

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:42 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, Vieira; 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

National Nutrition Month- Mayor Anthony proclaimed the month of March as National Nutrition Month to raise nutritional awareness and overall health and wellness. Elle Bernardo, registered dietitian for Village Super Market, Inc., received the Proclamation.

a) R-19-95a Introduction of 2019 Municipal Budget

BE IT RESOLVED that the statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Livingston, County of Essex, State of New Jersey, for the year 2019, as introduced and approved by the Township Council; and

BE IT FURTHER RESOLVED, that said Budget be published in the West Essex Tribune, and that a hearing on the Budget be held on April 22, 2019 at 7:30 o'clock p.m. at the Livingston Municipal Building, 357 South Livingston Avenue, Livingston, NJ.

b)R-19-95b Establishing 2019 Municipal Open Space Tax Rate

WHEREAS, a referendum was approved by the residents of the Township of Livingston in November, 2002 to establish a Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and,

WHEREAS, a referendum was approved by the residents of the Township of Livingston in November, 2008 to permit the Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund to continue in perpetuity; and,

WHEREAS, The Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund is to be funded through an annual tax levy not to exceed three cents (\$0.03) per one hundred dollars (\$100) of assessed valuation;

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 2019 Municipal Open Space, Recreation Farmland and Historic Preservation Trust Fund tax levy shall be one-half cent (\$0.005) per one hundred dollars (\$100) of assessed valuation.

c)R-19-95c Authorizing Calculation of 2019 Reserve for Uncollected Taxes

WHEREAS, N.J.S. 40A:4-41c(2), enacted into law (P.L. 1997, c. 28) and amended by Chapter 56 of P.L. 2010, provides alternate methods of calculating the reserve for uncollected taxes; and

WHEREAS, N.J.S. 40A:4-41c(2) permits the governing body of any municipality in which tax reductions have resulted from tax appeal judgements of the County Tax Board pursuant to R.S. 54:3-21 et seq., or the State Tax Court pursuant to R.S. 54:48-1 et seq., to elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy reductions resulting from those judgements; and

WHEREAS, this election shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the introduction of the annual budget pursuant to N.J.S. 40A:4-5; and

WHEREAS, the Township of Livingston has determined that it is advantageous to utilize the method provided under N.J.S. 40A:4-41c(2)

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, that the maximum percentage to be used for the reserve for uncollected taxes in the 2019 budget is 99.98% based on N.J.S. 40A:4-41c(2).

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed with Director of the Division of Local Government Services.

Township Manager Lewis stated that the proposed 2019 municipal budget is less than a one percent increase. He explained that the public hearing on the budget will be held April 22, 2019, and that copies will be made available prior to the public hearing, as well as published in the West Essex Tribune.

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-19-90 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 March 25, 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) March 13, 2019

*Approval of Licenses

Final Hearing Ordinances

a) Ord. 5-2019 Amending Chapter 170 Creating Inclusionary Assisted Living Conditional Use on Block 6300 Lot 30

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON TO ADD NEW SUBSECTION 170-88.I.(2) CREATING INCLUSIONARY ASSISTED LIVING CONDITIONAL USE ON BLOCK 6300 LOT 30 was read by title.

Robert Sanders, 2 Goodhart Drive, asked why the developer has not applied to the Zoning Board, and that "Planning Board's hands were tied."

Julie Silbermann, 23 Camelot Drive, stated that her primary concern was keeping her neighborhood safe from traffic, and that she had brought this to the Town Council's attention in 2016. She urged the Council not to pass the Ordinance until the County makes a determination on a left-hand ingress and egress from the proposed development.

Sara Sanders, 2 Goodhart Drive, echoed concerns of higher volumes of traffic and fatalities as a result.

Don Legow, 26 Camelot Drive, stated that traffic is already heavy and a traffic study needed to be done.

Lydia Dumytsch, Passaic Avenue, mentioned that her properties were adjacent to the proposed development and she was concerned about the setbacks and buffers of the proposed development. She added that she felt a discussion between the Township and the residents could lead to a positive resolution, avoiding a lawsuit. She asked the Council to postpone their vote.

Burt Freedman, 11 Stratford Drive, discussed concerns about traffic and site density. He added that he was frustrated by the significant development in this area and the lack of transparency between the Township and residents. Councilmember Klein responded that the Township had to accept the developments because of lawsuits, and the decisions were not made by Township control.

Max Silbermann, 23 Camelot Drive, asked if the notice could be sent to more than just the residents in the 200 foot radius. He also reiterated others requests for a traffic study.

Justin Alpert, 56 Amherst Place, asked the Council for healthy development suggested the Councilmembers be leaders and press rule-makers in Trenton to rewrite laws and confront systemic issues.

Attorney Weiner stated that the hearing will be continued and kept open until April 8th, also that there won't be a vote until the traffic issues were addressed.

Township Manager Lewis reiterated that the Township has received approvals for the left turn in and out of the proposed development. Councilmember Vieira asked if members of the Livingston Transportation Advisory Committee could be included in a discussion with residents about traffic concerns.

Paul Schneider, an Attorney for Sunrise, stated that the average age of residents was 85 and that residents do not own cars in current Sunrise facilities. He added visitors are intermittent, and trucks would not be driving through the residential communities. He also explained that this development is a component in the Township's affordable housing plan, and that his client will have to go back before the Planning Board after this Ordinance is passed.

A number of residents who previously spoke reiterated their concerns about traffic and buffers to the development.

b) Ord. 6-2019 Amending Ch. 170 Amending The Definition of Site Plan

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON BY FURTHER AMENDING THE DEFINITION OF "MINOR SITE PLAN" was read by title. There being no speakers, on motion duly made and seconded, and on voice vote, the hearing was closed. On motion duly made and seconded, and on roll call vote, all members present voted YES. Councilmembers thanked the Planning Board and felt it would speed up the site plan process and reduce costs for applicants.

Proposed Ordinances

b) Ord.9-2019 To Exceed The Calendar Year 2019 Municipal Budget Appropriation Limits To Establish A Cap Bank

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON TO EXCEED THE CALENDAR YEAR 2019 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK 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, April 8, 2019.

Resolutions

d) R-19-100 Transfer 2018 Appropriation

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 2018 appropriation reserves are expected to be insufficient to meet expenditure requirements for 2018 liabilities, and certain 2018 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 2018 appropriation reserves be made.

On motion duly made and seconded, all members present voted YES.

a) R-19-97 Sub Grant Award FY18-EMPG-EMAA-0710 to the Township of Livingston Office of Emergency Management

WHEREAS, the Township of Livingston Office of Emergency Management made application to the New Jersey Office of Emergency Management for FY18 Emergency Management Assistance Agency (EMAA) Funding; and

WHEREAS, the Township of Livingston Office of Emergency Management has received notice of Award from the New Jersey Department of Law and Public Safety, Division of State Police, Office of Emergency Management, CFDA #97.042 for Sub Grant Award No. FY18-EMPG-EMAA-0710 for the period 7/1/18 through 6/30/19, consisting of a total amount of \$20,565.44 (\$10,000 .00 Federal Funds and \$10,565.44 Local in-kind matching funds), for the purpose of enhancing and sustaining the Municipal all-hazards emergency management capabilities and enhancing the Municipal ability to prevent, respond to and recover from acts of terrorism, natural disasters or other catastrophic events; and

WHEREAS, the Sub Grant consists of \$10,000.00 (Federal Award) and \$10,565.44(Local in-kind matching funds), which the Township of Livingston Office of Emergency Management will satisfy with existing salaries, wages, and fringe benefits

NOW, THEREFORE, BE IT RESOLVED by the Livingston Township Council that the Township of Livingston herewith applies for and will accept the Award from the New Jersey Department of Law and Public Safety, Division of State Police Office of Emergency Management Performance Grant Program: No. FY18-EMPG-EMAA-0710, in the amount of \$20,565.44(\$10,000.00 Federal Funds and \$10,565.44 (Local in-kind matching funds) from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED, that the sum of \$20,565.44 is hereby appropriated under the caption FY18- EMPG-EMAA-0710 New Jersey Department of Law and Public Safety, Division of State Police Office of Emergency Management Performance Grant and;

BE IT FURTHER RESOLVED, that the Mayor, the Town Manager and the County Emergency Management Coordinator are authorized to sign the appropriate Sub grant Award documents; and

BE IT FURTHER RESOLVED, that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services;

b) R-19-98 Authorizing Approval of Change Order No. 1 and Final With JTG Construction, Inc.

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1700026") with JTG Construction Inc. for the Stormwater, Watermain, and Road Improvements to East Drive, West Drive, and North Drive; and

WHEREAS, the initial Contract was not to exceed Seven Hundred Fifty-Two Thousand, Four Hundred Seventy- Five Dollars (\$752,475.00); and

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

A.	SUPPLEMENTAL	
	HMA I-2 Base Course , 2" Thick	\$1,411.68
	Roof Leader and Drain Connections	\$900.00
	30" x 38" ERCP	\$2,700.00
	Reconstruct Inlet, Type "B"	\$12,600.00
	Granite Block Curbing	\$1,584.00
	Top Soiling, 4" Thick	\$7,057.76
	Fertilizing and Seeding	\$1,764.44
	Straw Mulching	\$1,764.44
	Asphalt Price Adjustment Allowance	\$3,076.09
	Fuel Price Adjustment Allowance	\$2,040.88
	Total	\$34,899.29
B.	REDUCTIONS	
	Silt Fence	-\$1,000.00
	Inlet Filter, Type 2	-\$50.00
	DGA Base Course , 6" Thick	-\$16,368.00

HMA Milling	-\$1,500.00
HMA I-5 Surface Course, 2" Thick	-\$5,467.70
HMA I-2 Base Course, Variable Thickness for Trench Restoration	-\$7,032.35
HMA Driveway Restoration, I-5 Surface Course 2" Thick	-\$8,136.60
Existing Paver Driveways to be Reset	-\$827.75
18" RCP	-\$11,120.00
8" Gate Valves	-\$1,600.00
Disposal of Contaminated Soil Allowance	-\$3,000.00
Unforeseen Conditions Allowance	-\$10,000.00
Total	-\$66,102.40

WHEREAS, the total change order decreased the contract amount by 4.15% or \$31,203.11 making the new contract sum \$721,271.89; and

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

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 JTG Construction Inc. for the Stormwater, Watermain and Road Improvements to East Drive, West Drive and North Drive; 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-19-99 Authorizing Approval of Change Order Number 1 and Final With H2M Associates, Inc.

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1600017") with H2M Associates, Inc. for the Water Pollution Control Facility Headworks Modifications; and

WHEREAS, the initial Contract was not to exceed Seventy-Five Thousand Eight Hundred Seventy-Five Dollars (\$75,875.00); and

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

A. REDUCTIONS	
Preliminary and Final Design	-\$3,046.00
Permitting	-\$5,000.00
Bid Phase Construction	-\$2,383.00
Construction Phase Services	-\$5,702.27
Total	-\$16,131.27

WHEREAS, the total change order decreased the contract amount by 21.26% or \$16,131.27 making the new contract sum \$59,743.73; and

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

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 H2M Associates, Inc. for the Water Pollution Control Facility Headworks Modifications; 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.

e) R-19-101 Increase Reserve for Accumulated Absences

WHEREAS, the State of New Jersey, Division of Local Government Services has issued regulations permitting the establishment of a Reserve for Accumulated Absences Liability; and

WHEREAS, the Township of Livingston has established a Reserve for Accumulated Absences Liability for the purpose of funding expenditures for accumulated employee absences; and

WHEREAS, the Township of Livingston has adopted a financial policy to systematically reserve funds for the payment of contingent liabilities; and

WHEREAS, funds are available in 2018 appropriation reserve accounts for salaries and wages;

NOW THEREFORE BE IT RESOLVED, that the 2018 appropriation reserves listed on the attached page be reserved and transferred to the Reserve for Accumulated Absences.

2018 APPROPRIATION RESERVES TRANSFERRED TO THE RESERVE FOR			R-19-101
ACCUMULATED ABSENCES			
<u>Current Fund</u>			
DEPARTMENT	LINE ITEM	AMOUNT	
Government Records Compliance	Salary & Wages	\$ 2,000.00	
<u>SEWER UTILITY OPERATING FUND</u>			
DEPARTMENT	LINE ITEM	AMOUNT	
Sewer Utility	Salary & Wages	\$ 7,630.00	
Social Security	Other Expenses	5,064.00	
Total Sewer Utility		<u>\$ 12,694.00</u>	

f) R-19-102 Increasing Storm Recovery Fund

WHEREAS, the State of New Jersey, Division of Local Government Services has issued regulations permitting the establishment of a Storm Recovery Fund; and

WHEREAS, the Township of Livingston has established a Storm Recovery Fund for the purpose of funding expenditures for storm cleanup and related activities; and

WHEREAS, the Township of Livingston has adopted a financial policy to systematically reserve funds for Storm Recovery; and

WHEREAS, funds remain available in the 2018 appropriation reserve accounts for expenditures related to storm recovery;

NOW THEREFORE BE IT RESOLVED, that the 2018 appropriation reserve listed on the attached page be reserved and transferred to the Storm Recovery Fund.

2018 APPROPRIATION RESERVES TRANSFERRED TO STORM RECOVERY FUND

Current Fund

DEPARTMENT	LINE ITEM	AMOUNT
Community Services	Other Expenses	2,226.00
Road Repairs and Maintenance	Other Expenses	2,326.00
Leaf Collection	Other Expenses	6,444.00
Shade Tree	Other Expenses	257.00
Building Maintenance	Other Expenses	141,056.00
Fleet Maintenance	Other Expenses	9,460.42
Stormwater Management	Salary & Wages	2,704.11
Total		\$ 164,473.53

Water Utility Operating Fund

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>AMOUNT</u>
Water Utility	Salary and Wages	\$ 2,152.00
Social Security	Other Expenses	6,065.00
Total		\$ 8,217.00

g) R-19-103 Increasing Reserve for Self-Insurance

WHEREAS, the State of New Jersey, Division of Local Government Services has issued regulations permitting the establishment of a Reserve for Self-Insurance; and

WHEREAS, the Township of Livingston has established a Reserve for Self-Insurance for the purpose of funding expenditures for workers' compensation and related expenses; and

WHEREAS, the Township of Livingston has adopted a financial policy to systematically reserve funds for self-insurance; and

WHEREAS, funds remain available in the 2018 budget appropriation accounts for expenditures related to self-insurance;

NOW THEREFORE BE IT RESOLVED, that the 2018 budget appropriations listed on the attached page be reserved and transferred to the Reserve for Self-Insurance as of December 31, 2018.

Worker's Compensation	Other Expenses	\$ 41,724.00
General Liability	Other Expenses	12,485.00
Total Current Fund		\$ 54,209.00

Water Utility Operating Fund

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>AMOUNT</u>
Employee Health Insurance	Other Expenses	\$ 91,728.00

h) R-19-104 Authorizing Emergency Temporary Budget Appropriations

WHEREAS, an emergent condition has arisen in that the Township is expected to enter into contracts, commitments or payments prior to the adoption of the 2019 Municipal Budget and adequate provision has not been made in the 2019 Temporary Budget for the aforesaid purposes; and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of emergency temporary appropriations for said purposes; and,

WHEREAS, the total temporary and temporary emergency appropriations adopted in the year 2019 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$15,464,935 for the Current Fund; \$2,336,059 for the Water Utility; \$1,508,509 for the Sewer Utility; and \$125,000 for the Swimming Pool Utility;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provision of N.J.S. 40A:4-20:

1. Emergency appropriations be and the same are hereby made in the amount of \$268,454, for the Current Fund, as listed on the attached page.
2. Said temporary emergency appropriations will be provided for in the 2019 Municipal Budget;
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

<u>CURRENT FUND</u>	<u>Salaries and Wages</u>	<u>Other Expenses</u>
Group Health Insurance		250,000.00
Bulletproof Vest Partnership		18,454.40
Total		<u>268,454.40</u>

i) R-19-105 Authorizing Contract with George S. Coyne Chemical, Inc.

WHEREAS, the Township of Livingston ("Township") has a need for water treatment chemicals; and

WHEREAS, on January 24, 2019, the Township of Livingston issued Bid No. 005-2019 as an open-ended contract, to solicit bids from companies that provide water treatment chemicals; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 24, 2019 and as a result eighteen (18) bid packages were requested; and

WHEREAS, on February 20, 2019, five (5) bids were received by the bid deadline and publicly read; and

WHEREAS, the apparent low bid for item two submitted by Arch Chemicals, Inc. failed to comply with the bid specifications rendering this bidder not responsive as per 40A:11-2 (33); and

WHEREAS, the company of George S. Coyne Chemical, Inc. was identified as the lowest responsive and responsible bidder for items two and three 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, George S. Coyne Chemical, Inc.'s schedule of pricing is attached; and

WHEREAS, the Junior Utility Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to George S. Coyne Chemical, Inc.; and

WHEREAS, the Township Manager is recommending the award of a twenty-four (24) month contract to George S. Coyne, Inc.; 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 George S. Coyne Chemical, Inc. effective May 1, 2019.

			George S. Coyne Chemical, Inc.
			3015 State Road
			Croydon, PA 19021
ITEM	Water Treatment Chemicals	UNIT	Unit Price
WATER DEPARTMENT			
	Calcium Hypochlorite 3 1/8" Accu-Tab® SI tablets	55lb pail	
2			\$191.7967
3	Chlorine Cylinders	100 lb cylinder	\$145.6640

j) R-19-106 Authorizing Contract with Main Pool and Chemical Co. Inc.

WHEREAS, the Township of Livingston ("Township") has a need for water treatment chemicals; and

WHEREAS, on January 24, 2019, the Township of Livingston issued Bid No. 005-2019 as an open-ended contract, to solicit bids from companies that provide water treatment chemicals; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 24, 2019 and as a result eighteen (18) bid packages were requested; and

WHEREAS, on February 20, 2019, five (5) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of Main Pool and Chemical Company, Inc. was identified as the lowest responsive and responsible bidder for items one, four, six, seven and eight b 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, Main Pool and Chemical Company, Inc.'s schedule of pricing is attached; and

WHEREAS, the Director of Senior, Youth and Leisure Services, Superintendent of the Water Pollution Control Facility and Junior Utility Engineer have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to Main Pool and Chemical Company, Inc.; and

WHEREAS, the Township Manager is recommending the award of a twenty-four (24) month contract to Main Pool and Chemical Company, Inc.; 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 Main Pool and Chemical Company, Inc. effective May 1, 2019.

Township of Livingston
 BID 005-2019 - Water Treatment Chemicals- Open Ended
 BID ABSTRACT
 Bid Opening - February 20, 2019 - 11:00AM
 Prepared By: K. Sullivan, Purchasing Mgr

Main Pool & Chemical Company
110 Commerce Road
Dupont, PA 18641

ITEM	Water Treatment Chemicals	UNIT	Unit Price
WATER DEPARTMENT			
1	15% Sodium Hypochlorite	Per Gallon	\$1.94
WPCF			
4	15% Sodium Hypochlorite – Bulk	Per Gallon	\$1.14
\$YLS			
6	15% Sodium Hypochlorite – Bulk	Per Gallon	\$1.14
7	15 Gallon Carboys – Hydrochloric Acid	Per 15 gallon Carboy	\$46.80
8	Reagents for Testing		
b	DPD # 1	(1,000 tablets per box)	\$75.00

k) R-19-107 Authorizing Contract with Miracle Chemical Company.

WHEREAS, the Township of Livingston (“Township”) has a need for water treatment chemicals; and

WHEREAS, on January 24, 2019, the Township of Livingston issued Bid No. 005-2019 as an open-ended contract, to solicit bids from companies that provide water treatment chemicals; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 24, 2019 and as a result eighteen (18) bid packages were requested; and

WHEREAS, on February 20, 2019, five (5) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of Miracle Chemical Company was identified as the lowest responsive and responsible bidder for item 8a 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, Miracle Chemical Company’s schedule of pricing is attached; and

WHEREAS, the Director of Senior, Youth and Leisure Services has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Miracle Chemical Company; and

WHEREAS, the Township Manager is recommending the award of a twenty-four (24) month contract to Miracle Chemical Company; 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 Miracle Chemical Company effective May 1, 2019.

l) R-19-108 Authorizing Contract with Univar USA, Inc.

WHEREAS, the Township of Livingston (“Township”) has a need for water treatment chemicals; and

WHEREAS, on January 24, 2019, the Township of Livingston issued Bid No. 005-2019 as an open-ended contract, to solicit bids from companies that provide water treatment chemicals; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 24, 2019 and as a result eighteen (18) bid packages were requested; and

WHEREAS, on February 20, 2019, five (5) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of Univar USA, Inc. was identified as the lowest responsive and responsible bidder for item five 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, Univar USA, Inc.'s schedule of pricing is attached; and

WHEREAS, the Superintendent of the Water Pollution Control Facility has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Univar USA, Inc.; and

WHEREAS, the Township Manager is recommending the award of a twenty-four (24) month contract to Univar USA, Inc.; 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 Univar USA, Inc. effective May 1, 2019.

Township of Livingston
 BID 005-2019 - Water Treatment Chemicals- Open Ended
 BID ABSTRACT
 Bid Opening - February 20, 2019 - 11:00AM
 Prepared By: K. Sullivan, Purchasing Mgr

Univar USA, Inc.	
200 Dean Slevers Place	
Morrisville, PA 19067	

ITEM	Water Treatment Chemicals	UNIT	Unit Price
WPCF			
5	Sulfur Dioxide for de-chlorination	150lb cylinder	\$1.12*
			*bid per pound price (\$168 for 150lb cylinder)

m) R-19-109 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, 2019 or upon the expiration of the vendors' contract, whichever event first occurs.

On motion duly made and seconded, Resolutions R-19-97 through R-19-99 and R-19-101 through R-19-109, all members present voted YES.

Public Comment

Mahna Khanna, 8 Dawson Terrace, asked the Township Council for support to ban the use of plastic straws in the Township. She said that everyone can do their part to save the environment "one straw at a time", and the Township Council was extremely grateful for her comments and thanked her wholeheartedly.

Bob Hunter, 89 Elmwood Drive, mentioned that the DPW had hired John Linden, an arborist, and the Township could benefit by doing the same. He also mentioned that he will be present at the demonstration against Williams-Transco Pipeline project to be held at the Roseland Environmental Center on Thursday, March 28, 2019 from 4pm – 6:30pm.

Adjournment

At 9:56 p.m., the Regular Meeting adjourned.

ALFRED M. ANTHONY, Mayor

GLENN R. TURTLETAUB, Township Clerk