

AGENDA

Livestream From Facebook @ facebook.com/LivingstonTownshipNJ – 7pm

OPEN MEETING STATEMENT

- 1. Roll Call
- 2. Silent Meditation and Pledge of Allegiance
- 3. Presentation
- 4. Essex County Update/Questions
- 5. Closed Session
- 6. Legal Fees
 - a) McCarter & English (January 2021) Packet
- 7. Old Business
 - a) 2021 Road Improvements—Sidewalks
 - b) 2021 Township Budget
 - c) 630 & 644 Route 10 Redevelopment Area Assessment Packet
 - d) Tax Block 3700 Lots 1-8, 24, 25 & 27-30—An Area In Need Of Non-Condemnation Redevelopment Packet
 - e) Council Bylaws
 - f) Habitable Floor Ratio Definition
 - g) Pools Packet
 - h) Northfield Cemetery
 - i) Physicians Advisory Board
 - j) DPW Garage
- 8. New Business
 - a) Covid Update
 - b) Hezbollah Ambulance
 - c) Business Improvement District (BID) 2021 Budget Packet
 - d) Livingston Rotary – Summerfest Packet
 - e) Upcoming Council Calendar Invitations
 - f) Effluent Pump Station Upgrades (Change Order) Packet
 - g) Emergency Contract – Road Salt Packet
- 9. Public Comments on Agenda Items
- 10.* Resolution - Consent Agenda [Includes All Items Marked "***"] R-21-90
- 11.* Approval of Minutes
 - a) February 8, 2021 Regular and Conference Minutes Packet
 - b) February 8, 2021 Closed Session Minutes Packet
- 12.* Approval of Licenses
- 13. Final Hearing Ordinances
- 14. Proposed Ordinances
- 15. Resolutions
 - a) R-21-091 Appointments to Senior Advisory Committee Packet
 - b) R-21-092 Approving Shared Services Agreement for Livingston Shuttle Bus Services 2/22/21
 - c) R-21-093 Introducing Business Improvement District (BID) 2021 Budget Packet
 - d) R- 21-094 Authoriing Transfer of 2020 Budget Appropriation Reserves Packet
 - e) R- 21-095 Temporary Emergency Transfer 2/22/21
 - f) R- 21-096 Authorizing Approval Change Order 1 with Mott MacDonald Packet
 - g) R-21-097 Authorizing an Emergency Contract with Earthco III, LLC Packet
- 16. Public Comment
- 17. Recess

GLENN R. TURTLETAUB

Welcome to the Livingston Township Council Meeting
February 22, 2021 at 7pm

STATEMENT OF COMPLIANCE WITH THE SUNSHINE LAW N.J.S.A. 10:4-10

This meeting is being held in accordance with the Open Public Meetings Act and adequate notice of this meeting has been provided as required by law. Specifically, the annual notice was faxed to the West Essex Tribune and the Star Ledger on January 2, 2021. "48-hr. Notice" was faxed to the West Essex Tribune and the Star-Ledger on February , 2021 and posted on the Livingston Township website. The Agenda and Resolutions for the meeting are available on www.livingstonnj.org. Certain portions of this meeting may be closed to the public for the purpose of personnel and/or other matters as outlined in the "Sunshine Law." Decisions made and/or discussed in Closed Session will be made known to the public at a later time.

Notice to members of the governing body and Township staff: Any use of electronic devices during this meeting shall be used solely for the purposes of Township business and any communications are subject to the Open Public Records Act.

This evening's Township of Livingston Council meeting will be livestreamed via Facebook at <https://www.facebook.com/LivingstonTownshipNJ>. Anyone who wishes to speak during the Public Comment section and/ or the Public Hearing may comment by either accessing the zoom link which was notice and advertised; or by calling one of the following dial-in numbers:
If attending the webinar online, please raise your hand by utilizing the hand signal on the zoom screen and the host will allow you to speak on a first come/ first serve basis. If you are attending by telephone, you must select *9 to seek permission to speak. Questions or comments will also be accepted by emailing livcomments@livingstonnj.org. Each speaker will have a cumulative 6 minute time limit to speak and should follow the rules of order in Livingston code §2-15.

2/22/21 RHC
10

R-21-090

RESOLUTION

Accepting, Approving and/or Adopting the Consent Agenda of February 22, 2021

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 February 22, 2021, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Glenn R. Turteltaub, Township Clerk

Adopted: 2/22/21

2/22/21 RAC
15a

R-21-091

RESOLUTION

Appointments to Township Advisory Committee on Senior, Youth & Leisure Services

BE IT RESOLVED by the Township Council of the Township of Livingston in the County of Essex that the following persons are hereby appointed to the Township Advisory Committee on Senior, Youth & Leisure Services, for the term ending December 31, 2021:

Dr. Hyman Fisher
Charles Quinn
Margaret (Peg) Ernst

Glenn R. Turtleaub Township Clerk

Adopted: February 22, 2021

2/22/21 K2C
15C

R-21-093

RESOLUTION

Approving Annual Budget for Livingston Community Partnership Corporation - 2021

BE IT RESOLVED by the Township Council of the Township of Livingston, in the County of Essex and State of New Jersey, that the attached annual budget submitted by the Livingston Community Partnership Corporation, with Total Revenue in the amount of \$375,200 is hereby approved.

BE IT FURTHER RESOLVED that:

1. This approval shall constitute a first reading.
2. The budget be published in the West Essex Tribune in the issue of February 25, 2021.
3. A public hearing be scheduled for April 12, 2021 via Zoom at Town Hall, 357 South Livingston Avenue, Livingston, New Jersey at 7:00 p.m.

Glenn R. Turtleaub Township Clerk

Adopted: 2/22/2021

2/22/21 RHC
15d

**RESOLUTION AUTHORIZING TRANSFER OF
2020 BUDGET APPROPRIATION RESERVES**

WHEREAS, N.J.S. 40A:4-58 authorizes transfers between budget appropriation reserves during the first three months of the subsequent fiscal year; and

WHEREAS, certain 2020 budget appropriation reserves are expected to be insufficient to meet expenditure requirements through the end of the fiscal year, and certain 2020 budget appropriations are expected to have funds available to offset these expenditure requirements; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston (not less than two-thirds thereof affirmatively concurring) that the transfers listed on the attached page be made effective February 22, 2021.

Glenn R. Turtletaub, Township Clerk

Adopted: Monday, February 22, 2021

Township of Livingston
Appropriation Reserves Transfer

CURRENT FUND		R-21-94	
Department	Line Item	FROM	TO
Administration & Executive	Other Expenses	\$ 1,500.00	
Township Clerk	Other Expenses	2,000.00	
Finance	Other Expenses	4,000.00	
Information Technology	Other Expenses	40,000.00	
Engineering	Other Expenses	2,000.00	
Planning & Building	Other Expenses	5,000.00	
Zoning	Other Expenses	1,500.00	
Construction/UCC	Other Expenses	5,000.00	
Insurance - Employee Group	Other Expenses	23,000.00	
Solid Waste	Other Expenses	13,500.00	
Police Dispatch	Other Expenses	10,000.00	
Utilities: Electric, Gas, Heat	Other Expenses	12,500.00	
Legal Services	Other Expenses		2,000.00
Human Resources	Other Expenses		15,000.00
Insurance - Employee Health Waivers	Other Expenses		23,000.00
Solid Waste Disposal Costs	Other Expenses		80,000.00
Total Current Fund Transfers		\$ 120,000.00	\$ 120,000.00
Pool Utility		R-21-	
Description	Line Item	FROM	TO
Salary & Wages		1,196.67	
Interest on Notes			1,196.67

2/22/21 RAC
15f

R-21-096

RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER NUMBER ONE WITH MOTT MACDONALD, LLC

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1900016") with Mott MacDonald for professional engineering services for the effluent pump station upgrades; and

WHEREAS, the initial Contract was not to exceed Sixty-Seven Thousand Six Hundred Dollars (\$67,600.00); and

WHEREAS, due to field conditions requiring additional engineering services, a Change Order has been requested; and

WHEREAS, the total change order increases the contract amount by 8.43% or \$5,700.00 making the new contract sum \$73,300.00; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in account C-09-55-010-005-002.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number One to the Contract with Mott MacDonald; 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.

February 22, 2021

Glenn R. Turteltaub, Township Clerk

Certification Of Availability of Funds

This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

Contract Amount: 73,300.00
Resolution Date: 02/22/21
Resolution Number: R-21-096

Vendor: HATCH MOTT MACDONALD, LLC.
111 WOOD AVENUE SOUTH
ISELIN, NJ 088304112

Contract: C1900016 Professional Engineering
Services: Effluent Pump
Station Controls Upgrade

Account Number	Amount	Account Description
C-09-55-010-005-002	5,700.00	INFRASTRUCTURE MASTER PLAN
Total	5,700.00	

Only amounts for the 2021 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.



Chief Financial Officer

2/22/21 RAC
159

R-21-097

RESOLUTION AUTHORIZING AN EMERGENCY CONTRACT WITH EARTHCO III, LLC

WHEREAS, the Township Manager has identified the immediate need for road salt; and

WHEREAS, road salt 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 road salt 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, 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 emergency contract with Earthco, LLC for road salt in an amount not to exceed \$75,000.00.

February 22, 2021

Glenn R. Turtleaub, Township Clerk