

The Regular and Conference Meeting of the Township Council of the Township of Livingston were 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 15, 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) Heritage Middle School Quizbowl Teams—Mayor Klein presented a Citation to the Heritage Middle School Quizbowl team members. Faculty advisor Breanna Willard introduced team captains Robert Wang and Jack Liu, who spoke about the program and the teams' success, and challenged the Councilmembers with questions from the competition.

b) "This Job's For You"—Dr. Steve Arsht discussed the program he had designed to encourage everyone to get a vaccine shot against Covid. He explained that the campaign was to honor the memory of those lost, pay tribute to teachers, and to allow families and friends of those lost to post pictures on social media.

#### Essex County Update/Questions

Eileen Fishman, Livingston Liaison to Essex County Executive Joseph DiVincenzo, discussed recent and upcoming County activities, including updating of the golf courses, events at the Turtleback Zoo, and activities held in conjunction with the Papermill Playhouse. She encouraged all to get vaccinated, and to call the County line (973-877-8456) in order to get an appointment, and also noted that testing is done three times each week.

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

- a) McCarter & English (December 2020)
- b) Antonelli Kantor, PC – (December 2020)

#### Old Business

a) DPW Garage---Township Manager Lewis advised the status, and that Chris Southworth will be providing updated vehicle information next week.

b) Energy Aggregation—There will be a public meeting on February 23 to present, discuss, and answer residents' questions about the program.

c) Habitable Floor Ratio Definition—Township Manager Lewis related his meeting with Construction Official Martin Chiarolanzio and Township Attorney Kantor regarding language in

the Township's "Mc Mansion" Ordinance clarifying the size of accessory structures. Attorney Kantor will present proposed language at the next meeting.

D) Cannabis---Township Attorney Kantor discussed possible Township responses to new State legislation . Councilmember Fernandez discussed the differences between treatments of "inside" versus "outside" consumption, and the 180 day time limit for municipalities to respond and act, He noted that anything not prohibited will be allowed, and remain in place for five years, urging that "now is the time to get prepared."

#### New Business

a) Covid Update--Manager Lewis provided an update of Township numbers and the status of its response to the pandemic. He noted that although there is nothing yet putting teachers higher on the list, that they can get the vaccine if they fit into any of the other categories.

b) Animal Shelter Shared Services---Township Manager Lewis stated the Township has restarted conversation (delayed by the pandemic) with other towns regarding the possibility of entering into shared services agreements with those towns.

c) 2020 Road Improvements Change Order and Final Payment---Township Manager Lewis explained his recommendation for issuance of a Change Order and Final Payment to Stanziale Construction, LLC., and the Council agreed. A Resolution is listed on this evening's Regular Agenda for a vote.

d) Scott Terrace and Vicinity Drainage Investigation-- Township Manager Lewis explained his recommendations set forth in his memorandum to award a contract to H2M Associates Inc. for professional engineering services, and the Council agreed. A Resolution is listed on this evening's Regular Agenda for a vote.

e) Royal Avenue Drainage Investigation---Township Manager Lewis explained his recommendations set forth in his memorandum, to award a contract to Suburban Consulting Engineers, Inc. and the Council agreed. A Resolution is listed on this evening's Regular Agenda for a vote.

f) Two-Inch Mill and Pave of Chestnut Street— North Section (Change Order #3)--Township Manager Lewis explained his recommendation for Change Order and Final Payment to Ischia Construction Corp., and the Council agreed. A Resolution is listed on this evening's Regular Agenda for a vote.

g) Phase 2 Roof Replacements at WPCF (Change Order and Final Payment) Township Manager Lewis explained his recommendations for Change Order and Final Payment on this project to Northeast Roof Maintenance Inc. for Phase 2 Roof Replacement at the Livingston Waste Pollution Control Facility. The Council agreed, and a Resolution is listed on this evening's Regular Agenda for a vote.

h) Contract Award---Associated Appraisal Group, Inc. Township Manager Lewis discussed his recommendation of a contract award to Associated Appraisal Group, Inc. to defend commercial tax appeals, and the Council agreed. A Resolution is listed on the evening's Regular Agenda for a vote.

i) Furnish, Deliver, & Install Trees—1 Year Extension Township Manager Lewis discussed his memorandum recommending extension of the Township's contract with Faircut Services, LLC to furnish, deliver and install trees. The Council agreed and the matter is listed on the evening's Regular Agenda for a vote.

j) LCDI—BLM Banner at Northfield Center—The Council considered the request of the Committee on Diversity and Inclusion for placement of a banner at Livingston Avenue and Northfield Road from February 1 to February 28. Township Manager Lewis suggested that the question is to determine who owns the Gazebo, and Deputy Township Manager Jones will check with the Business Improvement District as to ownership. Councilmember Vieira stated he was in favor of placement of a banner in town, even if not at the Gazebo. Councilmember Fernandez addressed safety issues, specifically the size of the banner and line of sight safety issues with the placement of the banner at the requested location. He also questioned whether there may be County restrictions at that location as those are County Roads. Township Manager Lewis stated he would follow up and address the safety issues, and that the Township would “get it done somehow”.

k) Township of Livingston Commitment to Reducing the Carbon Footprint of Construction/Development Projects—Township Manager Lewis will work with Township Attorney Kantor and Planning Board Chair Peter Klein to address the projects under consideration. Township Attorney Kantor will fashion an appropriate Resolution.

#### Public Comments on Agenda Items

Stacey Abenstein, 11 Browning Drive, on behalf of the Livingston Committee on Diversity and Inclusion, read a Statement in support of hanging a “Black Lives Matter” banner in town.

Keith Hines, thanked the Council for its support of raising a “Black Lives Matter” banner in town.

Justin Alpert, 56 Amherst Place, addressed Agenda Item 15(h), asking whether the Township had ever received the methodology report from Appraisal Systems, Inc. Township Manager Lewis stated that he had, and believed he had already forwarded it to Mr. Alpert, but would send it again. Mr. Alpert also addressed Agenda Item 14a, asking where the property was located, and Manager Lewis explained it was the self-storage facility area. Mr. Alpert also addressed the Energy Aggregation plan addressed in Agenda Item 7b, asking whether we can require the Board of Public Utilities to aggregate the money. Mayor Klein explained that the town's role was only as a facilitator of the aggregation arrangement.

Amy Ipp thanked the Council for agreeing to placement of the banner, and stated that the group was flexible as to the location.

#### Resolution—Consent Agenda Includes All Items Marked “\*” R-21-72

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 25, 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) January 11, 2021-- Regular and Conference Minutes
- b) December 16, 2020—“Five on Five” Meeting with Board of Education

#### Approval of Licenses

#### Final Hearing Ordinances

a) Ord. 1-2021 Amending and Supplementing Chapter 29 Traffic Parking was read on second reading. There being no speakers, on motion duly made and seconded, and on voice vote, the hearing was closed. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law.

b) Ord. 2-2021 Amending Chapter 170 Article XIX “Stormwater Control” of the Township Land Use Code was read on second reading. There being no speakers, on motion duly made and seconded, and on voice vote, the hearing was closed. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law.

#### Proposed Ordinances

a) Ord. 3-2021 Adopting the 644 Route 10 Overlay District Redevelopment Plan 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, February 8, 2021.

#### Resolutions

a) R-21-73 Authorizing a Person-to-Person Transfer and Place-to-Place Transfer of ABC License from Beverage Department LLC to OM Livingston Liquors LLC

**WHEREAS**, BEVERAGE DEPARTMENT LLC has applied for a Person-to-Person Transfer of Plenary Retail Distribution License No. 0710-44-007-011 to OM LIVINGSTON LIQUORS LLC; and a Place-to-Place transfer of location from 255 SOUTH LIVINGSTON AVENUE TO 214 NORTH LIVINGSTON AVENUE; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

**WHEREAS**, the pending transfer was advertised in the West Essex Tribune on November 5, 2020 and November 12, 2020 and no complaints have been filed with the Township Clerk; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Livingston does hereby approve, effective January 25, 2021, the Person-to-Person and Place-to-Place transfer of the BEVERAGE DEPARTMENT LLC Plenary Retail Distribution Licensed premises located at 255 SOUTH LIVINGSTON AVE, LIVINGSTON, NJ 07039 to OM LIVINGSTON LIQUORS LLC, located at 214 NORTH LIVINGSTON AVENUE, LIVINGSTON, NJ 07039, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to OM LIVINGSTON LIQUORS, LLC, effective January 25, 2021."

b) R-21-74 Authorizing Approval of CO#1 and Final with Stanziale Construction LLC

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C2000011") with Stanziale Construction LLC for the 2020 Road Improvements; and

WHEREAS, the initial Contract was not to exceed One Million, Three Hundred Forty-Five Thousand, Six Hundred Ninety- Seven Dollars and Twenty Cents (\$1,345,697.20); and

WHEREAS, due to changed field conditions, a Change Order has been requested for the following:

A. SUPPLEMENTAL		
Hot Mix Asphalt Surface Course Mix I-5		\$25,100.86
Roof Leader and Drain Connection to 8" PVC Pipe		\$100.00
Reconstructed Manhole, Using New Casting		\$9,600.00
Concrete Driveway, Reinforced, 6" Thick		\$3,684.24
Concrete Sidewalk, 4" Thick		\$28,814.40
Concrete Curb (Full Face & Depressed at ADA Curb Ramps)		\$5,280.00
Milling, More Than 3", Less Than 6"		\$510.00
Hot Mix Asphalt Surface Course Mix I-5		\$2,311.15
Hot Mix Asphalt Base Course Mix I-2		\$2,541.50
Driveway Restoration, Concrete Block		\$0.10
Granite Block Curb		\$580.00
Total		\$78,522.25
B. EXTRAS		
Additional Drainage Improvements		\$12,200.00
Total		\$12,200.00
C. REDUCTIONS		
Fuel Price Adjustment		-\$14,704.28
Asphalt Price Adjustment		-\$36,647.68
Excavation, Unclassified		-\$180.00
Dense Graded Aggregate Base Course, Variable Thickness		-\$92.00
Milling, More Than 3", Less Than 6"		-\$144.50
Hot Mix Asphalt Base Course Mix I-2		-\$43,944.12
8" PVC Pipe, Sch. 40		-\$8,975.00
Under Drain		-\$105.00
Bicycle Safe Grate		-\$2,700.00

Curb Piece, Type N-Eco	-\$1,350.00
Reconstructed Inlet, Type B, Using New Casting	-\$5.00
Yard Drain (If and Where Directed)	-\$0.10
3/4" Clean Stone	-\$4.00
Hot Mix Asphalt Driveway, 2" Thick	-\$92.98
Driveway Restoration, Concrete Block	-\$4,254.60
Hot Mix Asphalt Sidewalk, 4" Thick (As Needed for Restoration)	-\$5.90
Detectable Warning Surface	-\$2,680.00
Granite Block Curb	-\$32,604.00
Steel Root Plate	-\$1.00
Traffic Stripes, Long Life, Thermoplastic, 4" Width	-\$520.00
Traffic Stripes, Long Life, Thermoplastic, 6" Width	-\$604.00
Traffic Stripes, Long Life, Thermoplastic, 12" Width	-\$535.00
Traffic Markings, Thermoplastic	-\$660.00
Sign	-\$3,750.00
Fuel Price Adjustment	-\$540.50
Asphalt Price Adjustment	-\$1,532.66
Excavation, Unclassified	-\$5.00
Dense Graded Aggregate Base Course, Variable Thickness	-\$2.50
Under Drain	-\$5.00
Reconstructed Manhole, Using New Casting	-\$0.10
Hot Mix Asphalt Driveway, 2" Thick	-\$5.50
	-
Total	\$156,650.41

WHEREAS, the total change order decreased the contract amount by 4.90% or \$65,928.16 making the new contract sum \$1,279,769.04; and

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

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract with Stanziale Construction LLC for the 2020 Road Improvements; 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.

c) R-21-75 Authorizing Approval of CO#1 and Final with Northeast Roof Maintenance

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C2000013") with Northeast Roof Maintenance for the Phase 2 Roof Replacements at the Water Pollution Control Facility; and

WHEREAS, the initial Contract was not to exceed One Hundred Forty-Seven Thousand, Five Hundred Dollars (\$147,500.00); and

WHEREAS, due to changed field conditions, a Change Order has been requested for the following:

A.	EXTRAS	
	Additional Framing for the Office and Laboratory Building	<u>\$5,875.00</u>
	Total	\$5,875.00

WHEREAS, the total change order increased the contract amount by 3.98% or \$5,875.00 making the new contract sum \$153,375.00; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-09-55-017-001-004; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract with Northeast Roof Maintenance for Phase 2 Roof Replacements at Livingston Water Pollution Control Facility; 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.

d) R-21-76 Authorizing Approval of CO#3 and Final with Ischia Construction Corp

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1900023") with Ischia Construction Corporation for the Two Inch Mill and Pave of Chestnut Street – North Section; and

WHEREAS, the initial Contract was not to exceed Three Hundred Ninety-Nine Thousand, Six Hundred Forty Dollars, and Forty-Two Cents (\$399,640.42); and

WHEREAS, change order number one (R-20-77) increased the contract by \$39,000.00 making the new contract sum \$438,640.42; and

WHEREAS, change order number two (R-20-131) increased the contract by \$32,800.00 making the new contract sum \$471,440.42; and

WHEREAS, due to changed field conditions, final change order three has been requested for the following:

A.	SUPPLEMENTAL	
	Hot Mix Asphalt 9.5M64 Surface Course	\$6,448.28
	Total	\$6,448.28
B.	REDUCTIONS	
	Police Traffic Director	-

	\$10,395.00
Fuel Price Adjustment	-\$4,003.55
Asphalt Price Adjustment	-\$9,588.63
Excavation, Unclassified	-\$6.75
Geotextile Fabric	-\$20.00
Dense Graded Aggregate Base Course, Variable Thickness	-\$3.40
Milling, 3" or Less	-\$612.00
Hot Mix Asphalt 19M64 Base Course	-\$5.00
Under Drain	-\$5.00
15" Reinforced Concrete Pipe, Class V	-\$400.00
Reconstructed Inlet, Type B, Using New Casting	-\$0.17
Hot Mix Asphalt Driveway, 2" Thick	-\$2,040.12
Driveway Restoration, Concrete Block	-\$1.85
Concrete Sidewalk, 4" Thick	-\$2,442.05
Hot Mix Asphalt Sidewalk, 4" Thick (As Needed for Restoration)	-\$0.50
Detectable Warning Surface	-\$216.00
Granite Block Curb	-\$1,809.00
Concrete Curb (Full Face and Depressed at ADA Curb Ramps)	-\$270.00
Traffic Stripes, Long Life, Thermoplastic, 4" Width	-\$400.00
Regulatory and Warning Sign	-\$2,100.00
Concrete Sidewalk, 4"Thick	-\$5,828.55
Total	-
	\$40,147.58

WHEREAS, the final change order decreased the previously adjusted contract amount by 7.15% or \$33,699.30 making the new contract sum \$437,741.12; and

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

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 3 and Final to the Contract with Ischia Construction Corporation for the Two Inch Mill and Pave of Chestnut Street – North Section; 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.

e) R-21-77 Authorizing Contract with H2M Associates Inc.

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Scott Terrace and vicinity drainage investigation 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 H2M Associates, Inc. has provided engineering services in prior years and has performed in a satisfactory manner; and

WHEREAS, H2M Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that H2M Associates, Inc. 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 H2M Associates, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Engineer and Township Manager are recommending the award of a contract to H2M Associates, Inc. to provide professional engineering services for the Scott Terrace and vicinity drainage investigation as required by the Township in an amount not to exceed \$26,000.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-04-55-018-006-007; 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 H2M Associates, Inc. in an amount not to exceed \$26,000.00 as described herein.

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.

f) R-21-78 Authorizing a Contract with Suburban Consultant Engineers Inc.

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Royal Avenue drainage investigation 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 Suburban Consulting Engineers, Inc. has provided engineering services in prior years and has performed in a satisfactory manner; and

WHEREAS, Suburban Consulting Engineers, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Suburban Consulting Engineers, Inc. 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 Suburban Consulting Engineers, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Engineer and Township Manager are recommending the award of a contract to Suburban Consulting Engineers, Inc. to provide professional engineering services for the Royal Avenue drainage investigation as required by the Township in an amount not to exceed \$20,500.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-04-55-018-006-007; 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 Suburban Consulting Engineers, Inc. in an amount not to exceed \$20,500.00 as described herein.

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.

g) R-21-79 Authorizing Award of Contract with Associated Appraisal Group Inc.

WHEREAS, the Township of Livingston has a need to acquire an appraisal firm to handle tax appeals 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, Associated Appraisal Group, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Associated Appraisal Group, Inc. 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 Associated Appraisal Group, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Manager is recommending the award of a contract to Associated Appraisal Group, Inc. to provide tax appeal services as directed by the Township; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in account 1-01-20-150-001-226, 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 Associated Appraisal Group, Inc. from January 1, 2021 through December 31, 2021 in an amount not to exceed \$50,000.00 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.

h) R-21-80 Authorizing a Contract Extension with Faircut Services LLC

**WHEREAS**, on February 11, 2019 the Township Council of the Township of Livingston authorized the Township Manager to enter into a twenty-four (24) month open ended contract with Faircut Services, LLC to furnish, deliver and install trees; and

**WHEREAS**, pursuant to 40A: 11-15, the Township will extend its existing contract for an additional one-year with Faircut Services, LLC at the same prices bid; and

**WHEREAS**, Faircut Services, LLC's schedule of pricing is attached; and

**WHEREAS**, the Assistant Superintendent of Public Works and Township Manager are recommending a one-year extension of the contract with Faircut Services, LLC at the same prices bid; 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 it authorizes the Township Manager to extend the contract with Faircut Services, LLC for one-year effective March 1, 2021.

i) R-21-81 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 January 25, 2021.

j) R-21-82 Authorizing 2021 Temporary Emergency Appropriations

**WHEREAS**, an emergent condition as arisen in that the Township of Livingston is expected to enter into contracts, commitments and/or payments prior to the 2021 budget adoption and no adequate provision has been made in the CY2021 temporary budget for the aforesaid purposes; and

**WHEREAS**, N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

**WHEREAS**, the total emergency temporary appropriation resolutions adopted in the year 2021 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution is:

Current Fund	\$3,885,930.00
Water Utility	198,190.00
Sewer Utility	<u>198,190.00</u>
Total	<u>\$4,282,310.00</u>

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Livingston, County of Essex, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with the provision of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$4,282,310 as per attached.
2. Said emergency temporary appropriations will be provided for in the 2021 Budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

k) R-21-83 Authorizing the Preparation of a Redevelopment Plan for BL 100, Lots 2 & 3 (630 & 640 Rte 10)

**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**, in accordance with the Redevelopment Law, by Resolution No. 20-69 adopted on January 27, 2020, the municipal council of the Township (“**Municipal Council**”) designated certain property within the Township, including the properties identified as Block 100, Lots 2 and 3 on the Township’s tax maps, commonly known as 630 Route 10 and 644 Route 10 (the “**Rehabilitation Area**”) as an area in need of rehabilitation; and

**WHEREAS**, to carry out its powers under the Redevelopment Law, the Township has a need for professional planning and engineering services in connection with the redevelopment of the Rehabilitation Area; and

**WHEREAS**, Beacon Planning and Consulting Services, LLC (the “**Planner**”) possesses the experience and qualifications to perform professional planning consultant services; and

**WHEREAS**, by Resolution 21-71 adopted January 11, 2021, pursuant to a request for proposals for professional planning consultant services issued in accordance with applicable law, the Township awarded a contract to the Planner to provide professional planning consultant services to the Township for a contract term of January 1, 2021 through December 31, 2021; and

**WHEREAS**, the Township desires to authorize the Planner to prepare one (1) or more redevelopment plans for the Rehabilitation Area; and

**WHEREAS**, funds shall be available for this purpose pursuant to that certain Funding Agreement dated November 10, 2020 by and between the Township and InSite Development Partners, LLC,

**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 Municipal Council hereby authorizes the Planner to prepare one (1) or more redevelopment plans for the Rehabilitation Area. The Planner shall prepare the redevelopment plan(s) when and as directed by the Township.

**Section 3.** A copy of this resolution, the Planner's contract, the Planner's completed Business Disclosure Entity Certification and Political Contribution Disclosure Form, and the applicable funding agreement shall be available for public inspection at the offices of the Township.

**Section 4.** This Resolution shall take effect immediately.

I) R-21-84 Referring to the Planning Board for Review and Comment a Redevelopment Plan Entitled "644 NJSH Route 10 Overlay District Redevelopment Plan"

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

**WHEREAS**, in accordance with the criteria set forth in the Redevelopment Law, by Resolution 20-69 dated January 27, 2020, the Township Council ("**Township Council**") of the Township of Livingston (the "**Township**") designated as "an area in need of rehabilitation" certain properties within the Township, including the property identified on the Township tax maps as Block 100, Lot 2 (the "**Rehabilitation Area**"); and

**WHEREAS**, pursuant to the Redevelopment Law the Township Council caused a redevelopment plan for the Rehabilitation Area to be prepared, entitled the "644 NJSH Route 10 Overlay District Redevelopment Plan" (the "**Redevelopment Plan**"); and

**WHEREAS**, the Township Council desires to have the Planning Board review and comment upon the Redevelopment Plan, as described on *Exhibit A* attached hereto, for its review and comment, pursuant to *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Livingston, County of Essex, New Jersey that:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. Pursuant to *N.J.S.A. 40A:12A-7(e)*, the Township Council hereby refers the Redevelopment Plan, as described on *Exhibit A* attached hereto, to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the Redevelopment Plan, and submit same to the Township Council within 45 days after referral, as required by the Redevelopment Law.

3. The Township Clerk shall forward a copy of this Resolution, and the Redevelopment Plan, attached hereto as *Exhibit A*, to the Planning Board for review.

4. This Resolution shall take effect immediately.

On motion duly made and seconded, and on roll call vote of R-21-73 and R-21-84, inclusive, all members present voted YES.

The Mayor entertained comments "Around the Table", Deputy Mayor Meinhardt asked about the status of roof repair to the Library, and Township Manager Lewis stated that the specs were being finished and that the project would be going out to bid.

Councilmember Fernandez asked about the response of Saint Philomena Monsignor Fuhrman regarding his view regarding the trees at Madonna Field.

Councilmember Vieira thanked the members of the Livingston Committee on Diversity and Inclusion for a successful event. He also suggested purchase and placement of luminary bags in front of homes, commemorating those lost during the pandemic.

Councilmember Anthony stated that West Orange Mayor Parisi had suggested that West Orange could help with the cost of expansion of Livingston's Animal Shelter, as part of a possible Shared Services agreement.

Township Manager Lewis stated that a new police car was already in the Town Hall parking lot, and how the new cars were more traditional and recognizable as a police car.

Mayor Klein praised Township Manager Lewis for his actions in helping to keep the Kings store in town. The Mayor also addressed "Livingston Neighbors Helping Neighbors," noting that Nick Santanelli had made ten trips to Newark stocking the food pantry.

Mayor Klein advised the development of an Advisory Board to benefit as a resource for Township Health Officer Lou Anello.

Mayor Klein stated that the Township Councilmembers should think about the closing of one of the Township pools, and if one were to be closed, which one should it be, and what the available space might be used for. The matter will be placed on the next meeting agenda for discussion.

Public Comment

Matthew Boxer, 6 Trombley Drive, asked whether the two Developer's Agreements had been signed, and Township Manager Lewis replied yes. Mr. Boxer stated that "bad things have happened" and expressed concern whether there was sufficient liability and indemnity coverage, whether the performance bonds were in sufficient amount and whether they provided for joint and several liability. He questioned why one Agreement had a significantly different amount of liability and indemnity coverage and asked why there was such a wide disparity between the two Agreements' performance bonds, noting that one was 36 times the other. Manager Lewis stated he would review the Agreements and let Mr. Boxer know.

Keith Hines discussed the cannibus legislation, and also asked whether the Fair Housing Agreement will be made public.

At 8:49 p. m., the following Resolution was considered:

Resolution Authorizing Closed Session—12 Industrial Parkway Update (Pending Litigation); Livingston Community Players (Pending Litigation with Member(s) of the Group); Clerk Matters (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 25<sup>th</sup> day of January, 2021, that the Township Council of the Township of Livingston will go into Closed Session for the purpose of discussing Pending Litigation, Attorney Client Privilege, 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 9:40 p.m., the Closed Session meeting was adjourned.

Adjournment

The meeting was adjourned at 9:40 p.m.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk