

The Regular Meeting of the Township Council of the Township of Livingston was held at 357 S Livingston Ave, Livingston, NJ on the above date at 7:48 p.m. The Mayor stated that notice of this meeting has been given in accordance with the 'Open Public Meetings law', and that Annual notice was emailed to the West Essex Tribune and the Star Ledger on January 3, 2023.

A Quorum Roll Call was held.

	Present	Absent
Mayor Vieira	X	
Deputy Mayor Anthony	X	
Councilmember Bagolie	X	
Councilmember Klein	X	
Councilmember Meinhardt	X	

Also present were professionals Township Manager Lewis, Deputy Township Manager Jones, Assistant Township Manager Loehner, Township Attorney Kantor, Township Attorney Cooke, Township CFO Cucci, and Township Clerk Mazzucco.

Moment of Silence and Pledge of Allegiance

Mayor Vieira asked everyone to stand for a Moment of Silence, followed by the Pledge of Allegiance.

Proclamations & Presentations

1) Robotics Team – The Mayor and Council members congratulated the “RoboCrafters” success in the Lego League annual competition, where they presented an idea on hydroelectricity, which would power water supply for everyday use in homes. The group of middle schoolers and their coaches gave a demonstration of the R3H2O project which enabled them to win a top 10 spot in the State competition.

Essex County Updates

There were none.

Approval of Minutes, Pending Any Corrections

On motion duly made and seconded, and on voice vote, the Council approved the following, with Council member Bagolie abstaining, pending any corrections:

- 1) December 19, 2022 Regular and Conference Meeting Minutes
- 2) December 19, 2022 Closed Session Minutes
- 3) December 29, 2022 Special Meeting Minutes

Public Portion (Agenda Items Only—4 Minute Limit)

On motion duly made and seconded, and by voice vote, the hearing on the Public Portion was opened.

Justin Alpert, 56 Amherst Place, inquired about Resolution 23-061 on tonight's January 9, 2023 Regular Agenda, which permitted specific flags to be raised on the flagpole located in front of Town Hall, and expressed dissatisfaction that there was an exclusive list of seven (7) groups listed that were permitted to raise a flag. Township Attorney Kantor explained that a Resolution could be passed to allow other groups to raise a flag at Town Hall at any time, if requested and approved by the Township Council. Township Council member Klein stated that the reason that flag raisings are done through a Township Resolution is to prevent extremist groups, like white supremacist groups, from claiming the Township is violating their 1st Amendment rights if not permitted to raise a flag.

Scott Goldman, 42 N Baums Ct, echoed Mr. Alpert's sentiments, and added he wanted Resolution 23-061 pulled from tonight's January 9, 2023 Agenda. He expressed that the Township Council has many ways to endorse these groups listed on the Resolution, and that it doesn't have to be done by allowing them to raise a flag, as it was too controversial. Township Attorney Kantor reiterated that the groups listed on the Resolution were not exclusive.

On motion duly made and seconded and on voice vote, the public portion on Agenda items was closed.

Passage of Ordinances

Final Hearing/2nd Reading

There were none.

Introduction of Ordinances

There were none.

Resolutions:

Res 23-058 Consent Agenda

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 January 9, 2023 attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

*Res 23-059 Authorizing Purchases Under Morris County Cooperative Pricing System

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-11(6) and N.J.A.C. 5:34-7.1 et seq. may by resolution and without advertising for bids, purchase any goods or services under a County Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Morris County Cooperative Pricing System and has the need on a timely basis to purchase goods or services using those contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced County contract vendors through this resolution and properly executed purchase orders as needed,

which shall be subject to all the conditions applicable to current County contracts.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Livingston authorizes the purchase of certain goods and services from those approved Morris County Cooperative Pricing System vendors on the attached list, pursuant to all the conditions of the individual County contracts; and

BE IT FURTHER RESOLVED, by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds shall be certified at such time as the goods or services are called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED, that the duration of this authorization shall be until December 31, 2023 or upon the expiration of the vendors' contracts, whichever event first occurs.

R-23-059		
Commodity/Service	Vendor	Contract #
Catch Basins and Manhole Castings	Campbell Foundry Company	14
Catch Basins and Manhole Castings	General Foundries, Inc.	14
Concrete Blocks & Granite Curb Blocks	Continental Hardware, Inc.	19
Concrete Blocks & Granite Curb Blocks	Extech Building Materials	19
Crushed Stones, Gravel & Sand	Tilcon New York, Inc.	9
Disposal/Recycling of Municipal Road Clean-up Materials	Custom Environmental Management Company (CEMCO), Inc.	49
Fencing Materials and Installation	Challenger Fence, Inc.	53
Landscaping Materials & Supplies	Ben Shaffer Recreation	42
Landscaping Materials & Supplies	Grass Roots Turf Products, Inc.	42
Landscaping Materials & Supplies	Fibar Group, LLC	42
Motor Gasoline	Griffith-Allied Trucking d/b/a Allied Oil	1
Paving Materials	Tilcon New York, Inc.	5
Police Pursuit Vehicles	Nielsen of Morristown, Inc.	15-A
Police Uniforms & Equipment	Fit-Rite Uniform Company, Inc.	23
Preventative Maintenance/Repair of Emergency Generators	Genserve, Inc.	46
Road Resurfacing	Reivax Contracting Corporation	6
Road Resurfacing	Riverview Paving, Inc.	6
Road Resurfacing	Schifano Construction Corporation	6
Road Resurfacing	Micro Pave Systems, Inc.	6
Rock Salt and Calcium Chloride	Morton Salt	3
Traffic Paint	The Sherwin Williams Company	27
Traffic Sign Materials	Garden State Highway Products, Inc.	28
Traffic Striping on Roadways	Denville Line Painting, Inc.	36
Tree Removal, Trimming and Stump Grinding Services	Tree King, Inc.	18
Water Meters/Data Recorders & Radio Frequency Meter Interface Unit	Rio Supply, Inc.	47

*Res 23-060 PULLED

*Res 23-061 Permitting the Following Flags to be Raised as an Expression of Government Speech

WHEREAS, the Township of Livingston (the "Township") has a formal policy regarding flag raisings within the Township establishing that the Township Council may permit the display of commemorative flags upon the Township owned flagpoles as a form of the government's own expression pursuant to Government Speech Doctrine (See, Shurtleff v. City of Boston, Massachusetts, 142 S.Ct. 1583 (2022)); and

WHEREAS, as a form of its own expression, the Township Council wishes to display certain flags in 2023; and

WHEREAS, there may be more flags that the Township wishes to display in the future that are unknown at this time; and

NOW THEREFORE BE IT RESOLVED by the Mayor and the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the following additional flag(s) are hereby permitted to be displayed upon flagpoles owned by the Township of Livingston as an expression of government speech:

1. Black History Month Flag
2. Juneteenth Flag
3. National Flag of Italy
4. National Hispanic Heritage Flag
5. National Flag of India
6. National Flag of Israel
7. PRIDE Flag

BE IT FURTHER RESOLVED that nothing in this resolution shall limit or in any way abrogate any prior resolutions related to any prior permitted flags in the Township or the limit the Township from adding additional flags in the future.

*Res 23-062 Appointing Representatives – Essex County Community Development Comm.

BE IT RESOLVED by the Township Council of the Township of Livingston that the following persons are hereby appointed 2023 Representatives to the Essex County Community Development Committee:

Township Council Appointment: Michael M. Vieira, Mayor

Township Manager Appointment: Deputy Township Manager Russell A. Jones, Jr.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Director of the Essex County Division of Housing and Community Development.

*Res 23-063 Authorizing Filing of Essex County Division of Housing and Community Development Block Grant (CDBG) 2023 Application

WHEREAS, the Township of Livingston has been a participating member of the Essex County Community Development Program since its inception in 1976; and

WHEREAS, the Essex County Division of Housing and Community Development, through its Director, is preparing a 2023 One Year Action Plan application for funding for the 2023 Program Year; and

WHEREAS, the Township of Livingston has been requested to submit Community Development Block Grant Program project proposals for inclusion in the 2023 One Year Action Plan to the Director of the Division of Housing and Community Development by December 29, 2022;

NOW, THEREFORE, BE IT RESOLVED by the Township of Livingston as follows:

A. The proposed project designated and prioritized herewith be submitted to the Director of the Essex County Division of Housing and Community Development for inclusion in the Essex County 2023 One Year Action Plan application:

Priority Description of Project

1. ADA Improvements—Sensory Trailer Acquisition
2. ADA Improvements—Accessible Van Acquisition

B. That the Deputy Township Manager is hereby authorized and directed to execute and file such proposed projects with the Director of the Essex County Division of Housing and Community Development and to provide additional application information and furnish such documents as may be required and to act as the authorized correspondent of the Township of Livingston.

C. The Mayor and Members of the Township Council endorse the proposed Community Development Block Grant Program project described herewith for inclusion in the Essex County 2023 One Year Action Plan Application.

The Resolutions were read by title. Council member Klein requested Resolution 23-061 to be pulled off of the Consent Agenda for discussion.

On motion duly made and seconded, and on roll call vote, all members present voted YES, and Resolutions 23-059, 23-062 and 23-063 were adopted.

	Yes	No	Abstain
Michael Vieira	X		
Al Anthony	X		
Rosy Bagolie	X		
Shawn Klein	X		
Ed Meinhardt	X		

On motion duly made and seconded to move Resolution 23-061, Township Council and the Mayor echoed each other's sentiments that the Township needed to be protected by being able to limit extremist and hate groups from hanging flags in the Township. On motion duly made and seconded, and on roll call vote, all members present voted YES, and Resolution 23-061 was adopted.

	Yes	No	Abstain
Michael Vieira	X		
Al Anthony	X		
Rosy Bagolie	X		
Shawn Klein	X		
Ed Meinhardt	X		

Public Portion (on any subject—3 minute time limit)

On motion duly made and seconded, and on voice vote, the public portion was opened.

Justin Alpert, 56 Amherst Place, stated that the Township Council was being led by fear (in regards to Resolution 23-061), and added that Town Center is having a problem with their landlord. Mayor Vieira responded that Beth Lippman of the Business Improvement District had already been contacted about the situation.

Ricky Bagolie, 10 Wilshire Dr, presented flowers to his wife Council member Bagolie to congratulate her on her first meeting as a Council member.

Maxine Fine, 20 Cambridge Rd, thanked the Township Council, and encouraged individuals to come to meetings, instead of posting on social media, which would spark more productive communication and dialogue.

On motion duly made and seconded, and on voice vote, the public portion was closed.

Reports of Township Officials and Council Members

Township Officials gave various updates on Township affairs. The Mayor and Council members all congratulated new Council member Bagolie on her first meeting as a Council member, and they thanked the crossing guards for the wonderful job they do for the community by keeping the children safe. Mayor Vieira emphasized that residents should be only dropping off electronics at the Community Center on designated drop off electronic recycling dates. He added that it has become a dumping ground due to the amount of electronics and other trash being dumped at this location year round, and that littering rules will be enforced with cameras potentially being installed.

At 8:51 p.m., the Regular meeting was adjourned.

MICHAEL VIEIRA, Mayor

CAROLYN MAZZUCCO, Township Clerk