

The Regular and Conference Meeting of the Township Council of the Township of Livingston was held via Livestream from Facebook @facebook.com/LivingstonTownshipNJ on the above date at 7:00 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 faxed to the West Essex Tribune and the Star Ledger on January 4, 2021, and that "48-hr. notice" was faxed and emailed to these same publications and posted on the Livingston Township website (livingstonnj.org) on January 5, 2021 and posted on the Livingston Township website (livingstonnj.org).

Present (via Livestream): Mayor Klein, Deputy Mayor Meinhardt, Councilmember Anthony, Councilmember Fernandez, Councilmember Vieira, Township Manager Lewis, Deputy Township Manager Jones, Township Attorney Weiner, Township Clerk Turtleaub

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

Presentation

a) Christopher J. Durkin Day—Mayor Klein read and presented a Proclamation to Essex County Clerk Christopher Durkin, honoring and thanking him for service above and beyond, particularly during the recent election cycle, responding to the challenges occasioned by Covid,

Essex County Update/Questions

Legal Fees--The Council approved payment of the following Legal Fees:

- a) McManimon, Scotland & Baumann—November 2020
- b) Murphy McKeon—December 2020

Councilmember Meinhardt stated that he would be voting against payment of a bill for reasons to be discussed in Closed Session.

Old Business

New Business

a) Covid Update--Manager Lewis provided an update of Township numbers and status of its response to the pandemic.

Public Comments on Agenda Items

Justin Alpert, 56 Amherst Place, addressed Agenda Items 5a and 5b, asking about the terms of the Fair Share Housing Agreement. Manager Lewis explained that the items were being considered in Closed Session as the matter was still before the judge. Mr. Alpert asked about Agenda Item 5c (zoning for marijuana, and addressed Agenda Item 5d, questioning whether Council members recused would recuse themselves when conflicts of interest arose, and Manager Lewis responded, assuring Mr. Alpert that when such conflicts arise, that the Councilmembers will drop off the zoom meeting.

Matthew Boxer, 6 Trombley Drive, inquired as to the Developer Agreements considered in Resolution Items 15a and 15b, and Manager Lewis will provide copies of both Agreements to Mr. Boxer.

Resolution—Consent Agenda Includes All Items Marked “*” R-21-66.5

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 11, 2021, attached hereto, which are preceded by an “*” are the Consent Agenda and are hereby accepted, approved and/or adopted.

On motion duly made and seconded, and on roll call vote, all members present voted YES.

Approval of Minutes

- a) December 7, 2020 Regular and Conference Minutes
- b) December 7, 2020 Closed Session Minutes

Approval of Licenses

Final Hearing Ordinances

Proposed Ordinances

a) Ord. 1-2021 Amending and Supplementing Chapter 29 Traffic Parking was read by title and introduced on first reading. 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 January 25, 2021. Manager Lewis pointed out that the Ordinance and the specific locations had been recommended by the Livingston Police Department based on police experience.

b) Ord. 2-2021 Amending Chapter 170 Article XIX “Stormwater Control” of the Township Land Use Code was read by title and introduced on first reading. 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, January 25, 2021. Councilmember Fernandez clarified that the Ordinance language was directed by the State.

Resolutions

a) R-21-67 Authorizing the Entering into a Developer’s Agreement with Green Terrace Homes, LLC

WHEREAS, Green Terrace Homes, LLC submitted an Application No. 2003-93-PSPV seeing an amendment of the existing approvals to share storm water management system; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on August 6, 2020, subject to certain conditions; and

WHEREAS, the Board's Model Condition of Approval #17 states: "Prior to the issuance of any permits the Applicant shall have entered into a Developer's Agreement negotiated with the Township Attorney in conjunction with the Township Engineer."; and

WHEREAS, the Township Attorney has negotiated the terms of the Developer's Agreement which has been approved by the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes Mayor Shawn R. Klein., on behalf of the Township Council, to execute the Developer's Agreement with Green Terrace Homes, LLC.

b) R-20-68 Authorizing the Entering into a Developer's Agreement with JMZ Enterprises, LLC

WHEREAS, JMZ Enterprises, LLC submitted an Application No. 2018-72-MSUBV to subdivide the site on the easterly side of Scott Terrace into 4 lots; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on August 6, 2020, subject to certain conditions; and

WHEREAS, the Board's Model Condition of Approval #17 states: "Prior to the issuance of any permits the Applicant shall have entered into a Developer's Agreement negotiated with the Township Attorney in conjunction with the Township Engineer."; and

WHEREAS, the Township Attorney has negotiated the terms of the Developer's Agreement which has been approved by the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes Mayor Shawn R. Klein., on behalf of the Township Council, to execute the Developer's Agreement with JMZ Enterprises, LLC.

c) R-21-69 Morris County Cooperative Purchasing Program

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, 2021 or upon the expiration of the vendors' contract, whichever event first occurs.

d) R-21-70 Authorizing the Award of a Contract to Antonelli Kantor PC

WHEREAS, the Township of Livingston has a need to acquire Township Attorney services 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, Antonelli Kantor, PC has completed and submitted a Business Entity Disclosure Certification which certifies that Antonelli Kantor, PC 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 Antonelli Kantor, PC from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Manager is recommending the award of a contract to Antonelli Kantor, PC to provide Township Attorney services as required by the Township at an annual retainer of \$70,000.00 and an hourly rate of \$165.00 for other services outside those covered under the retainer; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in account 1-01-20-155-001-401, contingent upon sufficient funds being appropriated in the 2021 municipal budget.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Antonelli Kantor, PC for the period of January 1, 2021 through December 31, 2021 in an amount not to exceed \$140,000.00 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.

e) R-21-71 Authorizing the Award of a Contract to beacon Planning & Consulting Services, LLC

WHEREAS, the Township of Livingston ("Township") has the need to acquire professional planning consultant services pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, on October 23, 2020, the Township of Livingston issued RFP No. 13-2020 as a fair and open process, to solicit proposals from firms experienced performing planning consultant services; and

WHEREAS, the request for proposals ("RFP") was advertised on the Township of Livingston website on October 23, 2020, and as a result nineteen (19) rfp packages were requested; and

WHEREAS, on November 18, 2020, three (3) proposals was received by the rfp deadline and publicly read; and

WHEREAS, in accordance with the selection criteria established in the rfp, the proposals were evaluated; and

WHEREAS, Beacon Planning & Consulting Services, LLC submitted a proposal that meets all of the requirements of the RFP, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., and is the most advantageous to the Township; and

WHEREAS, the Planning Administrator and Township Manager are recommending the award of a contract to Beacon Planning & Consulting Services, LLC to provide planning consultant services on the terms set forth in the Beacon Planning & Consulting Services, LLC's proposal dated November 17, 2020; and

WHEREAS, the fees for services provided on applications before the Planning Board and Zoning Board of Adjustment will be charged to applicants through escrow; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in account 1-01-21-180-001-217, contingent upon sufficient funds being appropriated in the 2021 municipal budget.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Beacon Planning & Consulting Services, LLC for the period of January 1, 2021 through December 31, 2021 in in an amount not to exceed \$20,000 for Township matters and in such amount as warranted for services charged to applicant escrow accounts.

On motion duly made and seconded, and on roll call vote of R-21-67 to R-21-71, inclusive, all members present voted YES.

Public Comment

Deputy Township Clerk Mazzucco read a statement submitted via email by Stacey Absenstein, commenting on the events of January 6 in Washington, D.C. and calling for government ensure and removal from office of the President. Mayor Klein stated that the Council would be issuing a statement shortly.

Councilmember Anthony stated that Livingston Committee on Diversity and Inclusion would be holding its annual Dr. Martin Luther King event virtually, and as in the past would be collecting items.

Mayor Klein discussed an on-line forum regarding vaccines to be held on January 14, adding that the town would be coordinating transportation.

At 7:40 p. m., the following Resolution was considered:

Resolution Authorizing Closed Session—Attorney Client Privilege

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 11th day of January, 2021, that the Township Council of the Township of Livingston will go into Closed Session for the purpose of discussing ??? Privilege, Litigation 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 9:08 p.m., the Closed Session meeting was adjourned.

Adjournment

The meeting was adjourned at 9:08 p.m.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk