to complete the work for a cost of time and materials, which cost shall be the responsibility of the property owner and shall be collected as permitted by law. Restoration of lawn areas, shrubs, fences, walkways, driveways, steps, etc. shall be the sole responsibility of the property owner and not considered as part of the contractor’s time and material costs.
(3) The installation of a service lateral, either new construction or replacement of the existing lateral shall be the responsibility of the property owner and shall be completed under the direction of the Township Engineer’s office in accordance with current Township standards. All costs for service lateral installation from the meter to the water main wet tap shall be borne by the property owner. When the plumbing code requires a change in the size of a service lateral, the property owner is responsible for upgrading the service lateral from the meter up to, and including, the water main wet tap and abandoning the old service at the corporation.

B. Excavations.

(1) Whenever it shall be necessary to excavate any road under the jurisdiction of the Township for the purpose of making a connection with a water main, such excavation and the backfilling thereof, as well as the temporary and permanent patching of the roadway, shall be done and performed by the property owner, at the cost and expense of such property owner, and in accordance with applicable ordinances and regulations of the Township.

(2) Whenever it shall be necessary to excavate any road under the jurisdiction of the County of Essex or the State of New Jersey, application shall be made by the property owner to the appropriate county or state agency for that purpose.


A. Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding [$500] $2,000, or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 5. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

SECTION 6. This Ordinance shall take effect twenty days from final passage and publication in accordance with the law.

RUFINO FERNANDEZ, JR., Mayor

GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

SHARON L. WEINER, Township Attorney
Introduced: January 27, 2020
Adopted:
ORDINANCE 5-2020

BOND ORDINANCE PROVIDING AN APPROPRIATION OF $2,600,000 FOR THE ACQUISITION OF REAL PROPERTY TO PRESERVE OPEN SPACE BY AND FOR THE TOWNSHIP OF LIVINGSTON IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF $2,470,000 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Township of Livingston, New Jersey (the “Township”) as a general improvement. For the said Improvements there is hereby appropriated the amount of $2,600,000, such sum includes the sum of $130,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A, Municipalities and Counties of the Revised Statutes of New Jersey (the “Local Bond Law”). The Down Payment is now available by virtue of provision of moneys in the Open Space Trust Account.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of $2,470,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding $2,470,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are set by, Ordinance No. 2-2003, adopted by the Township Council on January 27, 2003 and approved by the voters of the Township in the General Election on November 5, 2002, are limited to the acquisition and development of land for recreation and conservation purposes and historic preservation of historic properties and acquisition of such properties or for the payment of debt service or indebtedness issued or incurred by the Township for any of the purposes described above in accordance with Chapter 30 of the Public Laws of 1989 and as amended, and in particular is the acquisition of real property to preserve open space identified as Block 2504,
Lot 23, located at 321 East Cedar Street, in the Township, all as shown on and in accordance with a contract of purchase on file in the Office of the Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is $2,470,000.

(c) The estimated cost of the Improvements is $2,600,000, which amount represents the initial appropriation made by the Township.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that while the net debt is increased by this ordinance by $0, the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by $2,470,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Pursuant to the provisions of N.J.S.A. 40A:2-44(h), the obligations authorized hereunder constitute a deduction from the gross debt of the Township to the extent of $2,470,000 and that to that extent shall not be considered in determining the Township’s net debt for debt incurring purposes.

(d) An aggregate amount not exceeding $100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township.
pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is $2,470,000.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.
RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY APPROVING COLLECTIVE NEGOTIATION AGREEMENT WITH COMMUNICATION WORKERS OF AMERICA, AFL-CIO, LOCAL 1031

WHEREAS, the Township of Livingston (the “Township”) and the Communication Workers of America, AFL-CIO, Local 1031 (“CWA”) previously entered into Collective Negotiations Agreement which expired on December 31, 2018; and

WHEREAS, the Township Manager and the CWA have engaged in negotiations to establish the terms of a new successor Collective Negotiations Agreement and, having reached an understanding have agreed to the Collective Negotiations Agreement (the “Agreement”); and

WHEREAS, the Township Manager has recommended that the Township Council approve the Agreement.

NOW THEREFORE, it is hereby resolved that the Township Council of the Township of Livingston hereby approves the Collective Negotiations Agreement with the Communication Workers of America, AFL-CIO, Local 1031 covering the term from January 1, 2019 through December 31, 2022.

Barry R. Lewis, Jr., Township Manager  Glenn R. Turtletaub, Township Clerk

Adopted: February 3, 2020
RESOLUTION

Approving Annual Budget for Livingston Community Partnership Corporation - 2020

BE IT RESOLVED by the Township Council of the Township of Livingston, in the County of Essex and State of New Jersey, that the attached annual budget submitted by the Livingston Community Partnership Corporation, in the amount of $383,910 is hereby approved.

BE IT FURTHER RESOLVED that:

1. This approval shall constitute a first reading.
2. The budget be published in the West Essex Tribune in the issue of February 27, 2020.
3. A public hearing be scheduled for March 23, 2020 at Town Hall, 357 South Livingston Avenue, Livingston, New Jersey at 7:30 p.m.

Approved as to form:

Rufino Fernandez, Jr. Mayor

Sharon L. Weiner Township Attorney

Glenn R. Turtletaub Township Clerk

Adopted: 2/24/20
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 is such that they are not saleable and can be recycled; 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 recycled.

Rufino Fernandez, Jr., Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: February 24, 2020
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RESOLUTION AUTHORIZING A CONTRACT WITH STANZIALE CONSTRUCTION, LLC

WHEREAS, the Township of Livingston ("Township") has a need for the 2020 road improvements that cannot otherwise be performed by its regular employees; and

WHEREAS, on January 16, 2020, the Township of Livingston issued Bid No. 1-2020 to solicit bids from contractors experienced in road improvements; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 16, 2020 and as a result forty-two (42) bid packages were requested; and

WHEREAS, on February 5, 2020, eleven (11) bids were received by the bid deadline and publicly read; and

WHEREAS, Stanziale Construction, LLC 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 Township Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Stanziale Construction, LLC.; and

WHEREAS, the Township Manager is recommending the award of a contract to Stanziale Construction, LLC in an amount not to exceed $1,345,697.20; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-04-55-017-004-002, C-04-55-017-004-003, C-04-55-015-006-01A, C-04-55-017-004-001 & C-04-55-019-009-001

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 Stanziale Construction, LLC in an amount not to exceed $1,345,697.20.

Rufino Fernandez, Jr., Mayor
Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: February 24, 2020
Certification Of Availability of Funds

This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

Contract Amount: 1,345,697.20
Resolution Date: 02/24/20
Resolution Number: R-20-85

Vendor: STANZ
STANZIALE CONSTRUCTION LLC
P.O. BOX 2597
BLOOMFIELD, NJ 07003

Contract: C2000011 Bid No. 1-2020: 2020 Road Improvements

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Only amounts for the 2020 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

[Signature]
Chief Financial Officer
WHEREAS, the Township of Livingston has a need to acquire professional environmental services for the contamination identified at the Dorsa Avenue Well Field 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 Matrix New World Engineering, Inc. has provided environmental services in prior years and has performed in a satisfactory manner; and

WHEREAS, Matrix New World Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Matrix New World Engineering, Inc. 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 Matrix New World Engineering, Inc. 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 Matrix New World Engineering, Inc. to provide professional environmental services for the contamination identified at the Dorsa Avenue Well Field as required by the Township in an amount not to exceed $22,500.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-014-008-01B; 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 Matrix New World Engineering, Inc. in an amount not to exceed $22,500.00 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.

Rufino Fernandez, Jr., Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: February 24, 2020
Certification Of Availability of Funds

This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

Contract Amount: 22,500.00
Resolution Date: 02/24/20
Resolution Number: R-20-86

Vendor: MATRIX MATRIX NEW WORLD ENGR.INC.
26 COLUMBIA TURNPIKE
2ND FLOOR
FLORHAM PARK, NJ 07932

Contract: C20000012 Professional Environmental Services: Dorsa Avenue Well Field

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<th>Account Description</th>
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<tr>
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<td>22,500.00</td>
<td>IMPROVEMENTS TO WATER FACILITY NO. 6</td>
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<td>Total 22,500.00</td>
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Only amounts for the 2020 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

Chief Financial Officer
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO ASSOCIATED APPRAISAL GROUP INC.

WHEREAS, the Township of Livingston has a need to acquire an appraisal firm to handle tax appeals 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, Associated Appraisal Group, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Associated Appraisal Group, Inc. 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 Associated Appraisal Group, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Manager is recommending the award of a contract to Associated Appraisal Group, Inc. to provide tax appeal services as directed by the Township; 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 that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Associated Appraisal Group, Inc. from January 1, 2020 through December 31, 2020 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.

______________________________
Rufino Fernandez, Jr., Mayor

______________________________
Glenn R. Turteltaub, Township Clerk

Approved as to form:

______________________________
Sharon L. Weiner, Township Attorney

______________________________
Adopted: February 24, 2020
RESOLUTION AUTHORIZING A CONTRACT WITH NORTHEAST ROOF MAINTENANCE

WHEREAS, the Township of Livingston ("Township") has a need for the phase 2 roof replacements at the Water Pollution Control Facility that cannot otherwise be performed by its regular employees; and

WHEREAS, the Township of Livingston rejected the bids received for the phase 2 roof replacements at the Water Pollution Control Facility on two occasions due to the fact that they substantially exceeded the Township’s cost estimate for these services; and

WHEREAS, pursuant to the provisions of 40A:11-5(3) (i) (ii) (iii), the Township negotiated a contract for the phase 2 roof replacements at the Water Pollution Control Facility; and

WHEREAS, Northeast Roof Maintenance submitted a price in the amount of $147,500.00 which includes a Versiflex PVC roofing system, a 25-year warranty, Railgaurd 200 safety guardrail with reduced quantities of rail protection and the cover board is removed from the system; and

WHEREAS, Northeast Roof Maintenance’s 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 Director of Utilities have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to Northeast Roof Maintenance; and

WHEREAS, the Township Manager is recommending the award of a contract to Northeast Roof Maintenance in an amount not to exceed $147,500.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-09-55-019-006-002.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Township Manager to enter into a contract with Northeast Roof Maintenance in an amount not to exceed $147,500.00.

Rufino Fernandez, Jr., Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: February 24, 2020
Certification Of Availability of Funds

This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

**Contract Amount:** 147,500.00  
**Resolution Date:** 02/24/20  
**Resolution Number:** R-20-88

**Vendor:** NORTH010 NORTHEAST ROOF MAINTENANCE, INC  
649 CATHERINE STREET  
PERTH AMBOY, NJ 08861

**Contract:** C2000013 010N:2019: Phase 2 Roof Replacements WPCF

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Only amounts for the 2020 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

[Signature]

Chief Financial Officer
WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1800010") with DeMaio Electrical Company, Inc. for Well 6 Improvements at Old Road; and

WHEREAS, the initial Contract was not to exceed One Million, Five Hundred and Sixty-Five Thousand Dollars and no cents ($1,565,000.00); and

WHEREAS, due to field conditions which resulted in changed quantities, a Change Order has been requested for the following:

A. REDUCTIONS

   ALLOWANCE OF UNFORESEEN CONDITION DISCOVERED DURING CONSTRUCTION  -$45,358.30
   ALLOWANCE OF ASPHALT PRICE ADJUSTMENT  -$25,000.00
   ALLOWANCE OF FUEL PRICE ADJUSTMENT  -$5,000.00
   Total  -$80,358.30

WHEREAS, the total change order decreased the contract amount by 5.13% or $80,358.30 making the new contract sum $1,484,641.70; and

WHEREAS, this Change Order has been recommended by the Utility Engineer and Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract with DeMaio Electrical Company, Inc. for Well 6 Improvements at Old Road; and 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.

Rufino Fernandez, Jr., Mayor
Approved as to form:

Glenn R. Turtletaub, Township Clerk

Adopted: February 24, 2020

Sharon L. Weiner, Township Attorney
RESOLUTION AUTHORIZING THE FILING OF AN ESSEX COUNTY OPEN SPACE AND HISTORIC PRESERVATION GRANT APPLICATION IN THE AMOUNT OF $150,000

WHEREAS, the County of Essex recently announced that it would be accepting municipal applications for grants from the Essex County Open Space and Historic Preservation Trust Fund for eligible projects; and

WHEREAS, the Township of Livingston has identified the replacement of the Community Center and Northland Park playgrounds as an eligible open space active recreation project;

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Livingston that it does hereby authorize the Township Manager to file an application for an Essex County Open Space and Historic Preservation Trust Fund Grant in the amount of $150,000 for the replacement of the Community Center and Northland Park playgrounds with ADA accessible and safety compliant playgrounds.

Rudy Fernandez, Mayor
Glenn R. Turtletaub, Township Clerk

Adopted: February 24, 2020
WHEREAS, the Township of Livingston has a need to acquire planning consulting 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, Preferred Planning Group, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Preferred Planning Group, 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 Preferred Planning Group, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Manager is recommending the award of a contract to Preferred Planning Group, LLC to provide planning consulting services as required by the Township; and

WHEREAS, the fees for services provided on applications before the Planning Board and Zoning Board of Adjustment will be charged to applicants through escrow; and

WHEREAS, any fees for services provided on Township matters will be paid from funds appropriated in the 2020 Township Budget, Planning OE account.

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 that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Preferred Planning Group, LLC for the period of January 1, 2020 through December 31, 2020 in an amount not to exceed $20,000 for Township matters and in such amount as warranted for services charged to applicant escrow accounts; 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.

Rufino Fernandez, Jr., Mayor
Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: February 24, 2020
RESOLUTION TO TRANSFER
2019 APPROPRIATION RESERVES

WHEREAS, transfers between appropriation reserves are permitted by N.J.S. 40A: 4-59 during the first three months of the next succeeding fiscal year; and

WHEREAS, certain 2019 appropriation reserves are expected to be insufficient to meet expenditure requirements for 2019 liabilities, and certain 2019 appropriation reserves are expected to have funds available to offset these expenditure requirements;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston (not less than two-thirds thereof affirmatively concurring) that the following transfers listed on the attached page between 2019 appropriation reserves be made.

Rufino Fernandez Jr., Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: February 24, 2020
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<th>Line Item</th>
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RESOLUTION OF THE TOWNSHIP OF LIVINGSTON
AUTHORIZING THE PLANNING BOARD TO CONDUCT A
PRELIMINARY INVESTIGATION OF CONDITIONS OF
BLOCK 6100, LOTS 12 AND 13, FOR DETERMINATION AS A
NON-CONDEMNATION AREA IN NEED OF
REDEVELOPMENT PURSUANT TO THE LOCAL
REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1
ET SEQ., AND AWARDING A CONTRACT TO BEACON
PLANNING AND CONSULTING SERVICES, LLC FOR
PROFESSIONAL PLANNING AND ENGINEERING SERVICES

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, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the municipal council of the Township ("Municipal 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 Municipal Council; and

WHEREAS, the Municipal Council hereby requests that an investigation occur with respect to the property commonly known as Block 6100, Lots 12 and 13 on the tax map of the Township, commonly known as 8 Peach Tree Hill Road (hereinafter the "Study Area"), 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; and

WHEREAS, the redevelopment area determination requested hereunder authorizes the Township and Municipal Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area"); and

WHEREAS, to carry out its powers under the Redevelopment Law, the Township has a need for professional planning and engineering services, including preparation of a study of the Study Area (the "Services"), to be provided by means of a non-fair and open contract; and

WHEREAS, funds shall be available for this purpose; and

WHEREAS, Beacon Planning and Consulting Services, LLC (the "Planner") possesses the experience and qualifications to perform the Services; and

WHEREAS, the Planner provided the Township with a proposal (the "Proposal") to perform the Services for a lump sum of Eight Thousand Two Hundred and Fifty Dollars
($8,250.00); and

WHEREAS, the Township desires to authorize a contract with the Planner for a maximum term of one (1) year, subject to the Planner’s completion and submission of a Business Entity Disclosure Certification pursuant to N.J.S.A. 19:44A-20.4, et seq. certifying that the Planner has not made any reportable contributions to a political or candidate committee in the Township in the previous year, and that the contract will prohibit the Planner from making any reportable contributions through the term of the contract; and

WHEREAS, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (the “LPCL”), professional services contracts may be awarded by resolution of the municipal governing body without competitive bidding; and

WHEREAS, notice of the award of the contract hereunder shall be publicly advertised in accordance with the requirements of the LPCL.

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 Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5 to be designated as an area in need of redevelopment.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcel contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically N.J.S.A. 40A:12A-6, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Municipal Council to exercise the power of eminent domain to acquire any property in the delineated area, as the Study Area is being investigated as a possible Non-Condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and
considered, the Planning Board shall make a recommendation to the Municipal Council as to whether the Municipal Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. The Municipal Council hereby awards a professional services contract for professional planning and engineering services to the Planner for an amount not to exceed Eight Thousand Two Hundred and Fifty Dollars ($8,250.00), payable in accordance with the Proposal, for a period of up to one (1) year. The Planner shall provide the Services when and as directed by the Township.

Section 8. The Township Manager is hereby authorized to enter into a contract on behalf of the Township, with such modifications, deletions or additions as deemed necessary in consultation with counsel to the Township, all subject to receipt of the Planner’s completed Business Disclosure Entity Certification and Political Contribution Disclosure Form.

Section 9. The contract authorized herein has been awarded as a professional services contract under the provisions of the LPCL and as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5 without competitive bidding.

Section 10. In accordance with the LPCL, the Township Clerk is hereby directed to publish notice of this award once in the official newspaper of the Township stating the nature, duration, service and amount of the contract authorized herein, which notice shall state that a copy of this Resolution and the contract are on file and available for public inspection in the office of the Township Clerk.

Section 11. A copy of this resolution, the Business Disclosure Entity Certification and Political Contribution Disclosure Form, and the contract shall be available for public inspection at the offices of the Township.

Section 12. This Resolution shall take effect immediately.

Rufino Fernandez, Jr., Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: February 24, 2020