

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 6:30 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 and 48-Hour notice was emailed to the West Essex Tribune and the Star Ledger on January 10, 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.

Township Clerk Mazzucco read the following Resolution.

Resolution 23-065 To Go Into Closed Session

WHEREAS: the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS: the Township Council is of the opinion that such circumstances presently exist; and

WHEREAS: the Township Council wishes to discuss:

- 1) Fair Share Housing (Attorney Client Privilege)
- 2) Habitat for Humanity (Contract Negotiations)
- 3) Emergency Communications (Public Health and Safety)

WHEREAS: minutes will be kept, and once the matter involving the confidentiality of the above no longer requires confidentiality, the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Livingston that the public be excluded from this meeting.

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

At 7:02 PM the closed session meeting ended.

At 7:00 p.m. the Conference meeting began with all members previously present in attendance.

At 7:51 p.m. the Conference meeting ended.

At 7:58 p.m. the Regular meeting began with all members previously present in attendance.

Mayor Vieira read the Sunshine Statement.

A Quorum Roll Call was held.

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

#### 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) Livingston Philanthropies - Jeff Friedman, of Livingston Philanthropies, presented a slide show on Livingston Philanthropies many endeavors to fulfill its mission of providing coats, shoes, toiletries, knitted hats and scarves, stuffed animals and many other items to the homeless community, and highlighted the various organizations that generously donate their time and goods to bring their efforts to fruition.

2) Supporting Ukraine – Natalia Sawka, a Livingston resident and chair of Friends of Chervonohrad, thanked all of the Livingston residents for their tremendous support, specifically in the areas of education, energy and eye care. She added that they have merged with HCHY (Healthy Community Healthy You) and therefore all donations are tax exempt, and they are in desperate need of hand warmers.

#### 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 pending any corrections:

- 1) January 23, 2023 Regular and Conference Meeting Minutes
- 2) January 23, 2023 Closed Session Minutes
- 3) January 2, 2023 Reorganization 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.

Township Kantor updated the public on the three items discussed in Closed Session. Regarding Fair Share Housing (FSH) he stated that the Township has a court hearing on February 7, 2023 and is still negotiating with FSH. He also mentioned there are ongoing contract negotiations with Habitat for Humanity and that emergency communications were discussed to determine the best way to handle emergency situations that need still to maintain confidentiality while being investigated.

Justin Alpert, 56 Amherst Place, commented that he appreciated Township Attorney Kantor's update on Closed Session items but didn't appreciate the new format of a closed session starting at 6:30pm before the open meeting, and urged the governing body to not adopt Resolution 23-068 on tonight's Regular Agenda (the 2023 Council meeting calendar with revised meeting times). He added that Resolution 23-078 on tonight's Regular Agenda should not be approved as the last thing the Township needed was 300 more apartments at 630 W Mount Pleasant Avenue.

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

Ordinance 01-2023 Amending the Township Code by Creating Ch. 327 Entitled Liability Insurance for Business Owners and Rental Unit Owners was read by title.

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 the Regular meeting of the Township Council on Monday, February 13, 2023.

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

Council member Klein was absent.

Resolutions:

Res 23-066 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 23, 2023 attached hereto, which are preceded by an "\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

\*Res 23-067 Authorizing Submission of a Grant Proposal to the NJ Department of Community Affairs' FY23 Local Recreational Improvement Grant Program

WHEREAS, the Township Council of Livingston Township desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$100,000.00 with a \$25,000.00 local match to purchase furniture for the Senior Center Courtyard;  
THEREFORE, BE IT RESOLVED,

- 1) That the Township Council of Livingston Township does hereby authorize the application for such a grant; and
- 2) Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Livingston Township and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

\*Res 23-068 Revised Annual Calendar

BE IT RESOLVED that the 2023 Calendar of Township Council Meetings, to be held at 357 South Livingston Ave, Livingston, New Jersey, unless 48-hour notice determines otherwise, shall be held on the following dates and times. The Conference meeting may continue after the Regular meeting has concluded.

REVISED 2023 Township of Livingston Township Council Annual Meeting Calendar

<b>2023</b>	<b>Date</b>	<b>Closed Session</b>	<b>Conference</b>	<b>Regular</b>
January	23	6:30pm	7pm	7:45pm
February	13 27	6:30pm 6:30pm	7pm 7pm	7:45pm 7:45pm
March	13 27	6:30pm 6:30pm	7pm 7pm	7:45pm 7:45pm

April	10 24	6:30pm 6:30pm	7pm 7pm	7:45pm 7:45pm
May	15 30 (Tues)	6:30pm 6:30pm	7pm 7pm	7:45pm 7:45pm
June	12 26	6:30pm 6:30pm	7pm 7pm	7:45pm 7:45pm
July	10 24	6:30pm 6:30pm	7pm 7pm	7:45pm 7:45pm
August	7 21	6:30pm 6:30pm	7pm 7pm	7:45pm 7:45pm
September	13 (Wed) 26 (Tues)	6:30pm 6:30pm	7pm 7pm	7:45pm 7:45pm
October	16 30	6:30pm 6:30pm	7pm 7pm	7:45pm 7:45pm
November	13 27	6:30pm 6:30pm	7pm 7pm	7:45pm 7:45pm
December	11 18	6:30pm 6:30pm	7pm 7pm	7:45pm 7:45pm

Emailed to the West Essex Tribune and Star Ledger on January 24, 2023.

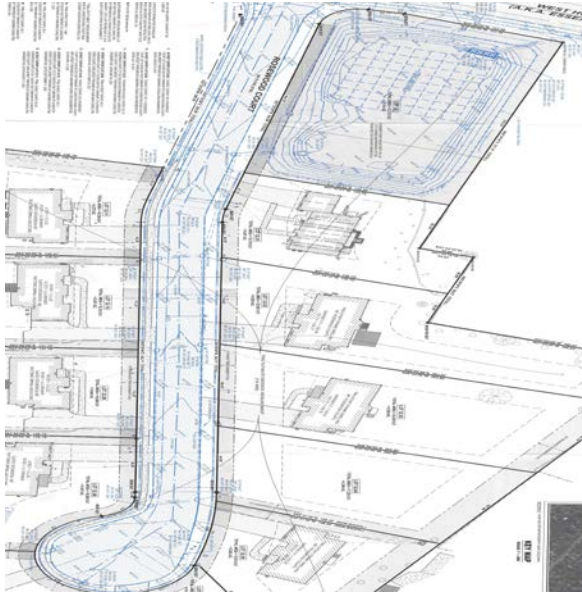
\*Res 23-069 Authorizing the Acceptance of a Street Known as Rosewood Court

WHEREAS, the Township Engineer has reported that the street mentioned below has been fully installed and completed in accordance with the applicable ordinances of the Township of Livingston and the standard specifications of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Township hereby accepts as of the date hereof the following as a public street as it is shown and laid down on the Map entitled Final Site As-Built Survey, as prepared by Suburban Consulting Engineers, Inc., dated December 14, 2022:

**Rosewood Court**

BE IT FURTHER RESOLVED that any and all bonds and other security posted with the Township by the Developer to insure the improvement and completion of the same in accordance with the Township specifications and requirements be and the same are hereby released, except that nothing herein contained shall be deemed or construed to release any bond or other security posted for the maintenance or any necessary repair of any such street or installation therein.



\*Res 23-070 Adopt Township “Procedure for Administration and Inspection of Federal Aid Highway Projects”

WHEREAS, the Federal Highway Administration (FHWA) provides opportunities for Local Public Agencies (LPA), such as the Township of Livingston, to receive Federal Aid Highway Program (FAHP or federal aid) funds through the New Jersey Department of Transportation; and

WHEREAS, the Township of Livingston is presently the recipient of federal aid funds through a grant awarded under the Safe Routes to School Program; and

WHEREAS, the Township of Livingston, as an LPA, is responsible for administering federal aid funded projects in compliance with all federal aid requirements established by the FHWA; and

WHEREAS, the New Jersey Department of Transportation, through its Stewardship Agreement with FHWA, is responsible for ensuring that the Township of Livingston is adequately staffed and suitably equipped to undertake federal aid projects and ensure that federal requirements are met; and

WHEREAS, the Township of Livingston, as required by the New Jersey Department of Transportation, has developed a Policy outlining the required procedures for the Administration of Federally Funded Transportation Projects administered through the New Jersey Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Township of Livingston adopts the policy entitled “Township of Livingston, Procedure for Administration and Inspection of Federal Aid Highway Projects”, dated September 2022.

\*Res 23-071 \$15.7 Million Note Issuance and Sale to NJ I-Bank for Dorsa Ave Wellfield Improvements

WHEREAS, the Township of Livingston (the “Local Unit”), in the County of Essex, New Jersey, has determined that there exists a need within the Local Unit to provide for improvements to the Dorsa Avenue wellfield, which includes the design and construction of a combination of granulated activated carbon treatment alongside of advanced oxidation

process reactions to remedy existing PFOA, Dioxane and chemical contamination at the Dorsa Avenue wellfield, including wells 3, 14, 15 and 16 within the Local Unit, and including all work and materials necessary therefor and incidental thereto (the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the New Jersey Water Bank of the New Jersey Infrastructure Bank (the "I-Bank");

WHEREAS, the Local Unit has determined to temporarily finance the undertaking of the Project prior to the closing with respect to the I-Bank, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the "Construction Loan") to the Local Unit, pursuant to the Construction Financing Loan Program of the I-Bank (the "Construction Financing Loan Program");

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Loan Program, it is the desire of the Local Unit to issue and sell a short term note to the I-Bank in an aggregate principal amount of up to \$15,700,000 (the "Note");

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance #07-2022 of the Local Unit, finally adopted by the Local Unit at a meeting duly called and held on May 9, 2022, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall not exceed \$15,700,000;
- (b) the maturity of the Note shall be upon the issuance of permanent financing;
- (c) the interest rate of the Note shall be set by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "CFP-2023-3" or such other denomination as may be requested by the I-Bank;

(g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and

(h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form required by the I-Bank, together with such additions, deletions and other modifications required by the I-Bank and agreed to by the Local Unit upon consultation with counsel and any advisors to the Local Unit, such determinations being conclusively evidenced by the execution of the Note by the Mayor or the Chief Financial Officer (collectively, the "Authorized Officers").

Section 6. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Loan Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Clerk of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Loan Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Loan Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

\*Res 23-072 \$6.4 Million Note Issuance and Sale to NJ I-Bank for Construction of Ion Exchange Treatment Facilities to Remedy Existing PFAS Wells 1,2,4,8 & 11

WHEREAS, the Township of Livingston (the "Local Unit"), in the County of Essex, New Jersey, has determined that there exists a need within the Local Unit to provide for Phase A of the well remediation project, consisting of the design and construction of ion exchange treatment facilities to remedy existing PFOA and chemical contamination at Wells 1, 2, 4, 8 and 11 within the Local Unit, and including all work and materials necessary therefor and incidental thereto (the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the New Jersey Water Bank of the New Jersey Infrastructure Bank (the "I-Bank");

WHEREAS, the Local Unit has determined to temporarily finance the undertaking of the Project prior to the closing with respect to the I-Bank, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the "Construction



Loan”) to the Local Unit, pursuant to the Construction Financing Loan Program of the I-Bank (the “Construction Financing Loan Program”);

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Loan Program, it is the desire of the Local Unit to issue and sell a short term note to the I-Bank in an aggregate principal amount of up to \$6,400,000 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance #06-2022 of the Local Unit, finally adopted by the Local Unit at a meeting duly called and held on May 9, 2022, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall not exceed \$6,400,000;
- (b) the maturity of the Note shall be upon the issuance of permanent financing;
- (c) the interest rate of the Note shall be set by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered “CFP-2023-1” or such other denomination as may be requested by the I-Bank;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form required by the I-Bank, together with such additions, deletions and other modifications required by the I-Bank and agreed to by the Local Unit upon consultation with counsel and any advisors to the Local Unit, such

determinations being conclusively evidenced by the execution of the Note by the Mayor and the Chief Financial Officer (collectively, the "Authorized Officers").

Section 6. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Loan Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Clerk of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Loan Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Loan Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

\*Res 23-073 \$4 Million Note Issuance and Sale to NJ I-Bank for Construction of ion Exchange Treatment Facilities to Remedy Existing PFAS Wells 10 & 12

WHEREAS, the Township of Livingston (the "Local Unit"), in the County of Essex, New Jersey, has determined that there exists a need within the Local Unit to provide for Phase B of the well mediation project, consisting of the design and construction of ion exchange treatment facilities to remedy existing PFOA and chemical contamination at Wells 10 and 12 within the Local Unit, and including all work and including all work and materials necessary therefor and incidental thereto (the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the New Jersey Water Bank of the New Jersey Infrastructure Bank (the "I-Bank");

WHEREAS, the Local Unit has determined to temporarily finance the undertaking of the Project prior to the closing with respect to the I-Bank, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the "Construction Loan") to the Local Unit, pursuant to the Construction Financing Loan Program of the I-Bank (the "Construction Financing Loan Program");

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Loan Program, it is the desire of the Local Unit to issue and sell a short-term note to the I-Bank in an aggregate principal amount of up to \$4,000,000 (the "Note");

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey,

constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance #08-2022 of the Local Unit, finally adopted by the Local Unit at a meeting duly called and held on May 9, 2022, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall not exceed \$4,000,000;
- (b) the maturity of the Note shall be upon the issuance of permanent financing;
- (c) the interest rate of the Note shall be set by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "CFP-2023-2" or such other denomination as may be requested by the I-Bank;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form on required by the I-Bank, together with such additions, deletions and other modifications required by the I-Bank and agreed to by the Local Unit upon consultation with counsel and any advisors to the Local Unit, such determinations being conclusively evidenced by the execution of the Note by the Mayor or the Chief Financial Officer (collectively, the "Authorized Officers").

Section 6. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Loan Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or

closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Clerk of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Loan Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Loan Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

\*Res 23-074 Authorizing Preliminary Investigation of Conditions of Block 3000, Lot 1.01 for Determination as a Non-Condemnation Area in Need of Redevelopment

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the Township of Livingston (the "Township") constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the municipal council of the Township ("Municipal Council") must authorize the planning board of the Township (the "Planning Board") to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

WHEREAS, the Municipal Council hereby requests that an investigation occur with respect to certain property identified as Block 3000, Lot 1.01 on the tax maps of the Township, commonly known as 156 E Cedar Street (hereinafter the "Study Area"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder authorizes the Township and Municipal Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area"); and

WHEREAS, to carry out its powers under the Redevelopment Law, the Township has a need for professional planning and engineering services, including the undertaking of a study of the Study Area and preparation of a report in connection with same (the "Services"); and

WHEREAS, funds shall be available for this purpose; and

WHEREAS, Beacon Planning and Consulting Services, LLC (the "Planner") possesses the experience and qualifications to perform the Services; and

WHEREAS, the Planner has been appointed as the Planner for the Township and the Planning Board for the calendar year 2023, in accordance with the Local Public Contracts

Law, *N.J.S.A. 40A:11-1 et seq.*, which authorizes the award of professional services contracts by resolution of the municipal governing body without competitive bidding; and

WHEREAS, the Township Council desires to authorize the Planner to perform the Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Municipal Council to exercise the power of eminent domain to acquire any property in the delineated area, as the Study Area is being investigated as a possible Non-Condensation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Municipal Council as to whether the Municipal Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. The Municipal Council hereby authorizes the Planner to provide the Services under its 2023 Township Planner professional services contract. The Planner shall provide the Services when and as directed by the Township.

Section 8. A copy of this resolution, applicable Business Disclosure Entity Certification and Political Contribution Disclosure Forms, and the 2023 Township Planner professional services contract shall be available for public inspection at the offices of the Township.

Section 9. The Township Manager and other necessary Township officials and professionals are hereby authorized to take such actions and to execute and/or prepare such documents as are necessary to effectuate this Resolution, all in consultation with counsel to the Township, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

Section 10. This Resolution shall take effect immediately.

WHEREAS, the Township of Livingston is the owner of certain personal property described on the attached Schedule A and which is no longer needed for public purposes; and

WHEREAS, the condition of the items is such that they are not saleable and can be junked; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston that said property listed in the attached schedule shall be junked.

Department	Item	QTY	Make	Model	Serial / VIN Number
DPW	Vehicle	1	2009 Ford	Escape Hybrid	1FMCU59389KC4155
Building	Vehicle	1	2005 Ford	F250 Super Duty	1FTSX21P85EB06864
DPW	Vehicle	1	2006 Ford	F250 Super Duty	1FTNF21536EA68329

\*Res 23-076 Authorizing the Award of a Contract to Antonelli Kantor Rivera

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, the Township Council has determined that Antonelli Kantor Rivera has provided Township Attorney services in prior years and has performed in a satisfactory manner; and

WHEREAS, Antonelli Kantor Rivera has completed and submitted a Business Entity Disclosure Certification which certifies that Antonelli Kantor Rivera 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 Rivera 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 Rivera to provide Township Attorney services as required by the Township in an amount not to exceed \$150,000.00 for a combination of retainer fees and hourly services; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in account 3-01-20-155-001-401, contingent upon sufficient funds being appropriated in the 2023 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 Rivera for the period of January 1, 2023 through December 31, 2023 in an amount not to exceed \$150,000.00 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.

\*Res 23-077 Authorizing the Placement of Club License #0710-31-022-001 Into History

WHEREAS, Livingston Lodge #11 Free and Accepted Mason (the "Licensee") were the licensee for that certain Club License bearing number 0710-31-022-001 (the "License"); and

WHEREAS, the License has been inactive and the Licensee has requested that the License be placed into History; and

WHEREAS, the Council of the Township of Livingston (the "Council") believes that it is in the best interest of the Township to place the License into History; 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 Club License bearing number 0710-31-022-001 be and is hereby placed into History and no longer operate in the Township.

\*Res 23-078 Authorizing the Execution of the Developer's Agreement with Okner Pkwy Development Partners Urban Renewal, 630 Mount Pleasant Avenue

WHEREAS, Okner Parkway Development Partners Urban Renewal, LLC (the "Developer") received Preliminary and Final Site Plan Approval pursuant to Planning Board Application No. 2022-2-PFSP to develop that certain real property designated as Block 100, Lot 3.02 (subject to approval by the Township's Tax Assessor) on the Official Tax Map of the Township of Livingston and commonly known as 630 W. Mt. Pleasant Avenue, Livingston, New Jersey 07039 (the "Property"); and

WHEREAS, the nature and extent of the improvement/development are set forth in the Resolution of the Township of Livingston Planning Board adopted on June 2, 2022; and

WHEREAS, the Developer is required to enter into a Developer's Agreement with the Township of Livingston (the "Township") setting forth the rights, duties and obligations of the parties in connection with the Development; and

WHEREAS, The Township Council and the Developer have determined it to be in their mutual best interest to enter into the Developer's Agreement; and

WHEREAS, the Township desires to authorize the execution of the Developer's Agreement attach hereto as Exhibit "A"; 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 Mayor is hereby authorized to execute the Developer's Agreement based upon the terms and conditions set forth herein and, in a manner, substantially similar to the Agreement attached hereto as Exhibit "A."

The Resolutions were read by title. Council member Meinhardt requested Resolution 23-078 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 23-067 through 23-077 were adopted.

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

Council member Klein was absent.

On motion duly made and seconded to move Resolution 23-078, Council member Meinhardt commented that although he doesn't disagree with Mr. Alpert's earlier comment (see public comment on Agenda items), Council members had no choice but to adopt the new housing development because of Fair Share Housing commitments. Township Attorney Kantor added that the Development Agreement is primarily to protect the Township from liability and furthermore, all approvals regarding the development have already been granted. On motion duly made and seconded, and on roll call vote, all members present voted YES, and Resolution 23-078 was adopted.

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

Council member Klein was absent.

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

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

Karen and Josh Garland, 293 Eisenhower Parkway, mentioned that their cannabis license from the State expires soon and would like to proceed in Livingston. They specifically stated that they want the Township to be transparent in their methodology for selecting cannabis vendors.

Justin Alpert, 56 Amherst Place, expressed his disgruntlement with the alleged wind turbines killing the whales, and that green energy is not the direction the Township should pursue and instead, go back to the public rated utilities for stronger oversight from the State.

Township Clerk Mazzucco read a comment emailed to livcomments from Suzanne Weinick, 15 Wildwood, about the deteriorating conditions at Cedar Street Commons. Council member Meinhardt added that he is receiving a lot of complaints also. Township Attorney Kantor stated that he has met with their Attorneys and they seemed receptive to keeping an open line of communication about these complaints.

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

Reports of Township Officials and Council Members

Council members and Township officials reported on project updates and on goings within the Township.

At 9:05 p.m., the Regular meeting was adjourned.

MICHAEL VIEIRA, Mayor

CAROLYN MAZZUCCO, Township Clerk