

Livingston, New Jersey
April 8, 2019
Meeting #7

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:32 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; Deputy Township Manager Jones; Township Attorney Weiner; Deputy Township Clerk Mazzucco

Silent Meditation and Pledge of Allegiance

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

Presentations

Camuso Committee – Check Presentation to Saint Barnabas Burn Unit - Members of the Camuso Committee presented two checks totaling \$5,034 to the Saint Barnabas Burn Foundation. Mayor Anthony thanked the Camuso Committee for all their efforts and was presented with a framed panoramic photo of the Camuso Holiday Display to be displayed at the municipal building.

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-19-110 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 April 8, 2019, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

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

*Approval of Minutes

a) March 25, 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 170-88.1.(2) CREATING INCLUSIONARY ASSISTED LIVING CONDITIONAL USE ON BLOCK 6300 LOT 30 was read by title.

Attorney Weiner stated that the hearing will be carried to the April 22nd Council meeting.

b) Ord. 7-2019 Adopting Amended Zoning Map to Eliminate Split Lot Zoning on Block 6100 Lots 30.01, 30.02 and 30.03

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON ADOPTING AMENDED ZONING MAP TO ELIMINATE SPLIT LOT ZONING ON BLOCK 6100 LOTS 30.01, 30.02 AND 30.03 was read by title.

Attorney Weiner stated that the hearing will be carried until April 22, 2019, awaiting resolution of an issue concerning elevators in the Affordable Housing Units between the developer and the Planning Board.

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..

Township Clerk Turteltaub mentioned that per the CFO's instructions, this Ordinance will need to be carried to the April 22nd Council meeting when the Budget is heard.

Resolutions

a) (deleted)

b) R-19-112 Approving Developers Agreement with Jorge Taboda

WHEREAS, Jorge Taboda has made an Application No. 2018-29-PFSPV to the Livingston Planning Board seeking permission to remove and replace an existing garage with a new 4 car garage and to provide paving and stripping of 12 additional parking spaces to the rear of the building; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on June 19, 2018; and

WHEREAS, the Board's Model Condition of Approval #17 states: "Prior to the issuance of any permits the Applicant shall have entered into a Developer's Agreement negotiated with the Township Attorney in conjunction with the Township Engineer."; and

WHEREAS, the Township Attorney has negotiated the terms of the Developer's Agreement which has been approved by the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes Mayor Alfred M. Anthony on behalf of the Township Council, to execute the Developer's Agreement with Jorge Taboada.

c) R-19-113 Authorizing Contract to Shauger Property Services, Inc.

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

WHEREAS, on February 7, 2019, the Township of Livingston issued Bid No. 001-2019 to solicit bids from contractors experienced in water main rehabilitation; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on February 7, 2019 and as a result thirty-seven (37) bid packages were requested; and

WHEREAS, on March 22, 2019, five (5) bids were received by the bid deadline and publicly read; and

WHEREAS, Shauger Property Services, 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 Shauger Property Services, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to Shauger Property Services, Inc. in an amount not to exceed \$997,176.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-018-005-002.

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 Shauger Property Services, Inc. in an amount not to exceed \$997,176.00.

d) R-19-114 Award of Contract to Remington & Vernick

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the 2019 Water Main Improvements on Laurel Avenue 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, Remington & Vernick Engineers, Inc. has completed and submitted a business Entity Disclosure Certification which certifies that Remington & Vernick Engineers, 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 Remington & Vernick Engineers, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Junior Utility Engineer and Township Manager are recommending the award of a contract to Remington & Vernick Engineers, Inc. to provide professional engineering services for the 2019 Water Main Improvements on Laurel Avenue as required by the Township in an amount not to exceed \$24,500.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-016-003-007; 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 Remington & Vernick Engineers, Inc. in an amount not to exceed \$24,500.00 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.

On motion duly made by Councilmember Fernandez and seconded by Councilmember Meinhardt, Resolutions R-19-112 through R-19-114, all members present voted YES.

Public Comment

Keith Hines, 166 E. Cedar St., asked about water consumption in the Township. Councilmembers advised that a water presentation will be coming up shortly as the Township is considering commodity pricing in the near future.

Walter LeVine, 345 Walnut St., questioned the Energy Aggregation rate for the JCP&L customers. Councilmembers discussed the different qualities of renewable energy and the difference between business and residential rates. Mayor Anthony suggested the community attend the presentation at Town Hall on April 25th at 7pm for PSE&G customers, and 8:30pm for JCP&L customers, which should answer everyone's questions.

Dennis Duffy, 38 Bennington Road, repeated questions to Councilmembers from prior meetings about drainage from the new athletic field by St. Philomena onto Bennington Road. Councilmembers reiterated that he should send the plans, referencing a pond, directly to the Councilmembers.

Justin Alpert, 56 Amherst Place, suggested that a scoreboard be added to Madonna Field. Councilmembers advised him that the Big "L" has a scoreboard to roll out for games anytime.

Mayor Anthony concluded that there will be a "5 on 5" with the all Township Councilmembers and the Board of Education members present on April 23, 2019 at 7pm in Town Hall.

Adjournment

At 8:15 p.m., the Regular Meeting adjourned.

ALFRED M. ANTHONY, Mayor

CAROLYN MAZZUCCO, Deputy Township Clerk