

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 February 27, 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 Turtletaub, Deputy Township Clerk Mazzucco

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

Presentation

a) Black History Month---Mayor Klein spoke about this past Saturday's event in the Oval, in celebration of Black History Month during which members of the Committee spoke, and Mayor Klein presented a plaque. Mayor Klein stated that there had been a "great turnout", and that the LCDI Facebook page had a video of Saturday's presentation, and he highlighted the placement of the sign in at the intersection of Livingston Avenue and Northfield.

b) Addressing Agenda Item 8(h), Mayor Klein introduced new Township DPW Department Head Chris Southworth, and celebrated the department's "great job" clearing the snow during the recent storm. Mr. Southworth spoke of his history with the Township, his new position, and the days during the recent storm, noting that problems had been solved regarding salt delivery.

Essex County Update/Questions

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

- a) Murphy McKeon PC (January 2021)
- b) Antonelli Kantor, PC – (January 2021)
- c) McManimon, Scotland & Baumann (December 2020)

Old Business

a) DPW Garage---Township Manager Lewis stated that he was fine-tuning the program addressing Township vehicles' capacity, that he was obtaining revised price estimates, and that he as getting close to having numbers to present to the Council.

b) Habitable Floor Ratio Definition—Township Manager Lewis updated a proposed recommended change to the Township "McMansion" ordinance, to clarify the size of accessory structures, specifically by recommending the segregation of principal and accessory structures to more clearly define "habitable floor ratio". He stated he anticipated presenting the proposed new language at the next Council meeting.

c) Legalization of Cannabis—Attorney Kantor advised that he had researched the matter and answering the Council's question from the preceding meeting, that the Township could ban consumption on site. He noted that the deadline for the Governor to sign or veto the pending legislation had been extended to February 18, from which time the Township would have six months to act.

D) Pools—SYLS Department Head Jenn Walker participated in the meeting. Mayor Klein noted that there were two questions pending: what to do this summer, and the long term decision regarding the Township pools. For tonight, he stated, the Council would focus on the first question. Ms. Walker related last summer's events and the Department's actions. She noted that the capacity allowed by the Covid regulations were never reached, and Ms. Walker recommended the Township do the same for this year. She pointed out that the usage of Haines was 70% higher than Northland. She related the history of pool usage and the many attempts made to increase usage during her twelve years as Superintendent, such as daily guest badges, other town's practices, and private usage of pools for parties that two committees had investigated and reported on the usage. Councilmember Fernandez pointed out that the trend in pool membership had gone down in other townships as well, and that other townships were considering shutting down one of two pools. Ms. Walker noted that our cost is less than other towns. Councilmember Meinhardt asked whether it were possible to try on weekends to open Northfield. Ms. Walker noted it costs \$36,000 to open even for 50 people, which would require two lifeguards. She explained that as in many towns, pools were budgeted as a separate utility, whereby they were user-fee driven, and were not paid through taxes but through revenue generated by pool fees, on the theory that those who want and use a pool should pay for it.

e) Green Development—Township Attorney Kantor explained the Resolution appearing on tonight's Agenda, endorsing green development in town.

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) Livingston Boy Scout Troop 12 Request ¼ Oval on February 20 and April 24 (from 1-3 p.m.). The Council considered the request of Livingston Boy Scout Troop 12 for use of the Oval on February 20 and April 24 (from 1-3 pm). The Council agreed to the request, subject to confirmation from Ron Barbella that as expected there were no conflicting uses of the Oval on that date and time.

c) Senior Advisory Committee—New Members

The Council considered and agreed to the request of SYLS director Liliansa Branquinho that three new appointments be made to the Senior Advisory Committee: Charles Quinn and A Resolution formally naming them to the Committee will be placed on the Agenda for the next meeting. Each will be asked for a resume/statement of interest and background to complete their application for appointment.

d) Uniform Shared Services Agreement for Livingston Shuttle Bus Services

The Council reviewed and considered the recommendation from Alan Karpas and Township Manager Lewis that the Agreement with the County for Livingston Shuttle Bus Services be extended, and a resolution to approve the Agreement will be placed on the next agenda.

e) Committee Email Accounts

The Council considered the suggestion that there be one official town email account for each Committee, with the Town keeping the name of the account and the password. Councilmember Vieira stated that he would like to see placed on a future agenda discussion of a requirement that each committee should have bylaws. Township Attorney Kantor recommended that each Committee have its own bylaws, and that he was drafting a template set of bylaws governing the Town Council meetings as well.

. Township Manager Lewis stated that this could be handled administratively, and that no Resolution would not be necessary

f) Northfield Cemetery

Township Manager Lewis discussed the Amy Fiorilla request regarding care and upkeep of the Northfield Baptist Cemetery going forward, as the Church property was being sold. He stated that "we can reach out to whoever from the Church is handling the selling. Councilmember Vieira stated that perhaps local Boy Scouts or other volunteers could take care of the cemetery. Township Manager Lewis stated that he would continue to look into it

g) Relaxed Zoning Regulations

The Council considered and agreed to the request from Beth Lippmann on behalf of the Business Improvement District that the zoning regulations which had been relaxed by Resolution through December 31, 2020 be extended until the end of 2021. The Council agreed, and Township Manager Lewis said a resolution was not necessary, and that he could do that administratively.

h) Discussion with Chris Southworth—Excellent Snow Cleanup This matter was addressed earlier in the meeting.

i) Groundhog Day report from Essex Ed

The Council discussed the recent Groundhog Day events held by the County.

j) 2021 Road Improvements

Township Manager Lewis went over his recommendations and the item appears on this evening's Regular Agenda. Councilmember Vieira asked whether sidewalks were provided for in the contract.

k) 2021 Budget

Township Manager Lewis stated that he was completing work on his recommended 2021 Township Budget and that he anticipated presenting the first draft to the Council in the next week or so, and the matter will be placed on the February 22 meeting Agenda for discussion.

j) Court Reporter Services

Township Manager Lewis explained his recommendations set forth in his memorandum recommending a contract be awarded to VeriText for Court Reporting services, and the matter will be placed on the February 22 Agenda for a vote.

m) Milling and Paving of Sycamore Avenue—Section 1

Township Manager Lewis explained his memorandum recommending an award of contract to for services, and a Resolution is listed on this evening's Regular Agenda for a vote.

Public Comments on Agenda Items

Jim Hochberg, 8 Windsor Drive, submitted written comments which were read out loud, praising the Township DPW for snow removal during the recent storm.

Keith Hines, thanked the Council for its support of Black Lives Matter. Mr. Hines also addressed the Council's discussion earlier this evening regarding Township Committee emails, and he suggested that a meeting be held with all Committee chairs. Mr. Hines also stated that his church in Millburn was the parent church of the Northfield Cemetery church, and that he would take the issue of maintenance of the cemetery to his Church elders in Millburn. Township Councilmember Meinhardt will also investigate the matter and provide information regarding requirements upon opening of a cemetery.

Resolution—Consent Agenda Includes All Items Marked “*” R-21-085

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 8, 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 25, 2021-- Regular and Conference Minutes
- b) January 25, 2021—Closed Session Minutes

Approval of Licenses

Final Hearing Ordinances

a) Ord. 3-2021 Adopting the 644 Route 10 Overlay District Redevelopment Plan was read on second reading. Justin Alpert, 56 Amherst Place, stated that nobody was advocating for the Ordinance, that the Ordinance provided for “putting up of storage units we don't need,” and stated what more information was needed before the vote, including how this would “affect the whole area”.

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. 4-2021 Adopting a Redevelopment Plan for Block 4402, Lot 6 (Grace Lutheran Church
Township Manager Lewis stated that the Ordinance had not yet been finalized and would not be introduced this evening.

Resolutions

a) R-21-086 Township of Livingston's Commitment to Reducing the Carbon Footprint of Construction and Development Projects in the Township

WHEREAS: Reducing the carbon footprint of construction and development projects in the Township brings many potential benefits, including improved health to the community, reduced pollution, and the ability to retain energy dollars in the local economy; and

WHEREAS: The Township recognizes and acknowledges that climate change is caused primarily from releasing excessive carbon into the atmosphere; and

WHEREAS: The State of New Jersey, along with the Township, is already feeling the impacts of a climate change, with rising temperatures, increased flooding and more intense and frequent storms, and the energy system and transit infrastructure is becoming more vulnerable to climate-related risks; and

WHEREAS: Municipal leadership is essential in reducing the overall carbon footprint of the State and the Township desires to set a leadership example; and

WHEREAS: The Township, including residents, businesses, and nonprofits, have demonstrated their support for reducing the overall carbon footprint of the Township; and

WHEREAS: according to the U.S. Green Building Council, buildings account for approximately 39% of carbon emissions which is greater than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption; and

WHEREAS: The Township wishes to support green building in the private sector through a combination of voluntary actions, actions that may be required in the future although not at the time of the adoption of this resolution, and educational actions; and

NOW THEREFORE BE IT RESOLVED: That Township supports a goal of reducing the carbon footprint and specifically reducing the additional impact on the Township's overall carbon footprint from new construction and development projects in the Township; and be it further

RESOLVED: That the Township will promote, study, evaluate, and undertake those actions appropriate and reasonable to further the overall goal of reducing the Carbon Footprint of construction and development projects in the Township.

b) R-21-087 Authorizing a Contract Award to S. Brothers, Inc. (2021 Road Improvements

WHEREAS, the Township of Livingston ("Township") has a need for the 2021 Road Improvements that cannot otherwise be performed by its regular employees; and

WHEREAS, on January 7, 2021, the Township of Livingston issued Bid No. 1-2021 to solicit bids from contractors experienced in road improvements; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 7, 2021 and as a result eighteen (18) bid packages were requested; and

WHEREAS, on January 27, 2021, three (3) bids were received by the bid deadline and publicly read; and

WHEREAS, S. Brothers, Inc. was identified as the lowest responsive and responsible bidder whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible; and

WHEREAS, the Township Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to S. Brothers, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to S. Brothers, Inc. in an amount not to exceed \$1,981,364.05; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-04-55-015-006-01A, C-04-55-018-006-005, C-04-55-019-009-001 & C-04-55-020-011-C01.

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 S. Brothers, Inc. in an amount not to exceed \$1,981,364.05.

c) R-21-088 Authorizing Contract Award to Veritext, LLC

WHEREAS, the Township of Livingston ("Township") has a need for court reporter services for the planning department; and

WHEREAS, on December 17, 2020, the Township of Livingston issued Bid No.14-2020 as an open-ended contract, to solicit bids from companies that provide court reporter services; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on December 17, 2020 and as a result five (5) bid packages were requested; and

WHEREAS, on January 8, 2021, one (1) bid were received by the bid deadline and publicly read; and

WHEREAS, the company of Veritext, LLC was identified as the lowest responsive and responsible bidder whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible; and

WHEREAS, Veritext, LLC's schedule of pricing is attached; and

WHEREAS, the Planning Administrator has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Veritext, LLC; and

WHEREAS, the Township Manager is recommending the award of a twenty-four (24) month contract to Veritext, LLC; 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 enter into a twenty-four (24) month contract with Veritext, LLC effective February 15, 2021.

d) Res 21-089 Authoriing a Contract Award to S. Brothers, Inc. (Milling and Paving of Sycamore Avenue)

WHEREAS, the Township of Livingston ("Township") has a need for the two inch milling and paving of Sycamore Avenue (Section 1) that cannot otherwise be performed by its regular employees; and

WHEREAS, on January 7, 2021, the Township of Livingston issued Bid No. 2-2021 to solicit bids from contractors experienced in milling and paving; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 7, 2021 and as a result twelve (12) bid packages were requested; and

WHEREAS, on January 27, 2021, four (4) bids were received by the bid deadline and publicly read; and

WHEREAS, from the bids received the apparent low bidder was identified as Esposito Construction, LLC with a bid of \$304,904.14; and

WHEREAS, the bid submitted by Esposito Construction, LLC listed a subcontractor that did not possess a New Jersey Public Works Contractor Registration at the time of the bid submission and is not responsive (Violation of N.J.S.A 34:11-56.48 et seq.); and

WHEREAS, S. Brothers, Inc. was identified as the lowest responsive and responsible bidder whose bid meets all of the requirements of the bid specifications, complies with the

requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible; and

WHEREAS, the Township Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to S. Brothers, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to S. Brothers, Inc. in an amount not to exceed \$406,380.63; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-04-55-020-011-C01.

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 S. Brothers, Inc. in an amount not to exceed \$406,380.63.

On motion duly made and seconded, and on roll call vote of R-21-086 through R-21-089, 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.

Public Comment

Matthew Boxer, 6 Trombley Drive, asked about two Developer's Agreements. Township Manager Lewis addressed Mr. Boxer's questions raised at the last Council meeting as to joint and several liability, and the differences in the amounts of the bonds of the two developers. Mr. Lewis explained the reasons for differences in the amounts of the bonds, and why they were not joint and several liabilities. Township Attorney Kanter agreed with Township Manager Lewis's analysis of the Agreements. Mr. Boxer asked where the Agreement provided that Green was responsible for the detention basin, and Mr. Lewis will send Mr. Boxer an explanation.

Jonathan Lautman addressed the Council regarding idea of closing northland pool closing. As Mr. Lautman's voice could not be heard due to audio difficulties, the Mayor read a written statement submitted by Mr. Lautman.

The Mayor invited comments "Around the Table".

Deputy Township Manager Jones discussed the Township application for a new Handicapped Bus submitted to the CDBG.

Councilmember Fernandez inquired as to an update on the "drive through" Ordinance being prepared and Manager Lewis stated the matter was being worked on.

Councilmember Meinhardt stated that the Sports Council would be having its first meeting in a while.

Township Manager Lewis gave kudos to the Township DPW for snow removal efforts during the recent major snowstorm.

At 9:00 p. m., the following Resolution was considered:

Resolution Authorizing Closed Session—Livingston Community Players (Litigation), Potential litigation (Personnel issue)

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 8th day of February, 2021, that the Township Council of the Township of Livingston will go into Closed Session for the purpose of discussing Litigation, Personnel 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 9:18 p.m., the Closed Session meeting was adjourned.

Adjournment

The meeting was adjourned at 9:18 p.m.

SHAWN R. KLEIN, Mayor
GLENN R. TURTLETAUB, Township Clerk