

Livingston, New Jersey  
October 7, 2019  
Meeting #19

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:48 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 Turtleaub

Absent: None

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) Carl Pluchino – The Mayor and Councilmembers congratulated Pluchino on his retirement and thanked him for his professionalism and sense of humor during his five years working for the Township.

Essex County Update/Questions

Public Comments on Agenda Items

Justin Alpert, 56 Amherst Place, questioned why the purchase price for the Strahman property was more than its assessed value.

Resolution—Consent Agenda (Includes All Items Marked \*\*\*) R-19-183

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 October 7, 2019, attached hereto, which are preceded by an "\*\*\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approval of Minutes

a) September 16, 2019

Approval of Licenses

Final Hearing Ordinances

Proposed Ordinances

a) Ord. 19-2019 Authorizing the Purchase of A Parcel of Land Designated Lot 23, Block 2504, 321 East Cedar Street (Strahman)  
ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AUTHORIZING THE PURCHASE OF A PARCEL OF LAND DESIGNATED LOT 23, BLOCK 2504, 321 EAST CEDAR STREET (STRAHMAN) 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, October 21, 2019.

b) Ord. 20-2019 Amending Section 20-3 of the Township of Code Regulating Membership in the Livingston Fire Department  
ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING SECTION 20-3 OF THE TOWNSHIP OF CODE REGULATING MEMBERSHIP IN THE LIVINGSTON FIRE DEPARTMENT 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, October 21, 2019.

Resolutions

a) R-19-184 RESOLUTION AUTHORIZING AN EMERGENCY CONTRACT WITH SHAUGER PROPERTY SERVICES, INC.

WHEREAS, on July 8, 2019, the Township Council awarded a fair and open contract to Shauger Property Services, Inc. (R-19-149) for the repair/rebuild of catch basins pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, this contract was not to exceed the Township's bid threshold of \$40,000.00; and

WHEREAS, due to severe damage sustained to the Township's storm water system due to heavy rain events this summer, particularly the August 7, 2019 storm, it is necessary to complete additional catch basin repairs/rebuilds which will cause the total value of the contract to exceed the Township's bid threshold; and

WHEREAS, the Township Manager has identified the need for the additional catch basin repairs/rebuilds to be a state of emergency due to significant and unforeseen damage and collapse of various components of the Township's storm water collection system; and

WHEREAS, catch basin repair/rebuild is necessary to protect the public health, safety and welfare; and

WHEREAS, the Township Manager has provided written notification to the Township Council of the emergent need for the immediate need for additional catch basin repairs/rebuilds to protect public health, safety, and welfare; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-6, "Emergency Contracts") allows the award of contracts without public advertising for bids and bidding when an emergency affecting public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the provisions of **Chapter 19, P.L. 2004 (as amended by P.L. 2005, c.51) of the Pay-to-Play Laws** (N.J.S.A. 19:44A-20.4 et seq.) are waived when an emergency exists affecting the public health, safety or welfare which requires the immediate delivery of goods or performance of services; and

WHEREAS, Shauger Property Services, Inc.'s schedule of pricing is attached; 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 the Township Manager is hereby authorized to enter into an open-ended contract with Shauger Property Services, Inc. for the catch basin repair/rebuild in an amount not to exceed \$70,000.00.

BE IT FURTHER RESOLVED, that in accordance with the Pay-to-Play Laws the Township will file an Emergency Procurement Report (N.J.S.A. 19:44A-20.12) with the Division of Local Government Services within thirty (30) days after the declaration of the emergency.

R-19-184

<b>Shauger Property Services, Inc.</b>
429 Dodd Street
East Orange, NJ 07017

ITEM	DESCRIPTION	Unit	Unit Price
	<b>Repair Catch Basin</b>		
1	2'-3' Depth	LF	\$500.00
2	4'-6' Depth	LF	\$500.00
3	6' + Depth	LF	\$475.00
	<b>Rebuild Catch Basin</b>		
1	2'-3' Depth	LF	\$600.00
2	4'-6' Depth	LF	\$580.00

3	6' + Depth	LF	\$550.00
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**b) R-19-185 RESOLUTION AUTHORIZING A CONTRACT WITH ISCHIA CORP.**

WHEREAS, the Township of Livingston ("Township") has a need for the two inch milling and paving of Chestnut Street- North Section that cannot otherwise be performed by its regular employees; and

WHEREAS, on September 5, 2019, the Township of Livingston issued Bid No. 016-2019 to solicit bids from contractors experienced in milling and paving; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on September 5, 2019 and as a result twenty-two (22) bid packages were requested; and

WHEREAS, on September 25, 2019, six (6) bids were received by the bid deadline and publicly read; and

WHEREAS, Ischia Corp. 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 Township Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Ischia Corp.; and

WHEREAS, the Township Manager is recommending the award of a contract to Ischia Corp. in an amount not to exceed \$399,640.42; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-04-55-019-009-001

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 Ischia Corp. in an amount not to exceed \$399,640.

**c) R-19-186 RESOLUTION AUTHORIZING A CONTRACT WITH MOTT MACDONALD, LLC**

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the design and development of construction documents for 2020 water main improvements 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, the Township of Livingston solicited proposals from five companies qualified to provide professional engineering services for water main improvements; and

WHEREAS, the Township of Livingston received four proposals on September 23, 2019; and

WHEREAS, Mott MacDonald, LLC submitted the lowest price proposal; 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 Utility Engineer and Township Manager are recommending the award of a contract to Mott MacDonald, LLC to provide professional engineering services for the design and development of construction documents for 2020 water main improvements as required by the Township in an amount not to exceed \$115,300.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account C-06-55-018-005-002; 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 \$115,300.00 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 and seconded, and on roll call vote of Resolutions R-19-184 through R-19-186, all members present voted YES.

Public Comment

Walter LeVine, 345 Walnut, stated that the Strahman property had been on the Open Space Trust Committee "Agenda" for years and was considered very desirable. He added that if the Township hadn't purchased the property, a builder certainly would have made the purchase and there most likely would have been a lawsuit against the Township by the builder to add high density housing. LeVine said the price had been negotiated for over a year and a half and that money for purchasing the property is coming directly from the Open Space Fund, with a small amount funded by Green Acres. LeVine asked that Councilmembers pass the Ordinance unanimously on final reading.

Justin Alpert, 56 Amherst, asked if the methodology report from Tax Appraisal Systems had been received.

Brandon Minde, 7 Bear Brook, read his written speech stating that Councilmember Vieira is incorrectly taking the credit for the clean-up at Livingston Circle.

Stacey Abenstein, 11 Browning, responded to Minde's speech stating that the clean up at Livingston circle was Vieira's idea, and Mayor Anthony assisted by making phone calls. Councilmember Vieira added that he was sworn in as a Council member on February 25, 2019 and that he will not play politics.

Adjournment

At 8:19 p.m., the Regular Meeting adjourned.

ALFRED M. ANTHONY, Mayor

CAROLYN MAZZUCCO, Deputy Township Clerk