

## Minutes - Livingston Township Council Conference Meeting #14—August 5, 2019

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

**Absent:** Councilmember Fernandez

The Conference meeting commenced at 7:00 p.m. The Mayor stated that all the requirements of the “Open Public Meetings Law” had been met. “Annual Notice” was faxed to the *West Essex Tribune and the Star Ledger* on January 2, 2019.

The Council heard a presentation from Arts Council Co-Chair Ellie Cohen in support of the Township building a proposed **Performing Arts Center**. Also present were several Arts Council members including Jan Press, Vivian Olshen, and Alan Karpas. Ms. Cohen gave a detailed history of efforts over the years to achieve a Performing Arts Center. The Arts Council was requesting funding for an architect to conduct a feasibility study, at a cost of approximately ten thousand dollars. Councilmember Meinhardt suggested the Council consider obtaining a second opinion, and Councilmember Klein noted that the project could provide for a dual use of areas. Ms. Cohen suggested going back to the Kizell group for an opinion. The Council approved the idea of funding a feasibility study.

Bob Wild, 13 East Harrison Place, discussed the **Parking on East Harrison**, and inquired as to the result of a **traffic study** completed sometime in the past which had addressed the situation and led to permit parking on East Harrison. Mr. Lewis provided information to Mr. Wild. Councilmember Vieira noted that there had been a 2006 Ordinance (Ordinance 36-2006) addressing the situation, and perhaps one after that according to Councilmember Fernandez. Mr. Wild stated that signs had been taken down because of a disagreement between the Police Captain and Mr. Wild. Peggy Sullivan, 19 E Harrison, characterized the area as “dangerous” as young families were present, and that it was a “raceway” and a “cut-through street.” Mr. Wild urged Permit Parking from 9-5 on Monday through Saturday. Mr. Lewis will discuss the concept with LPD personnel.

At 7:45 p.m., the Conference meeting adjourned so the Council could attend the Regular meeting.

At 8:45 p.m., the Conference meeting resumed with everyone previously in attendance present.

The Council approved the **Conference and Closed Minutes** of the July 8, 2019 meetings.

The Council approved the **Legal Fees** of Murphy McKeon (June 2019), Genova Burns (June 2019) and Mc Carter & English (June 2019).

The Council approved the recommendation by Township Manager Lewis and Township Engineer Harduby for Change Order 1 and Final Payment to **Reivax Constr. Co.** for 2018 Water Main Replacements. The item is listed on this evening’s Regular Agenda for a vote.

The Council approved the recommendation by Township Manager Lewis and Director of Utilities Richard Tuttle for an award of contract to **USALCO Baltimore Plant**, LLC for a two year period for Polyaluminum Chloride for the Water Pollution Control Facility. The item is listed on this evening’s Regular Agenda for a vote.

The Council approved the recommendation by Township Manager Lewis and Township Junior Utility Nathan Kiracofe authorizing Change Order 2 and Final Payment to **Suburban Consulting Engineers, Inc.** for the Water System Improvements & Water Storage Tanks in the amount of \$120,122.50. The item is listed on this evening’s Regular Agenda for a vote.

The Council approved the recommendation by Township Manager Lewis and Township Engineer Harduby awarding a non-fair and open contract to **Mott MacDonald** for Professional Engineering Services for Well 1—Congressional Generator Replacement. The item is listed on this evening’s Regular Agenda for a vote.

The Council considered the request of Joy Bushwell, past president of the Big L Club, asking permission to wrap the back of Township **baseball dugouts** with sheer netting which would display the Livingston Lancer logo and the Big L Club Logo. It was agreed to continue the discussion in the future.

The Council discussed the recommendation by Township Manager Lewis and Jennifer Walker, Director of Senior Youth & Leisure Services for an award of contract to **Tri-Plex Industries**, Inc. for furnishing and installation of partition doors. At the conclusion of the discussion it was agreed to remove the item for the evening’s Regular Agenda.

The Council approved the recommendation of Junior Utilities Engineer Nathan Kiracofe and Township Manager Lewis for an award of contract to Water Works Supply Co., Inc. for the **pipe section of the Water System Parts**. The item is listed on this evening’s Regular Agenda for a vote.

The Council agreed to the First Amendment to the 1990 “Restated and Amended Agreement between Millburn and Livingston providing for **Sanitary Sewer Service**.” A Resolution providing for same will be considered during the evening’s Regular Meeting.

The Council agreed to the request of RIX Magazine to hold a **Fundraiser Car Show** event at the Livingston Mall parking lot on August 18, 2019, from 12 p.m. to 6 p.m. as a fundraiser for a 10 year old boy battling terminal brain cancer. Permission was given by Simon Properties to use their Mall property. Township Manager Lewis recommended the request be approved, subject to RIX Magazine following conditions set forth in the Township Manager's Memorandum (C.M. No. 45)

The Council agreed to the recommendation of Township Engineer Harduby for rejection of bids for the **garage expansion at the Water Pollution Control Facility**, and to re-bid the project. A Resolution providing for rejection of the bids is listed for consideration on the evening's Regular Agenda.

The Council agreed to the recommendation of Township Engineer Harduby and Township Manager Lewis for an award of contract to Midwest Construction, Inc. for **Memorial Park Sidewalk Improvements**. A Resolution awarding the contract is listed on this evening's Regular Agenda for consideration.

The Council agreed to the appointment of **Jarrid Kantor of the firm of Antonelli Kantor** as Special Counsel, and a Resolution will be considered during the evening's Regular Meeting.

The Council discussed the email request of Gayle and Robert Stein that the Council consider amending the **Noise Ordinance** to address "allowing power washers and other noisy maintenance tools all day, on both Saturday and Sunday". Following discussion, the Council decided that it would not change the Ordinance

Councilmember Vieira thanked Manager Lewis for steps taken to address the **Pulte** issue.

Councilmember Vieira will provide contact information to the Clerk regarding a presentation to Township resident Evan Anderson recognizing him for **voluntarily collecting garbage** left on streets in town. A presentation honoring Evan will be held during the September 3 Regular Meeting.

Councilmember Klein asked about a format for placing an item on the Agenda listing "**unfinished items.**"

Councilmember Klein inquired as to dates for the **Water Presentation**, and consideration of the **Tree Consultant** retention.

The Council agreed to attend the **Lifetime** Opening on September 9, and the Clerk was asked to prepare a plaque.

The Clerk will prepare a **48 hour notice to hold a Council meeting on August 26, 2019, and canceling the meeting of August 19.**

#### Resolution Authorizing Closed Session—Property Acquisition

At 9:15 p.m., the following Resolution was considered:

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

**WHEREAS**, the Governing Body of the Township of Livingston has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

**WHEREAS**, the Conference meeting of the Governing Body will reconvene; and

**BE IT RESOLVED** that this 5th day of August, 2019, that the Township Council of the Township of Livingston will go into Closed Session for the purpose of discussing Property Acquisition and such matters as may come before the Council and that are exempted from the public as outlined in N.J.S.A. 10:4-12.

**BE IT FURTHER RESOLVED** that the matters discussed in closed session will be made public upon disposition.

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

At 9:45 p.m., the Closed Session ended.

At 9:45 p.m., the Conference meeting ended.

Respectfully submitted,

GLENN R. TURTLETAUB  
Township Clerk