

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, 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

a) Paint the Town Purple - Cheryl Francione received a Proclamation from the Mayor recognizing Alzheimer's and Brain Awareness Month, and she explained the Paint the Town Purple campaign. Ms. Francione explained Alzheimers and related dementia, and explained that as there was no cure that "we have to do research and provide care and support."

b) National Gun Violence Awareness Day—Mayor Anthony read and presented Proclamations supporting National Gun Violence Awareness Day to Diane Dresdale and Stacy Abenstein.

Essex County Update/Questions

Public Comments on Agenda Items

Resolution—Consent Agenda (Includes All Items Marked \*\*\*) R-19-128

**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 June 3, 2019, attached hereto, which are preceded by an "\*\*\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approval of Minutes

a) May 22, 2019

Approval of Licenses

Final Hearing Ordinances

a) Ord. 11-2019 Bond Ordinance Providing an Appropriation of \$1,195,000 for Improvements to Sewer Utility System

a) BOND ORDINANCE OF THE TOWNSHIP OF LIVINGSTON PROVIDING AN APPROPRIATION OF \$1,195,000 FOR IMPROVEMENTS TO SEWER UTILITY SYSTEM 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. It was ordered advertised according to law.

b) Ord. 12-2019 Bond Ordinance Providing an Appropriation of \$2,430,000 for Improvements to Water Utility System

b) BOND ORDINANCE OF THE TOWNSHIP OF LIVINGSTON ORDINANCE PROVIDING AN APPROPRIATION OF \$2,430,000 FOR IMPROVEMENTS TO WATER UTILITY SYSTEM 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. It was ordered advertised according to law.

c) Ord. 13-2019 Bond Ordinance Providing an Appropriation of \$50,000 for Pool Utility Improvements

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$50,000 FOR POOL UTILITY IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION 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. It was ordered advertised according to law.

Proposed Ordinance

a) Ord. 14-2019 Bond Ordinance--\$6,570,000---Various Improvements

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$6,570,000 FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHOIRIZNG THE ISSUANCE OF \$6,257,139 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION 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, June 17, 2019.

Resolutions

a) R-19-129 Approval of Change Order No. 2 with Suburban Consulting Engineers Inc.

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1600002") with Suburban Consulting Engineers, Inc. for the design and development of construction documents for the Eisenhower Parkway Sewer Main Replacement; and

WHEREAS, the initial Contract was not to exceed One Hundred Four Thousand Nine Hundred Dollars and no cents (\$104,900.00); and

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

A.	CHANGE ORDER NUMBER ONE (Approved R-16-212)	\$19,396.40
B.	CHANGE ORDER NUMBER TWO	<u>\$7,627.50</u>
	Grand Total (CO#1 + CO#2)	\$27,023.90

WHEREAS, the total amount for change order number two is \$7,627.50 making the new contract sum \$131,923.90; and

WHEREAS, change orders number one and two have increased the initial contract amount by 25.8%; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in account C-09-55-015-008-01D.

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 Suburban Consulting Engineers, Inc. for the design and development of construction documents for the Eisenhower Parkway Sewer Main Replacement.

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

b) R-19-130 Authorizing Amending Adopted 2019 Municipal Budget to Include Special Items of Revenue (Ch. 159)

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1900001") with Ranco Mechanical, LLC for the Lavatory Renovations at the Northfield Fire Station; and

WHEREAS, the initial contract was not to exceed Forty-Six Thousand Nine Hundred Dollars and no cents (\$46,900.00); and

WHEREAS, due to a requested change in the vanity and vanity top, a Change Order has been requested:

A.	CHANGE ORDER NUMBER ONE	<u>\$530.00</u>
	TOTAL	\$530.00

WHEREAS, the total change order increased the contract amount by 1.13% or \$530.00 making the new contract sum \$47,430.00; and

WHEREAS, this Change Order has been recommended by the Fire Chief and Township Manager; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-04-55-013-014-003.

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 Ranco Mechanical, LLC for the Lavatory Renovations at the Northfield Fire Station; 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.

c) R-19-131 Authorizing Contract with Mott MacDonald

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the effluent pump station controls upgrade 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, Mott MacDonald, LLC has completed and submitted a business Entity Disclosure Certification which certifies that Mott MacDonald, 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 Mott MacDonald, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Superintendent of Sewer Operations and Township Manager are recommending the award of a contract to Mott MacDonald, LLC to provide professional engineering services for the effluent pump station controls upgrade as required by the Township in an amount not to exceed \$67,600.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in capital account C-09-55-017-001-003; 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 Mott MacDonald, LLC in an amount not to exceed \$67,600.00 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.

d) R-19-132 Tax Collector to Prepare Estimated Tax Bills

**WHEREAS**, the Essex County Board of Taxation has not certified the General Tax Rate throughout Essex County for 2019 and the Livingston Township Tax Collector will be unable to mail the Township's 2019 tax bills on a timely basis; and,

**WHEREAS**, the Township of Livingston Tax Collector in consultation with the Livingston Township Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and,

**WHEREAS**, in accordance with Chapter 72, P.L. 1994, the Township Council approves the estimated tax levy to enable the Township to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey as follows:

1. The Township of Livingston Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2019 taxes. The Tax Collector shall proceed and take such actions, as are permitted and required by L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54.4-66.3).
2. The entire estimated tax levy for 2019 is hereby set at \$192,182,350.
3. In accordance with applicable law the third installment of 2019 taxes shall not be subject to interest until the later of August 13<sup>th</sup> or the twenty fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

On motion duly made and seconded, and on roll call vote of Resolutions R-19-129 through R-19-132, all members present voted YES.

Public Comment

Walt LeVine, 345 Walnut St., Environmental Commission Chair and a member of the Green Team and Recycling and Reclamation Committee, responded to a West Essex Tribune editorial concerning the uncontrolled use of plastics. He detailed the efforts already made by those groups, and noted that they had been awaiting State action (which might have pre-empted any municipal action.) Mr. LeVine stated that it was recently learned that new State legislation would allow municipalities to be more restrictive than the State. He stated that the Livingston Environmental Commission will present a proposed Ordinance to the Council for consideration. Councilmember Klein explained the efforts that Committees and Council have taken to respond to the problem.

Bernard Searle, 14 Washington Court, addressed proposed Ordinance 14-2019, specifically Section 2, which provided for allocation of funds for the Department of Public Works. Mr. Searle asked for a breakdown of the allocation of funds, and there commented that there was no wording as to whether the Township was acquiring property. Mr. Searle also addressed Section 3 (roads), specifically the repaving of Chestnut Street. He suggested looking into that area, suggesting that the joining of two segments was preferable to paving Chestnut. Mr. Searle stated that he had spoken with the Essex County Planner who provided information, and noted that improved signage would definitely help

Bob Wild, 13 E. Harrison Place, presented a series of photographs showing what is occurring with the new Rehab Center on East Harrison. Mr. Wild suggested that parking permits be issued to residents, as had been done in the past, and suggesting 9-5 Daily except Sundays. He noted that the parking creates a hazard. Township Manager Lewis stated that he had already referred the matter to the Police Department for investigation, and that Sergeant Riley was working on the matter.

Adjournment

At 8:40 p.m., the Regular Meeting adjourned.

ALFRED M. ANTHONY, Mayor

GLENN R. TURTLETAUB, Township Clerk