

Minutes - Livingston Township Council Conference Meeting—February 13, 2023

Present: Mayor Vieira, Deputy Mayor Anthony, Councilmember Bagolie, Councilmember Klein, Councilmember Meinhardt, Township Manager Lewis, Deputy Township Manager Jones, Assistant Township Manager Loehner, Township Attorney Kantor, Township Attorney Cooke, Township CFO Cucci, and Township Clerk Mazzucco.

The Conference meeting commenced at 7:00 p.m. The Mayor stated that all the requirements of the “Open Public Meetings Law” had been met. “Annual Notice” was emailed to the *West Essex Tribune and the Star Ledger* on January 27, 2023 and 48-Hour Notice was emailed to the West Essex Tribune and Star Ledger on February 1, 2023.

Quorum Roll Call

A quorum roll call was held with all Council members present.

Legal Fees

The Council reviewed the following legal fees:

- 1) Antonelli Kantor Rivera (January 2023 - Retainer)
- 2) McCarter & English (January 2023)
- 3) Murphy McKeon P.C. (January 2023)
- 4) Genova Burns (January 2023)
- 5) Antonelli Kantor Rivera (January 2023 – Tax Appeal Services)
- 6) Antonelli Kantor Rivera (January 2023)

On motion made and duly seconded, and on roll call vote, the legal bills for McCarter & English (January 2023) and Murphy McKeon P.C. (January 2023) were pulled. All the other legal fees were approved for payment.

New Business

Township Manager Lewis explained that he is recommending to reappoint **Beacon Planning & Consulting Services**, LLC’s contract as Township Planner for the next six months. He added that a Resolution is on tonight’s February 13, 2023 Regular Agenda for the Township Council’s consideration.

Township Manager Lewis stated that the Water Pollution Control Facility is in need of **Motor Control Center replacements**, and that the Engineering Department is recommending an award of a “non-fair and open” contract to H2M Associates, Inc. He added that a Resolution is on tonight’s February 13, 2023 Regular Agenda for the Township Council’s consideration.

Township Manager Lewis discussed the bids received for **2023 Road Improvements** to install drainage improvements. He added that the lowest responsive and responsible bidder is DLS contracting, and a Resolution is on tonight’s February 13, 2023 Regular Agenda for the Township Council’s consideration.

Township Manager Lewis mentioned that the Resolution on tonight’s February 13, 2023 Agenda to extend the contract with **Recycle Track Systems NJ, LLC (RTS)** will be pulled. Council member Bagolie stated that the garbage collector is not responsible, and Council member Meinhardt mentioned that they are responsive when contacted about an issue. Assistant Township Manager Loehner stated that prices on garbage contracts are 50-150%% higher. Township Manager Lewis stated that he would check with other Township’s for comparable garbage contract rates.

Township Manager Lewis stated that the Township is rejecting the bid for **Court Reporter Services** and that a Resolution is on tonight’s February 13, 2023 Regular Agenda for the Township Council’s consideration. He added that the bid was substantially higher than the cost for the estimated services, and Assistant Township Manager Loehner stated that this service many no longer be needed with the new system upgrades in the court room.

Members of the Art Council and Hugh Mahon discussed a proposal for **bench art**, on approximately 30 yet to be designated benches throughout the Township. Assistant Township Manager Loehner expressed that he had

a meeting with Mr. Mahon which covered the installation of the art as well as the theme. Vivian Olshen of the Art Council explained that "Livingston is the seed of creativity" will be the new slogan. Council members agreed to move forward with the project.

Mayor Vieira mentioned that Steve Kroll of Vision 20/20 wrote a response to a recent opinion in the West Essex Tribune entitled "**Dive Into a Decision**", and added that Vision 20/20 will be presenting at the February 27, 2023 meeting on gathering public input on the pool situation in the Township.

Township Council members reviewed the community pass request for Youth Appreciation Week culminating with the Family Festival on September 23rd, and discussed the corundum of charging fees to non-profit organizations, but are still soliciting sponsorships for their events, as well as insurance coverage for non-Township sponsored events. After much discussion, Council Members approved this event.

Council members approved the LEC minutes from December 2022 and January 2023.

Township Manager Lewis discussed that the **Azarian** group owns Town Center and is only permitted to have medical businesses on the second floor, and with the large number of vacancies on the first floor, would like to amend the zoning to allow for an urgent care center where the 7-eleven was located. Council member Klein felt this determination should be made by the Planning Board. Council members Meinhardt and Bagolie stated that the owner doesn't invest in Town Center, and needs to support the Township before any **zoning amendment** should be granted.

Township Manager Lewis explained that there are four (4) "sideways" strip malls in the Township and that two (2) of the malls, including the mall where Rolls and Curries is located (see January 27, 2023 conference minutes), does not have monument signs situated in front. Township Manager Lewis stated he would review the ordinance for **signage at the sideway malls** and amend the ordinance to carve out an exception for these malls.

Council members approved the Rotary Clubs request for a new date of **Summerfest** as June 11, 2023, as there was a conflict with the Shiv's Third Eye event for the June 4, 2023 date.

Council members discussed the Community Pass request for the **Shiv's Third Eye Pride Picnic** which had already been approved for the date of June 4, 2023 last October 2022. Conversations arose on their affiliation to HCHY, and whether a cost should be charged. Council member Klein enforced that Senior Youth and Leisure Director, Jenn Walker, should be a part of the conversation.

At 7:43 p.m. the Conference meeting adjourned so the Council could attend the Regular meeting.

At 8:56 p.m. the Conference meeting resumed with everyone previously in attendance present.

Mayor Vieira stated that Alan Karpas, of the **Livingston Robotics Club 1st Lego League**, received approval at the January 27, 2023 Conference meeting for the May 20, 2023 date to hold his event. Council members reviewed the Community Pass form and approved the event.

Council members reviewed the **Sanskriti of NJ Yoga Event** Community Pass form request for June 16, 2023, which is the Juneteenth holiday. After discussion, council members agreed that the event could only be held on the proposed rain date of June 23, 2023.

Mayor Vieira inquired about a date for a "**5 on 5**" with the Bd. of Education, and it was determined by consensus that either March 20, 2023 or March 29, 2023 could be viable dates and the Mayor stated he will reach out to Vineeta Khanna.

Mayor Vieira inquired about starting the Conference meeting at 6:30pm for one hour, beginning the Regular meeting at 7:30pm, and continuing with the Conference meeting at the conclusion of the Regular meeting, or if the Conference meeting was completed, going into Closed Session. Council members agreed to the revised format and Township Clerk Mazzucco was instructed to place a **revised calendar resolution** on the February 27, 2023 Agenda for the Council members approval.

Council member Klein inquired about various updates including, but not limited to the Beck sign on the Gazebo, landscaping at Licari, basketball court upgrades, and the bar mitzvah wall project. Council on Township matters to Township Manager Lewis.

Council member Meinhardt felt a third meeting a month might be beneficial.

After a discussion on employee **medical insurance** and the near 22% rate hike in 2023 for local governments, Mayor Vieira asked CFO Cucci to present detailed information to Council members at the February 27, 2023 meeting.

Council members discussed **Upcoming Council Calendar Invitations**.

Public Portion on Any Subject

Justin Alpert, 56 Amherst Pl, suggested that the County collect the Township's trash, and in regards to changing the zoning at Town Center, that short term medical facilities add no value to a community. Lastly, he stated that any first amendment issues should not be discussed in Closed Session.

At 10:10 p.m. the following Resolution was considered.

RESOLUTION 23-095 — Authorizing 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) Livingston Advisory Committee on Disabilities (LACD) (Attorney Client Privilege)
- 2) Fair Share Housing (Attorney Client Privilege)
- 3) Habitat for Humanity (Contract Negotiations)
- 4) Public Use of Township Spaces and Resources (Potential Litigation)
- 5) Professional Services (Contract Negotiations / Attorney Client Privilege)
- 6) Licari Strahman (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 roll call vote, all members present voted YES.

At 11:35 p.m., the Closed Session ended.

At 11:35 p.m., the Conference meeting ended.

MICHAEL VIEIRA, Mayor

CAROLYN MAZZUCCO, Township Clerk