

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; 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

Arbor Day- Mayor Anthony proclaimed April 26, 2019 as Arbor Day, and urged the community to attend the tree planting at the Oval on 10am Friday, April 24, 2019.

Jennifer Walker – Township Council and SYLS employees celebrated Jennifer Walker's achievement of becoming a Certified Park and Recreation Executive (CPRE), as she is one of only two in the State to hold such a designation. It is the highest level that a Park and Recreation professional can achieve. Mayor Anthony also thanked everyone for the wonderful services SYLS provides the community.

National Autism Awareness Month - Mayor Anthony proclaimed April 2019 as National Autism Awareness Month, and Bob Gebroe of the Livingston Advisory Committee for Disabilities urged everyone to attend the "Shine A Light on Autism" event at 7:30pm on April 30, 2019 at the Oval. He added that 1 out of 35 children in NJ will be diagnosed with autism by the age of four, which is the highest rate of any State.

Essex County Update/Questions

Eileen Fishman, Essex County Liaison to Livingston Liaison to Essex County Executive Joseph Di Vincenzo, advised of upcoming County events and dates of significance.

Final Hearing Ordinances

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

Public Hearing on 2019 Municipal Budget

a) R-19-114a To Read Budget by Title

WHEREAS, N.J.S.A. 40A 4-8 as amended provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Budget

(a) shall be made available for public inspection in the free public library, if any, of the municipality and in the free county libraries or regional libraries located in the municipality or, if no county libraries or regional libraries are located in the municipality, the county or regional library of the county in which the municipality is located, and the public officer delegated responsibility for delivering copies of the approved budget to such library shall forward to the governing body an attestation that each such delivery was made, and

(b) is made available to each person requesting the same, during said week and during the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Livingston that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended set forth in subsections 1(a)and 1(b), have been met and therefore the Budget shall be read by title only.

b) R-19-114b Self-Examination of Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Livingston has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Livingston that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

c) R-19-114c Adoption of 2019 Municipal Budget

Section 2 – Upon Adoption for Year 2019

Be It Resolved by the Township Council of the Township of Livingston, County of Essex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- | | | |
|------------|-----------------|---|
| (a) | \$31,962,802.98 | (Item 2 below) for municipal purposes, and |
| (b) | \$0.00 | (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and, |
| (c) | \$0.00 | (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations. |
| (d) | \$365,328.00 | (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy |
| (e) | \$2,682,274.21 | Minimum Library Levy |

Township Manager Lewis gave a brief presentation on the 2019 Municipal Budget. He stated that only 18.4% of taxes are dedicated to the municipality and the library, the rest of the taxes are allocated to the schools, the county and a reserve for uncollected taxes. He explained that the 2019 tax rate increase would be .998%.

On motion duly made and seconded, and on voice vote, all members present voted to close the hearing.
 On motion duly made and seconded, and on roll call vote, all members present voted YES. All Councilmembers extended praise to the Township Administrator and CFO and their departments for doing a great job of delivering a budget with minimal tax impact.

Public Comments on Agenda Items

Consent Agenda R-19-115 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 22, 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) April 8, 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.

Township Clerk Turtletaub stated that the hearing will be carried to the May 6th Council meeting. Township Attorney Weiner stated that new plans had been submitted to the County allowing vehicles exiting the development to take a left-hand turn onto South Orange Avenue, and that determination from the County was expected shortly.

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 May 6, 2019 as the Township was waiting for a determination from the Mt. Laurel judge on whether the affordable housing units would be credited without elevator units. Pulte Homes Attorney James Mullen, and a representative of the Kushner Academy, both questioned the delay because of the lack of elevators in these units.

Proposed Ordinances

a) Ord.10-2019 Allowing Use of Alcohol on Township Property

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 61 ALCOHOLIC BEVERAGES, ARTICLE IV PUBLIC RECREATION AREAS 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, May 6, 2019.

Resolutions

a) R-19-116 Appointment to Zoning Board

BE IT RESOLVED by the Council of the Township of Livingston in the County of Essex, in accordance with the provisions of Section 16-4 et seq. of the Revised Ordinances of the Township of Livingston, that:

1. Laurie Kahn is appointed as Alternate Member No. 2 of the Zoning Board of Adjustment, filling an unexpired term ending December 31, 2019.
2. Kalpesh Kenia is appointed as Alternate Member No. 1 of the Zoning Board of Adjustment, filling an unexpired term ending December 31, 2020.
3. Vineeta Khanna is appointed as a member of the Zoning Board of Adjustment, filling an unexpired term ending December 31, 2020.

b) R-19-117 Opposing and Calling for Public Health and Safety Study – Proposed Williams Transco Gateway Expansion

WHEREAS, Williams Transco is proposing to build a second compressor in Roseland; and,

WHEREAS, if built, the gas after leaving the compression station would then be pushed under increased pressure through a 60-year-old pipe under Roseland and 16 other municipalities in northern New Jersey before going under the Hudson River; and

WHEREAS, municipalities like Livingston will receive no benefit from the gateway expansion project but will suffer the burden perhaps for years to come, have legitimate concerns regarding the installation of the compressor station as well as the upgrade of the existing Williams Transco Pipeline including impact on emergency services and response times in case of emergency; lack of viable detour and excavation routes through the Township; potential for explosions in the event that the aging pipeline is damaged; and

WHEREAS, Williams Transco has refused an invitation from the Mayor and Council of Roseland to present their proposal to local residents via an open public meeting in a format where residents could ask questions and raise concerns directly with Williams Transco staff and residents.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that they call on Governor Murphy to direct the New Jersey Board of Public Utilities and the New Jersey Department of Environmental Protection to conduct a comprehensive study on the particular public health and safety impacts related to the Gateway Expansion Project.

BE IT FURTHER RESOLVED by the Mayor and Council of the Township of Livingston that they call upon the New Jersey Department of Environmental Protection to hold a public hearing on the proposed gateway expansion project; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Township of Livingston call on Williams Transco Pipeline Company to agree to hold public community meetings about their proposal to build a second gas compression station on Eagle Rock Avenue next to the Essex County Environmental Center ample opportunity for the public to ask direct questions of Williams Transco representative; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded by the Municipal Clerk of the Township of Livingston to the Federal Energy Regulatory Commission, Philip Murphy, Governor of New Jersey, Katherine McCabe, Acting Commission of the New Jersey Department of Environmental Protection, Joseph Fiordaliso, President of the New Jersey Board of Public Utilities, Senator Richard Codey, Assembly Members Mila Jasey and John McKeon, as well as the Essex County Board of Chosen Freeholders and Essex County Executive Joe DiVincenzo, Jr.

c) R-19-118 Authorizing Disposition of Surplus Property

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 recycled.

d) R-19-119 Authorizing Approval of Change Order Number 1 and Final With M2 Associates, Inc. for Wells 17 & 18-Preliminary Design and Test Well Construction

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract") with M2 Associates, Inc. for Wells 17 & 18 - Preliminary Design and Test Well Construction

WHEREAS, the initial Contract was not to exceed Two Hundred and Twelve Thousand, Five Hundred and Sixty Dollars;

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

A. REDUCTIONS

Drill Test Well	-\$20,919.32
Geophysical Logging	-\$9,502.53
Aquifer Test	-\$75,250.00
Design and Siting of Production Well	-\$3,450.00
Report Preparation	-\$2,290.00
Total	-\$111,411.85

WHEREAS, the total change order decreased the contract amount by 52.41% or \$111,411.85 and

WHEREAS, this Change Order has been recommended by Nathan Kiracofe, Junior Utility and Barry Lewis, 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 M2 Associates, Inc. for Wells 17 & 18 - Preliminary Design and Test Well Construction 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.

e) R-19-120 Authorizing Award of Contract to Pearlman & Miranda, LLC

WHEREAS, the Township of Livingston has a need to acquire Special Counsel to handle the St. Barnabas tax exemption appeal 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 services will exceed \$17,500; and,

WHEREAS, Pearlman & Miranda, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Pearlman & Miranda, 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 Pearlman & Miranda, 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 Pearlman & Miranda, LLC to provide Special Counsel for the St. Barnabas tax exemption appeal as required by the Township on the terms set forth in the attached proposal; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in account 9-01-20-150-001-200, contingent upon sufficient funds being appropriated in the 2019 municipal budget.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Pearlman & Miranda, LLC for the period of March 20, 2019 through December 31, 2019 in an amount not to exceed \$50,000.00 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-19-116 through R-19-120, all members present voted YES. Council members welcomed Laurie Kahn to the Zoning Board who was attending the meeting. All Councilmembers emphatically supported R-19-117, however Mayor Anthony recused himself from the vote due to his affiliation with the DEP.

Public Comment

Bob Hunter, 89 Elmwood, appreciated the efforts of the Councilmembers, CFO and Administrator's office on the budget. He also recommended the Township hire a full-time arborist, which the LEC recommends as well. He applauded the Councilmembers for passing Resolution 19-117 and mentioned that gas sensors should be considered at the Roseland Environment Center. He also mentioned that it had been 20 years since the Columbine tragedy and 65% of parents worry about their children going to school today. Councilmembers surprised Mr. Hunter with a movie clip from when he played an extra in the movie Ocean's 8, and presented him with a poster of the same.

Councilmember Klein reminded everyone that Sunday was clean-up day in the Township.

Adjournment

At 9:05 p.m., the Regular Meeting adjourned.

ALFRED M. ANTHONY, Mayor

CAROLYN MAZZUCCO, Deputy Township Clerk