

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 Update 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 6, 2022, and that "48-hr. notice" was emailed to the West Essex Tribune and the Star-Ledger on January 31, 2022 and posted on the Livingston Township website.

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

Mayor Meinhardt read the Sunshine Statement.

A Quorum Roll Call was held. Councilmembers Anthony, Fernandez, Klein, Deputy Mayor Vieira and Mayor Meinhardt were all present.

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

Proclamations & Presentations

Essex County Updates – Eileen Fishman, Liaison to Livingston on behalf of Essex County Executive Joseph DiVincenzo, spoke of upcoming County events, including free COVID testing dates and times, Project Homeless Connect in Clifton, the Senior Citizens Legacies Writing Contest (deadline April 11th), and that Edwina the groundhog predicted an early spring.

Communications

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 24, 2022 Regular and Conference Minutes
- 2) January 24, 2022 Closed Session Minutes (1st and 2nd)

Legal Fees

The Council approved the following Legal Fees:

- 1) Antonelli Kantor Tax Services (December 2021)
- 2) Antonelli Kantor General Services (December 2021)

New Business

1) Electronics Recycling Box Drop-Off - Manager Lewis explained that he and Deputy Manger Jones had a productive meeting with Scott Goldman of the Recycling Committee to discuss the drop off of non-electronic items at the electronic recycling bin behind the Senior Community Center.

2) Community Library – LHS student Benjamin Gantman proposed installing book case boxes around the Township for community book sharing. He added that he planned to use a third party vendor who charges \$200 per box, for which they would seek funding and sponsorship. Manager Lewis mentioned that South Orange had a similar program and it was very successful. Councilmember Klein expressed concern about the long-term maintenance plan of the boxes. Mayor Meinhardt said he would share the idea with the Library Board at their next meeting.

3) Sale of Surplus (Trucks) - Manager Lewis explained that there is a Resolution on tonight's Agenda for the sale of two DPW trucks and that are approximately 20 years old. The Council agreed, and the Resolution will be considered and voted upon later in the meeting.

4) Professional Engineering and Permitting (Stream Cleaning) - Manager Lewis discussed the need for the design and permitting of stream cleaning to prevent back up. The Council agreed, and the Resolution will be considered and voted upon later in the meeting.

5) Emergency Contract for Pump Replacement Well #'s 15 & 9 – Manager Lewis expressed the need for an emergency contract for pump replacements for Well No. 15 and 9. The Council agreed, and the Resolution will be considered and voted upon later in the meeting.

6) NJ I-Bank Funding Assistance for PFAS – Manager Lewis explained Township Utility Engineer Nathan Kiracofe's request for a Resolution awarding a contract to Mott MacDonald, Inc. for NJ I-Bank funding assistance for PFAS treatment projects. The Council agreed, and the Resolution will be considered and voted upon later in the meeting.

7) Bond Counsel Services 2022 – Manager Lewis recommended to retain Gibbons P.C. as bond counsel for 2022. The Council agreed, and the Resolution will be considered and voted upon later in the meeting.

8) Draft Filming Ordinance – Township Manager Lewis advised Councilmembers that he is looking for guidance on indoor and outdoor filming times and fees. Councilmember Fernandez noted that the definition of "filming" needed updating and exceptions should be noted, as with students filming for school projects or drone usage.

9) Upcoming Council Calendar invitations—The Council discussed upcoming events, and Mayor Meinhardt mentioned that the next meeting will be Tuesday, February 22nd, because of the Presidents Day Holiday. The Mayor added that Wednesday, February 9th, from 7-8pm was the YMCA Annual Fundraiser.

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.

Matthew Boxer, 6 Trombley Drive, inquired about the specifics of the legal bills on tonight's Agenda and requested a map of the wells in the Township.

There being no other speakers, 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

Ord. 3-2022 Approving the Application for a Long-Term Tax Exemption and Authorizing the Execution of a Financial Agreement with Insite Development Livingston Urban Renewal, LLC was read by title. On motion duly made and seconded, and on voice vote, the hearing was opened.

There were 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.

Introduction

There were no Ordinances for introduction.

Consent Agenda for Resolutions: Res 22-086

WHEREAS, the Township Council of the Township of Livingston has determined that certain items on its agenda which have the unanimous approval of all Councilmembers and do not require comment shall be termed the "Consent Agenda"; and

WHEREAS, the Township Council has determined that to increase its efficiency, the Consent Agenda shall be adopted with one resolution;

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the items on the regular agenda for February 7, 2022 attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Res 22-087 Authorizing the Township of Livingston to Accept a Subgrant Award of the Federal Fiscal Year 2021 of Emergency management Performance Grant and Emergency management Agency Assistance

WHEREAS, the Township of Livingston Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY21-EMPG-EMAA 0710 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Township of Livingston will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2021 to June 30, 2022; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the Township of Livingston Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for

Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

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

1. That the Council accepts the award of the FFY21 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolutions shall be forwarded to the New Jersey State Police, Office of Emergency Management, the City Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

I HEREBY CERTIFY that the foregoing is a correct and true copy of a resolution adopted by the Livingston Township Council at a meeting duly held on February 7, 2021.

Res 22-088 Authorizing Disposition of Surplus

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 are 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	2001 Ford	F250 Super Duty	1FTNF21L31EA86742
DPW	Vehicle	1	2002 Ford	F250 Super Duty	1FTNF21L62EB82950

Res 22-089 Authorizing a Award of a Contract to Christopher P Statile, PA

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for stream cleaning 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 of Livingston solicited proposals from four companies qualified to provide professional engineering services for stream cleaning; and

WHEREAS, the Township of Livingston received two proposals; and

WHEREAS, Christopher P. Statile, P.A. submitted the lowest price proposal; and

WHEREAS, Christopher P. Statile, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Christopher P. Statile, P.A. 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 Christopher P. Statile, P.A. 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 Christopher P. Statile, P.A. to provide professional engineering services for stream cleaning as required by the Township in an amount not to exceed \$102,000.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-04-55-021-030-B04; 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 Christopher P. Statile, P.A. in an amount not to exceed \$102,000.00 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.

Res 22-090 Authorizing Purchases Under Bergen County Cooperative Pricing System

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

WHEREAS, the Township of Livingston is a member of the Bergen County Cooperative Pricing System #CK04 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 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 Bergen County Cooperative Pricing System #CK04 vendors on the attached list, pursuant to all the conditions of the individual 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, 2022 or upon the expiration of the vendors' contract, whichever event first occurs.

Res 22-091 Authorizing the Award of a Contract to Mott MacDonald, LLC

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the NJ I-Bank assistance for PFAS treatment projects 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 Mott MacDonald, LLC has provided engineering services in prior years and has performed in a satisfactory manner; and

WHEREAS, Mott MacDonald, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald, LLC 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 Mott MacDonald, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Utility Engineer and Township Manager are recommending the award of a contract to Mott MacDonald, LLC to provide professional engineering services for the NJ I-Bank assistance for PFAS treatment projects as required by the Township in an amount not to exceed \$50,000.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-020-012-C01; 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 Mott MacDonald, LLC in an amount not to exceed \$50,000.00 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.

Res 22-092 Authorizing the Award of a Contract to Gibbons, P.C.

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

WHEREAS, on November 1, 2021, the Township of Livingston issued RFP No. 15-2021 as a fair and open process, to solicit proposals from firms experienced performing bond counsel services; and

WHEREAS, the request for proposals ("RFP") was advertised on the Township of Livingston website on November 1, 2021, and as a result nine (9) rfp packages were requested; and

WHEREAS, on November 23, 2021, four (4) proposals were received by the rfp deadline and publicly read; and

WHEREAS, in accordance with the selection criteria established in the rfp, the proposals were evaluated for management criteria, technical criteria, past experience and performance, and financial considerations; and

WHEREAS, Gibbons P.C. 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 Chief Financial Officer and Township Manager are recommending the award of a contract to Gibbons P.C. to provide Bond Counsel services in an amount not to exceed \$30,000.00; 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.

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 enter into a contract with Gibbons P.C. for the period February 7, 2022 through December 31, 2022 in an amount not to exceed \$30,000.00.

Res 22-093 Authorizing an Emergency Contract with William Stothoff Company Inc.

WHEREAS, the Township Manager has identified the immediate need for well numbers 15 and 9 pump replacements; and

WHEREAS, pump replacements are necessary to protect the public health, safety and welfare; and

WHEREAS, the Township Manager has provided written notification to the Township Council of the emergent need for well numbers 15 and 9 pump replacements to protect public health, safety, and welfare; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-6, "Emergency Contracts") allows the award of contracts without public advertising for bids and bidding when an emergency affecting public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the provisions of Chapter 19, P.L. 2004 (as amended by P.L. 2005, c.51) of the Pay-to-Play Laws (N.J.S.A. 19:44A-20.4 et seq.) are waived when an emergency exists affecting the public health, safety or welfare which requires the immediate delivery of goods or performance of services; and

WHEREAS, William Stothoff Company, Inc. submitted a quote of \$32,990.30; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-019-007-002.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that the Township Manager is hereby authorized to enter into an emergency contract with William Stothoff Company, Inc. for well numbers 15 and 9 pump repairs in an amount not to exceed \$32,990.30.

On motion duly made and seconded, and on roll call vote, all members present voting YES, Resolutions 22-086 through Res 22-093, inclusive, were adopted.

N. Reports of Township Officials/Professionals

Manager Lewis provided follow up on various Township topics, including: the progress of building the new DPW garage in light of possible wetlands, Licari's ADA accessibility, PSE&G's authorization to install new lights at the Oval, the cannabis sub-committee meeting, grant writer Request for Proposal (RFP), pool consultant inquiry, the current tree fund balance of \$168,000 to be used for tree planting and maintenance, issues with snow plows and snow build up on corner properties with sidewalks. Lastly, he mentioned that the Township is prepared to host in-person meetings, and that they would continue to be livestreamed on Facebook.

O. Council Reports (7 minute limit, extension of time may be granted by Chair)

Councilmember Klein inquired about the drafting of an Ordinance to permit a sign of the structure being built on the construction perimeter fencing. He discussed the RAISE program as a potential funding source for infrastructure. He raised the idea of starting a Township newsletter, which was discussed, and due to the high cost of printing and postage, it was decided that an email newsletter would be more optimal.

Councilmember Vieira discussed "cutting the cord", the diminishing use of cable, and its effect on LTV. He also requested a fireworks notification to licensed pet owners in the Township.

P. Mayor's Report

The Mayor expressed his gratitude for the DPW working outside in the cold and bitter weather.

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

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

Lefty Grimes, 84 Hanover Rd, E Hanover, and sativacross.org, advocated for the rights of disabled.

Matthew Boxer, 6 Trombley Drive, addressed Clean Stormwater Management.

Terry Friedman, 11 Tarlton Drive, complained about deer on his property and Councilmember Fernandez explained the Township's deer management program.

There were no other speakers.

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

At 8:05p.m., the following Resolution was read by Deputy Township Clerk Mazzucco:

R. 22-094 Resolution 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) Affordable Housing (Attorney-Client Privilege)
- 2) Meade Litigation Update (Attorney-Client Privilege)
- 3) Water and PFAS (Attorney-Client Privilege)
- 4) St. Barnabas Tax Appeal (Attorney-Client Privilege)

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 by voice vote, all members present voted YES

At 8:33 p.m., the Closed Session meeting was adjourned.

At 8:33 p.m., the Regular/Conference meeting was adjourned.

EDWARD MEINHARDT, Mayor

CAROLYN MAZZUCCO, Deputy Township Clerk