

Livingston, New Jersey  
February 11, 2019  
Meeting #3

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:40 p.m. at Town Hall, 357 South Livingston Avenue, Livingston, New Jersey. The Mayor stated that all the requirements of the "Open Public Meetings Act" had been met. "Annual Notice" was faxed to the West Essex Tribune and the Star Ledger on January 2, 2019.

**Present:** Mayor Anthony; Councilmembers Fernandez, Klein, Meinhardt; Township Manager Lewis; Deputy Township Manager Jones; Township Attorney Weiner; Township Clerk Turtletaub

Silent Meditation and Pledge of Allegiance

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

Presentations

- a) Livingston Committee for Diversity and Inclusion- The Council expressed gratitude and appreciation to Co-Chairs Billy Fine and Keith Hines for organizing a wonderful MLK celebration. Mr. Fine expressed that the MLK event exemplified what happens when a community serves other people and gives back. Citations were issued to various individuals and groups that supported the event.

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-19-60 Approving Consent Agenda (Includes All Items Marked (\*))

**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 January 28, 2019, attached hereto, which are preceded by an "\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

On motion duly made and seconded, and on roll call vote, all members present voted YES.

\*Approval of Minutes

- a) January 28, 2019

\*Approval of Licenses

Final Hearing Ordinances

Proposed Ordinances

a) Ord.3-2019 Amending Ch. 110, Construction Codes, Uniform

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPER 110, CONSTRUCTION CODES, UNIFORM was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular Meeting of the Township Council on Monday, February 25, 2019.

Resolutions

a) R-19-73 Resolution To Cancel 2018 Budget Appropriations Of The Water Utility Operating Fund

**BE IT RESOLVED**, by the Township Council of the Township of Livingston that the following 2018 budget appropriations of the Water Utility Operating Fund be canceled, effective December 31, 2018.

Other Expenses	\$100,000
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b) R-19-74 Resolution Authorizing Approval of Change Order Number 1 And Final With S. Brothers, Inc.

**WHEREAS**, the Township Council of the Township of Livingston entered into a contract ("Contract C1700028") with S. Brothers Inc. for the Ross Road Culvert Replacement and the Milling and Paving of Ross Road; and

**WHEREAS**, the initial Contract was not to exceed Nine Hundred Ten Thousand, Three Hundred and Fourteen Dollars and Ten Cents (\$910,314.10); and

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

A.	SUPPLEMENTAL	
	Hot Mix Asphalt Base (1-2), 4" Thick	\$1,093.50
	Fuel Price Adjustment	\$4,796.25
	Asphalt Price Adjustment	\$11,146.48
	Milling, More Than 3", Less Than 6"	\$4,565.00
	8" PVC Pipe, Sch. 40	\$6,748.00

Roof Leader and Drain Connection to 8" PVC Pipe	\$600.00
Granite Block Curb	\$4,872.00
<b>Total</b>	<b>\$33,821.23</b>

B. REDUCTIONS

Asphalt Price Adjustment	-\$1,000.00
Fuel Price Adjustment	-\$1,000.00
Unforeseen Conditions (Allowance)	-\$5,440.00
Granite Block Curb	-\$2,275.00
Mulching	-\$900.00
Excavation, Unclassified	-\$9.75
Dense Graded Aggregate Base Course, Variable Thickness	-\$4.85
Hot Mix Asphalt Surface Course Mix I-5	-\$7,587.60
Hot Mix Asphalt Base Course Mix I-2	-\$38,518.20
Under Drain	-\$1,350.00
Yard Drain ( If and Where Directed)	-\$100.00
Hot Mix Asphalt Driveway, 2" Thick	-\$6,516.60
Driveway Restoration, Concrete Block	-\$8,034.60
Concrete Sidewalk, 4" Thick	-\$1,680.00
Hot Mix Asphalt Sidewalk, 4" Thick (As Needed for Restoration)	-\$750.00
Steel Root Plate (If and Where Directed)	-\$400.00
Topsoiling, 4" Thick	-\$2.95
Fertilizing and Seeding, Type "1"	-\$2.95
<b>Total</b>	<b>-\$75,572.50</b>

**WHEREAS**, the total change order decreased the contract amount by 4.59% or \$41,751.27 making the new contract sum \$868,562.83; and

**WHEREAS**, this Change Order has been recommended by the Township 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 S. Brothers, Inc. for the Ross Road Culvert Replacement and Milling and Paving of Ross Road; 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.

c)R-19-75 Resolution Authorizing A Contract with Faircut Services, LLC

**WHEREAS**, the Township of Livingston ("Township") has a need to have a contractor furnish, deliver and install trees that cannot otherwise be performed by its regular employees; and

**WHEREAS**, on January 10, 2019, the Township of Livingston issued Bid No. 004-2019 as an open-ended contract, to solicit bids from companies that furnish, deliver and install trees; and

**WHEREAS**, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 10, 2019 and as a result seventeen (17) bid packages were requested; and

**WHEREAS**, on January 30, 2019, four (4) bids were received by the bid deadline and publicly read; and

**WHEREAS**, Faircut Services, 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**, Faircut Services LLC's schedule of pricing is attached; and

**WHEREAS**, the Superintendent of Public Works has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a twenty-four (24) month contract to Faircut Services, LLC; and

**WHEREAS**, the Township Manager is recommending the award of a twenty-four (24) month contract to Faircut Services, LLC; 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; 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 it authorizes the Township Manager to enter into a twenty-four (24) month contract with Faircut Services, LLC effective March 1, 2019.

			<b>Faircut Services, LLC</b>
			17 Timber Drive
			Montville, NJ 07045
ITEM	UNIT	DESCRIPTION	UNIT PRICE
		<b>2"-2.5" caliper</b>	
1	EA	Acer Rubrum (RED MAPLE)	\$498.00
2	EA	Acer Saccharum (SUGAR MAPLE)	\$498.00
3	EA	Quercus Alba (WHITE OAK)	\$498.00
4	EA	Quercus Rubra (RED OAK)	\$498.00

d)R-19-76 Resolution Authorizing Contract with CFM Construction, Inc.

**WHEREAS**, the Township of Livingston ("Township") has a need for the East Orange Interconnection SCADA Upgrades that cannot otherwise be performed by its regular employees; and

**WHEREAS**, on January 17, 2019, the Township of Livingston issued Bid No. 002-2019 to solicit bids from contractors experienced in interconnection SCADA upgrades; and

**WHEREAS**, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 17, 2019 and as a result five (5) bid packages were requested; and

**WHEREAS**, on February 5, 2019, two (2) bids were received by the bid deadline and publicly read; and

**WHEREAS**, CFM Construction, Inc. 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 Consulting Engineer and Junior Utility Engineer have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to CFM Construction, Inc.; and

**WHEREAS**, the Township Manager is recommending the award of a contract to CFM Construction, Inc. in an amount not to exceed \$138,487.00; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in accounts C-06-55-009-012-002, C-06-55-013-003-001, C-06-55-013-012-003, C-06-55-009-012-007, C-06-55-015-007-011, C-06-55-016-003-006 & C-06-55-017-003-004.

**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 CFM Construction, Inc. in an amount not to exceed \$138,487.00.

e)R-19-77 Resolution Authorizing Approval Of Change Order Number 1 And Final With M.S.P. Construction Corporation

**WHEREAS**, the Township Council of the Township of Livingston entered into a contract ("Contract C1800011") with M.S.P. Construction Corporation for the Passaic Avenue SPS Force Main and Downstream Gravity Sewer Upgrades; and

**WHEREAS**, the initial Contract was not to exceed One Million Ninety-Nine Thousand Dollars and no cents; (\$1,099,000.00) and

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

<b>C.</b>	<b>SUPPLEMENTAL</b>	
	For Branch Connections	\$1,500.00
	For Backfill Compactions	\$252.00
	For Permanent Bituminous Pavement Replacement Trench Repairs in Municipal Roads (Trenches Only)	\$22,283.25
	For Permanent Bituminous Pavement Replacement Trench Repairs in County Roads (Trenches Only)	\$28,806.72
	For Permanent Bituminous Pavement Replacement Trench Repairs in County Roads (Full Width)	\$11,049.90
	For Traffic Control (Including \$12,000 Allowance for Off Duty Police Officer)	\$11,685.00
	<b>Total</b>	<b>\$75,576.87</b>
<b>D.</b>	<b>REDUCTIONS</b>	
	Earth Excavation from 0 to 8 feet in depth	-\$6,667.20
	Earth Excavation from 8 to 14 feet in depth	-\$262.20
	Earth Excavation greater than 14 feet	-\$650.00
	Additional Price for Rock Excavation – All Depths	-\$20,000.00
	Additional Price for Disposal of Contaminated Soil	-\$1,000.00

Additional Price for Disposal of ID 27 Waste	-\$1,000.00
Price for Timber Sheeting Left in Place	-\$2,000.00
Price per Steel Sheeting Left in Place	-\$1,000.00
For Furnishing and Placing Course Aggregate	-\$854.00
For Furnishing and Placing Select Backfill	-\$4,817.60
For Furnishing and Placing Concrete	-\$5,000.00
For Test Pits	-\$4,466.50
For Each Additional Foot of Depth of Concrete Manhole from 8'-14' Deep	-\$2,455.00
For Each Additional Foot of Depth of Concrete Manhole Greater than 14'in Depth	-\$700.00
For 15-Inch Dia, SDR-35 (Gravity)	-\$3,781.00
For Testing Gravity Pipe	-\$398.00
For House Connections	-\$13,000.00
For 4-Inch Diameter Risers	-\$1,000.00
For Concrete Curbing Replacement	-\$500.00
For Belgium Block Curbing Replacement	-\$6,000.00
For Sidewalk Restoration	-\$900.00
For Topsoiling, Fertilizing, and Seeding Existing Lawns and/or Improved Areas	-\$572.00
For Topsoiling, Fertilizing, and Seeding Unimproved Areas	-\$1,000.00
For Mulching	-\$214.40
For Sodding	-\$7,514.00
For Furnishing Additional Topsoil	-\$500.00
For Temporary Bituminous Pavement Replacement Trench Repairs in Municipal Roads	-\$1,752.75
For Temporary Bituminous Pavement Replacement Trench Repairs in County Roads	-\$2,583.00
For Temporary Bituminous Pavement Replacement Trench Repairs in Regency Club Roads	-\$1,545.00
For Temporary Bituminous Pavement Replacement Trench Repairs in Regency Club Roads ( Trenches Only)	-\$1,250.00
For Driveway Restoration	-\$1,250.00
For 10-Inch Diameter Ductile Iron Force Mains	-\$2,640.00
For 16-Inch Diameter Ductile Iron Gravity Sewer	-\$2,400.00
For 4-Inch Ductile Iron House Connections (Including Excavation and Backfill)	-\$9,000.00
For 4-Inch Ductile Iron Branch Connections	-\$8,000.00
For Testing of Pipe	-\$184.00
For Additional Work Required to Protect all Steep Slope Areas	-\$5,000.00
Price for Slope Protection	-\$500.00
Price for Furnishing and Installing Trees in Unimproved Areas	-\$1,000.00
Price for Furnishing and Installing Trees in Improved Areas	-\$3,000.00
For Construction Impervious Trench Stops	-\$2,500.00
Allowance for Asphalt Price Adjustment ( If and When Required)	-\$1,345.88
Allowance for Fuel Price Adjustment ( If and When Required)	-\$10,000.00
Allowance for Utility Relocations	-\$9,916.00
<b>Total</b>	<b>-\$150,118.53</b>

**WHEREAS**, the total change order decreased the contract amount by 6.78% or \$74,541.66 making the new contract sum \$1,024,458.34; and

**WHEREAS**, this Change Order has been recommended by the Township 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 M.S.P. Construction Corporation for the Passaic Avenue SPS Force Main and Downstream Gravity Sewer Upgrades; 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.

f)R-19-78 Authorizing Purchases Under The State Of New Jersey Cooperative Purchasing Program

**WHEREAS**, the Township of Livingston, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and,

**WHEREAS**, the Township of Livingston has the need on a timely basis to purchase goods or services utilizing State contracts; and

**WHEREAS**, the Township of Livingston intends to enter into contracts with the attached referenced State contract vendors through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current State 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 New Jersey State contract vendors on the attached list, pursuant to all the conditions of the individual State 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, 2019 or upon the expiration of the vendors' contract, whichever event first occurs.

g)R-19-79 (Deleted) Updating SYLS Fees – (Deleted)

h) R-19-80 Approving Annual Budget for Livingston Community Partnership Corporation – 2019

**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 \$372,060 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 14, 2019.
3. A public hearing be scheduled for March 13, 2019 at Town Hall, 357 South Livingston Avenue, Livingston, New Jersey at 7:30 p.m.

i)R-19-81 Resolution Authorizing Approval Of Change Order Number 1 And Final With ITG Construction Inc.

**WHEREAS**, the Township Council of the Township of Livingston entered into a contract ("Contract C1700027") with JTG Construction Inc. for Water Main Improvements: Bid #4 - Surrey Lane; and

**WHEREAS**, the initial Contract was not to exceed One Hundred Ninety-Nine Thousand, Four Hundred Eighty Dollars and No Cents (\$199,480.00); and

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

A. SUPPLEMENTAL

POLICE TRAFFIC DIRECTORS	\$1,125.00
HMA 25M64 BASE COURSE	\$927.20
HMA DRIVEWAY REPAIR, 4" MIN	\$1,320.00
CONCRETE SIDEWALK, 4" THICK	\$840.00
8" GATE VALVE	\$1,800.00
<b>Total</b>	<b>\$6,012.20</b>

B. EXTRAS

Crash Truck Rental	\$823.90
Valve Installation	\$794.15
Pond Liner	\$2,370.00
Six (6) Trees "Cupressocyparis leylandii"	\$5,882.00
Credit for damages to 1 Fawn Drive	-\$400.00
<b>Total</b>	<b>\$9,470.05</b>

C. REDUCTIONS

EXCAVATION, TEST PIT	-\$4,200.00
EXCAVATION, ROCK	-\$10.00
GRANITE BLOCK CURB	-\$150.00
8" DIP CL 52 WATER MAIN & FITTINGS	-\$2,040.00
WATER MAIN DISINFECTION & DECHLORINATION	-\$90.00
1" WATER SERVICE CONNECTION	-\$2,00.00
UTILITY CROSSING, CONCRETE ENCASMENT	-\$4,000.00
UTILITY RELOCATION	-\$5,000.00

8" INSERT VALVE	-\$9,000.00
8" X 8" TAPPING SLEEVE AND VALVE	-\$7,000.00
<b>Total</b>	<b>-\$33,490.00</b>

**WHEREAS**, the total change order decreased the contract amount by -9.03% or \$18,007.75 making the new contract sum \$181,472.25; and

**WHEREAS**, this Change Order has been recommended by the Junior 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 JTG Construction Inc. for Water main Improvements: Bid #4- Surrey Lane; 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.

j)R-19-82 Resolution Authorizing Approval Of Change Order Number Two With Mott Macdonald, LLC

**WHEREAS**, the Township Council of the Township of Livingston entered into a contract ("Contract C1700017") with Mott MacDonald, LLC for professional engineering services for the Well Facility and Interconnection SCADA Upgrades; and

**WHEREAS**, the initial Contract was not to exceed Sixty-Three Thousand Dollars and no cents (\$63,000.00); and

**WHEREAS**, due to the need for additional work, Change Order Number Two has been requested:

A.	CHANGE ORDER NUMBER ONE- Perform design of chlorination system upgrades (approved R-17-177)	\$16,000.00
	CHANGE ORDER NUMBER TWO- Additional design requests, splitting of the contract and Permit fee reimbursement	
	<b>Total Change Order Number Two</b>	<b>\$11,617.50</b>
	<b>Grand Total (CO#1 + CO#2)</b>	<b>\$27,617.50</b>

**WHEREAS**, the total amount for change order number two is \$11,617.50 making the new contract sum \$90,617.50; and

**WHEREAS**, change orders number one and two have increased the initial contract amount by 43.84%; and

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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-017-003-004.

**NOW, THEREFORE, BE IT RESOLVED**, the Township Council of the Township of Livingston, Essex County, approves the execution of Change Order Number Two to the contract with Mott MacDonald, LLC to cover the cost of additional design requests, splitting of the contract and permit fee reimbursement.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published in the West Essex Tribune as required by law.

On motion of Councilmember Fernandez, seconded by Councilmember Meinhardt, and on roll call vote of Resolutions R-19-73 through R-19-78, and R-19-80 through R-19-82, all members present voted YES.

Public Comment

Scott Goldman, 42 N. Bauns Court, thanked the Council for accepting the bid to replant trees in the community.

Bob Hunter, 89 Elmwood Drive, asked if a water sampling could be performed at Littell's Pond.

Bernie Searle, 14 Washington Court, requested a list of trees earmarked for replacement in the Township.

Dennis Duffy, 38 Bennington Road, expressed concerns about flooding at St. Philomenas and in the Bennington Road are (house numbers 20-54) and whether the drainage plans indicated a "pond" on the St. Barnabas Athletic Field.

Adjournment

At 8:36 p.m., the Regular Meeting adjourned.

ALFRED M. ANTHONY, Mayor

GLENN R. TURTLETAUB, Township Clerk

