

Livingston, New Jersey
Regular Meeting February 13, 2023

The Regular Meeting of the Township Council of the Township of Livingston was held at 357 S Livingston Ave, Livingston, NJ on the above date at 7:45 p.m. The Mayor stated that notice of this meeting has been given in accordance with the 'Open Public Meetings law', and that Annual notice was emailed to the West Essex Tribune and the Star Ledger on January 27, 2023 and 48-Hour notice was emailed to the West Essex Tribune and the Star Ledger on February 1, 2023.

A Quorum Roll Call was held.

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

Also present were professionals Township Manager Lewis, Deputy Township Manager Jones, Assistant Township Manager Loehner, Township Attorney Kantor, Township Attorney Cooke, Township CFO Cucci, and Township Clerk Mazzucco.

Mayor Vieira welcomed Andrew Lenz to the Township of Livingston, and thanked him for working the audio and cameras for the Township Council meetings.

Moment of Silence and Pledge of Allegiance

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

Proclamations & Presentations

1) Camuso Committee - Tom Cooney, chair of the Camuso Committee and head elf, presented a slideshow of the Camuso display. The Mayor and Council presented Mr. Cooney and all the volunteers on the Camuso Committee (elves) with a plaque and thanked them for their efforts for creating this holiday display annually.

2) Dena Dubofsky-Blum, Assistant Director of American Jewish Committee – Ms. Dubofsky-Blum thanked the Mayor and Council for considering the Resolution on tonight's February 13, 2023 Agenda on IHRA (anti-semitism), and stated that now more than ever, anti-semitism is becoming extremely violent and scary.

Essex County Updates

There were none.

Approval of Minutes, Pending Any Corrections

On motion duly made and seconded, and on voice vote, the Council approved the following, with Council member Klein abstaining, pending any corrections:

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

Public Portion (Agenda Items Only—4 Minute Limit)

On motion duly made and seconded, and by voice vote, the hearing on the Public Portion was opened.

Justin Alpert, 56 Amherst Place, inquired about Ordinance 1-2023 on tonight's February 13, 2023 Regular Agenda and stated it didn't make a lot of sense. He also stated that he didn't understand the location of Ordinance 3-2023, introduced on tonight's February 13, 2023 Regular Agenda. He stated that tonight's Reparations Resolution (Resolution 23-082) was the equivalent of "pouring gasoline on a fire". He also objected to Resolution 23-092, and Mayor Vieira explained that the Resolution was being pulled from tonight's February 13, 2023 Regular Agenda.

Brenda Beaves, 156 E Cedar St, stated she was representing the Social Justice Committee, which endorsed the Reparations Resolution on tonight's February 13, 2023 Regular Agenda (Resolution 23-082), and that the task force an important step in holding NJ responsible for racial discrimination.

Laurie Beacham 37 S. Ashby, thanked the Mayor and Council for considering tonight's Reparations Resolution, (Resolution 23-082), and added that NJ was the last northern state to abolish slavery and that large racial wealth gaps exist as a result, and NJ needs to correct the wrongs of it's past.

Stacey Abenstein, 11 Browning Dr, also thanked the Mayor and Council for considering tonight's Reparations Resolution, (Resolution 23-082), and also tonight's Resolution on Anti-Semitism (Resolution 23-081). She added the importance of speaking up for one another.

Amy Ipp, 101 Martin Rd, stated she was representing the League of Women Voters, and that they were in support of the adoption of tonight's Reparations Resolution (Resolution 23-082).

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 1-2023 Amending the Township Code by Creating Ch. 327 Entitled Liability Insurance for Business Owners and Rental Unit Owners was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the ordinance. 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. Councilmember Klein, who was absent at the January 27, 2023 meeting, stated he had watched the video from the last meeting and had read the minutes. Township Attorney Kantor added that this Ordinance was being adopted because of a bill signed by the State of NJ. It was ordered advertised according to law.

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

Introduction of Ordinances

Introduction

Ord. 2-2023 Amending and Supplementing Ch. 6 Boards, Committees and Commissions, Article II Environmental Commission was read by title. On motion duly made and seconded, and

on Roll Call vote, all members present voted YES. Council member Bagolie mentioned that she was glad the Ordinance was being amended to allow Livingston HS students to participate. Council member Anthony, as Council liaison to the LEC (Livingston Environmental Commission), also echoed her sentiments. 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 27, 2023.

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

Ord. 3-2023 Amending Chapter 170 Section 113 D-S Designed Shopping Center District Of The Code Of The Township Of Livingston was read by title. On motion duly made and seconded, and on Roll Call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular meeting of the Township Council on Monday, March 13, 2022.

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

Resolutions:

Mayor Vieira stated that three Resolutions were being pulled from tonight's February 13, 2023 Agenda:

- 1) Resolution 23-084 2nd Revision Township Council Annual Meeting Calendar
- 2) Resolution 23-089 Authorizing the Award of a Contract Extension with Recycle Track Systems NJ, LLC
- 3) Resolution 23-092 Authorizing Redevelopment Agreement with Brightview Senior Living Dev., LLC

Res 23-079 Consent Agenda

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the items on the regular agenda for February 13, 2023 attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

*Res 23-080 Authorizing Alcoholic Beverages in Designated Public Recreation Areas

WHEREAS, the Council of the Township of Livingston (the "Council") amended and supplemented the language of the Code of the Township of Livingston, Chapter 61 Alcoholic Beverages, Article IV Public Recreation Areas (the "Code"), by adopting Ordinance 23-2021; and

WHEREAS, the Council may allow by Resolution the consumption of beer and wine to be sold by an authorized vendor in a designated location for a particular date/time; and

WHEREAS, there are two scheduled Township of Livingston events, Summerfest on June 11, 2023, and rain date September 10, 2023, and the 4th of July celebration on July 4, 2023; and

NOW THEREFORE BE IT RESOLVED by the Mayor and the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Council hereby authorizes the consumption of beer and wine sold by an authorized vendor as follows:

i) Summerfest: June 11, 2023 from 12 pm to 4 pm, or any scheduled rain date of September 10, 2023 of this event, in the location shown on Exhibit A

ii) 4th of July Celebration: July 4, 2023, or any rescheduled rain date of this event, from 3:30 pm to 7:30 pm in the location shown on Exhibit A

*Res 23-081 Confronting and Combating Antisemitism in Our Communities

WHEREAS antisemitism, including harassment on the basis of actual or perceived Jewish origin, ancestry, ethnicity, identify, affiliation, or faith, remains a persistent, pervasive, and disturbing problem in American society;

WHEREAS, according to new data released by ADL (the Anti-Defamation League) antisemitic incidents in 2021 rose by 25% in New Jersey, reaching 370 total incidents – the highest number ever recorded by ADL in the state and the second-highest number recorded in any state across the country last year. These 370 incidents in New Jersey constitute 14% of the total number of antisemitic incidents recorded across the United States last year;

WHEREAS, we acknowledge that following the attacks on the Tree of Life Synagogue in Pittsburgh, the Chabad of Poway in San Diego, a Kosher supermarket in Jersey City and a Chanukah gathering in Monsey, our synagogues felt compelled to re-evaluate their own security measures to keep their congregations safe;

WHEREAS, most recently an incident in which the suspect in the theft of a Livingston Board of Education school bus was identified as the owner of a journal found during the investigation that contained notes about jihad and other language against Jewish people and law enforcement, according to federal officials and where administrators at Livingston Public Schools have also recently reported multiple incidents in which drawings of swastikas and messages containing antisemitic language were found at both Livingston High School and Heritage Middle School and further our neighbors in Bloomfield at Temple Ner Tamid had Molotov cocktail hurled at the doors of their synagogue, all these acts have disturbed our community and must be taken as an opportunity to teach about this issue and seek paths for healing and eliminating such hate;

WHEREAS, Livingston officials and institutions have a responsibility to protect citizens from acts of hate and bigotry, including antisemitism, and must be given the tools to do so;

WHEREAS valid monitoring, informed analysis and investigation, and effective policy-making all benefit from accurate and uniform definitions;

WHEREAS the International Holocaust Remembrance Alliance (IHRA), by consensus vote of its member states, adopted a Working Definition of Antisemitism in May 2016, which has become the internationally recognized, authoritative definition of antisemitism for use by governments and international organizations. That definition reads in full:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

“To guide IHRA in its work, the following examples may serve as illustrations:”

“Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.”

“Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:”

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

“Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).”

“Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.”

“Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.”

WHEREAS, the IHRA Working Definition has proven to be an essential tool used to help determine contemporary manifestations of antisemitism; and

WHEREAS, in the United States, the IHRA Working Definition is utilized by various government agencies, including the U.S. Department of State and the U.S. Department of Education, and can be utilized by law enforcement agencies in monitoring, training, and education; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Township does and hereby adopts the non-legally binding International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism in full; and

BE IT FURTHER RESOLVED that the Clerk of the Township will ensure that the IHRA Working Definition of Antisemitism is available as an educational resource for the Board of Education, the Police Department and other agencies responsible for addressing antisemitism and other forms of discrimination.

*Res 23-082 Endorsing the NJ Reparations Task Force Act

WHEREAS, from 1619 to 1865, approximately 4,000,000 Africans and their descendants, under a practice that was constitutionally and statutorily sanctioned, were enslaved in the United States and the colonies that became the United States;

WHEREAS, the system of slavery that flourished in the United States constituted an immoral, shameful, and inhumane deprivation of the life, liberty, humanity, citizenship, and cultural heritage of Africans and also denied them, among other things, the fruits of their own labor upon which this country, and its economy, was built; and

WHEREAS, although New Jersey outlawed the importation of enslaved Africans in 1786 and enacted a law in 1804 to abolish slavery gradually, the State Legislature passes "Peace Resolutions" in 1863 denying President Lincoln's power to emancipate slaves and later voted against the 13th Amendment to the United States Constitution; and

WHEREAS, the full effects of the institution and legacy of slavery on Black people and communities in New Jersey have not been sufficiently examined, nor have there been remedies for past injustice and present harm, or sufficient efforts at transformation. As a result of historic and continued systematic racial discrimination, Black people in New Jersey confront some of the worst racial disparities in America; and

WHEREAS, it shall be the duty of the "New Jersey Reparations Task Force" to study and develop reparations proposals for Black people in this State. In performing this duty, the commission shall: identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies that became the United States from 1619 through 1865. The task force's documentation and examination shall include the facts related to: (a) the capture and procurement of Africans; (b) the transport of Africans to the United States and the colonies that became the United States for the purpose of enslavement, including their treatment during transport; (c) the sale and acquisition of Africans as chattel property in interstate and intrastate commerce; (d) the treatment of African slaves in the colonies and the United States, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families; (e) the extensive denial of humanity, sexual abuse, and chattelization of persons; (f) the role of the federal and state governments of the United States in supporting the institution of slavery in constitutional and statutory provisions, including the extent to which the governments prevented, opposed, or restricted efforts of formerly enslaved Africans and their descendants to repatriate to their homeland; (g) the federal and state laws that discriminated against formerly enslaved Africans and their descendants who were deemed United States citizens from 1868 to the present; (h) other forms of systematic racial discrimination in the public and private sectors against enslaved African people and their descendants who were deemed United States citizens from 1868 to the present, including redlining, Jim Crow segregation, restrictive covenants, mass incarceration, voter suppression, educational funding discrepancies, and predatory financial practices; and (i) the lingering negative effects of the institution of slavery and the matters described in this section on living African-Americans and on society in the United States; and

WHEREAS, this Resolution endorses that the task force recommend appropriate ways to educate the New Jersey public of the task force's findings; and

NOW THEREFORE BE IT RESOLVED that the Mayor and the Township Council of the Township of Livingston, County of Essex, State of New Jersey supports A711/S322 establishing the "New Jersey Reparations Task Force" to conduct research and develop reparatory proposals and recommendations to address the generational harms caused by New Jersey's role in America's institution of slavery and its legacy of systematic racial discrimination; and

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Members of the 27th District Legislative Delegation, Senate President and Assembly Speaker.

*Res 23-083 Approving Affordable Housing Agreement with Community Options, Inc.

WHEREAS, Community Options, Inc. is a non-profit corporation dedicated to promoting community integration and participation of individuals who have multiple disabilities by providing opportunities for community living, training and support; and

WHEREAS, Community Options has contracted to purchase certain real estate located at 43 Wychwood Road, Livingston, NJ 070393, (the "Premises") which it intends to renovate and utilize as supportive and special needs housing for individuals who have a developmental disability; and

WHEREAS, the Township desires to financially assist Community Options to foster the production of low and moderate income housing in partial satisfaction of the Township's obligation to provide affordable housing in accordance with the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. and consistent with the prior regulations and policies of the New Jersey Council on Affordable Housing ("COAH"); and

WHEREAS, supportive and special needs housing are permitted and recognized as a mechanism for the Township to address a portion of its fair share obligation; and

WHEREAS, Community Options desires to maintain the Premises for the operation of a supportive and special needs housing project, consisting of a facility containing four (4) bedroom units each for income-qualified individuals in compliance with the prior COAH's rules which will assist the Township in meeting its fair share obligation; and

WHEREAS, the Township will include the Community Options project within its affordable housing plan as a compliance mechanism for meeting a portion of the Township's fair housing obligation as determined by COAH; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby approves the Affordable Housing Agreement between the Township and Community Options and authorizes the Township Manager to execute the Agreement and any related documents; and

BE IT FURTHER RESOLVED that, subject to the conditions set forth in the Agreement, the Township agrees to provide Community Options with a grant in the amount of \$600,000.00 from the Township's Affordable Housing Trust Fund to provide funding for the acquisition and renovation of the Premises.

*Res 23-084 2nd Revision Township Council Annual Meeting Calendar

Pulled from the February 13, 2023 Agenda.

*Res 23-085 Accepting a Grant from NJ Department of Law and Public Safety for \$32,400 Under the FY2023 Safe and Secure Communities Program

BE IT RESOLVED by the Township Council of the Township of Livingston, in the County of Essex, and State of New Jersey, as follows:

1. The Township of Livingston is authorized to accept a subaward grant from the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General, in the amount of \$32,400, under the Safe and Secure Communities Program, Grant No. 23-0710, with Matching Fringe Benefits, for a total project cost of \$32,400
2. The Mayor and the Chief of Police of the Township of Livingston are authorized to execute, and the Township Clerk to attest, to a Subgrant Award in connection with this grant, and any and all documents in connection with this grant.
3. The Township of Livingston is accepting this grant of funds for the purpose described in the application.
4. Subaward Period: April 15, 2023 through April 14, 2024.
5. A certified copy of this resolution shall be provided by the Office of the Township Clerk to the Township of Livingston Governing Body and Township of Livingston Officials as well as to the Office of the Attorney General of the State of New Jersey.

*Res 23-086 Authorizing Award of a Contract to Beacon Consulting and Services, LLC

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

WHEREAS, the Township Manager has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the Township Council has determined that Beacon Planning & Consulting Services, LLC has provided professional planning consultant services in prior years and has performed in a satisfactory manner; and

WHEREAS, Beacon Planning & Consulting Services, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Beacon Planning & Consulting Services, 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 Beacon Planning & Consulting Services, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Planning Administrator and Township Manager are recommending the award of a contract to Beacon Planning & Consulting Services, LLC to provide professional planning consultant services as required by the Township; and

WHEREAS, the fees for services provided on applications before the Planning Board and Zoning Board of Adjustment will be charged to applicants through escrow; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in account 3-01-21-180-001-217, contingent upon sufficient funds being appropriated in the 2023 municipal budget.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Beacon Planning & Consulting Services, LLC for the period of January 1, 2023 through June 30, 2023 in an amount not to exceed \$15,000.00 for Township matters and in such amount as warranted for services charged to applicant escrow accounts.

*Res 23-087 Authorizing Award of a Contract to H2M Associates, Inc

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the MCC Panel Replacement at the Water Pollution Control Facility 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, 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 Acting Superintendent of the WPFC and Township Manager are recommending the award of a contract to H2M Associates, Inc. to provide professional engineering services for the MCC Panel Replacement as required by the Township in an amount not to exceed \$118,280.00; and,

WHEREAS, the Township Council has determined that H2M Associates, Inc. has provided professional engineering services in prior years and has performed in a satisfactory manner; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-08-55-022-019-C01.

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 \$118,280.00 as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be Placed on file with this resolution.

BE IT FURTHER RESOLVED that a notice of this action shall be printed in the West Essex Tribune as required by law within ten (10) days of its passage.

*Res 23-088 Authorizing the Award of a Contract to DLS Contracting Inc

WHEREAS, the Township of Livingston ("Township") has a need for the 2023 Road Improvements- Bid One that cannot otherwise be performed by its regular employees; and

WHEREAS, on January 5, 2023, the Township of Livingston issued Bid No. 2-2023 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 5, 2023 and as a result sixteen (16) bid packages were requested; and

WHEREAS, on January 25, 2023, eleven (11) bids were received by the bid deadline and publicly read; and

WHEREAS, DLS Contracting, 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 DLS Contracting, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to DLS Contracting, Inc. in an amount not to exceed \$1,846,514.50; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-04-55-019-009-003, C-04-55-019-009-002, C-04-55-020-011-C01, C-04-55-021-030-B05 and C-04-55-022-023-B-01.

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 DLS Contracting, Inc. an amount not to exceed \$1,846,514.50.

*Res 23-089 Authorizing the Award of a Contract Extension with Recycle Track Systems NJ, LLC

Pulled from the February 13, 2023 Agenda.

*Res 23-090 Authorizing Purchases Under the State of NJ Cooperative Purchasing Program

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and,

WHEREAS, the Township of Livingston has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced State contract vendors through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current State 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 New Jersey State contract vendors on the attached list, pursuant to all the conditions of the individual State 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, 2023 or upon the expiration of the vendors' contract, whichever event first occurs.

R-23-090		
<u>Commodity/Service</u>	<u>Vendor</u>	<u>Contract #</u>
Aboveground Fuel Tanks Installation, Removal, Repair and Related Equipment	Ted Slack Environmental Services, Inc.	42266
Aboveground Fuel Tanks Installation, Removal, Repair and Related Equipment	Independence Constructors	42270
Auctioneering Services: Internet Auctions to Sell Surplus Property	Municibid	19-GNSV1-00696
Automotive Lubricants	IEH Auto Parts, LLC	20-FLEET-01344
Breakaway Upost Sign Support	Garden State Highway Products	19-FLEET-01137
M0483- Computers, Equipment, Peripherals & Related Services	Dell Marketing L.P.	19-TELE-00656
M0483- Computers, Equipment, Peripherals & Related Services	CDW Government, LLC	89980
M0483- Computers, Equipment, Peripherals & Related Services	Gold Type Business Machines, Inc.	89980
M0483- Computers, Equipment, Peripherals & Related Services	SHI International Corp.	89980
M0483- Computers, Equipment, Peripherals & Related Services	Wireless Electronics	89980
M0483- Computers, Equipment, Peripherals & Related Services	Ocean Computer Group, Inc.	19-TELE-00656
M0483- Computers, Equipment, Peripherals & Related Services	EMC Corporation	89968
M0483- Computers, Equipment, Peripherals & Related Services	HP, Inc.	89974
M4002- NAPSO ValuePoint Cloud Solutions	SHI International Corp.	21-TELE-01360
Computers, Equipment, Peripherals & Related Services	CDW Government, LLC	40166
Computers, Equipment, Peripherals & Related Services	Microsoft	40166
Computers, Equipment, Peripherals & Related Services	SHI International Corp.	40166
Copiers, Multifunction Devices	Xerox Corporation	40469
Copiers, Maintenance and Supplies	Ricoh USA, Inc.	40467
Environmental Testing, Instruments, Equipment & Supplies	Miller Energy	22-FOOD-09931
Fence, Chain Link (Installation & Replacement)	Consolidated Steel & Aluminum Fence Co., Inc.	88680
Firefighter Protective Clothing and Equipment	ESI Equipment, Inc.	17-FLEET-00820
Firefighter Protective Clothing and Equipment	Skylands Area Fire Equipment & Training, LLC	17-FLEET-00810
Firefighter Protective Clothing and Equipment	Firefighter One, LLC	17-FLEET-00807 & 17-FLEET 00819
Facilities, Maintenance Repair & Operations (MRO) & Industrial Supplies	Grainger	19-FLEET-00566
Facilities, Maintenance Repair & Operations (MRO) & Industrial Supplies	Fastenal	19-FLEET-00565
Facilities, Maintenance Repair & Operations (MRO) & Industrial Supplies (Custom Orders)	Fastenal	19-FLEET-00678
Facilities, Maintenance Repair & Operations (MRO) & Industrial Supplies	MSC Industrial Supply, Co.	23-FLEET-27129
Influenza Vaccine	FFF Enterprises, Inc.	41502
Inspection of Fire Suppression	Johnson Controls Fire Protection	83717

Law Enforcement Firearms Equipment and Supplies	Atlantic Tactical, Inc.	17-FLEET-00732 & 17-FLEET-00787
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00719
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00749
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00792
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00761
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00728
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00768
Law Enforcement Firearms Equipment and Supplies	Eagle Point Gun Shop	17-FLEET-00721
Law Enforcement Firearms Equipment and Supplies	Elite Emergency Lights, LLC	17-FLEET-00749
Law Enforcement Firearms Equipment and Supplies	Gen-El Safety and Industrial Products	17-FLEET-00722
Law Enforcement Firearms Equipment and Supplies	General Sales Administration	17-FLEET-00760
Law Enforcement Firearms Equipment and Supplies	Lawman Supply Co., NJ Inc.	17-FLEET-00740, 17-FLEET-00754 & 17-FLEET-00751
Law Enforcement Firearms Equipment and Supplies	SF Mobile Vision, Inc.	17-FLEET-00731
Law Enforcement Firearms Equipment and Supplies	MPH Industries, Inc.	17-FLEET-00755
Law Enforcement Firearms Equipment and Supplies	Turn Out Fire and Safety	17- FLEET-00751, 17-FLEET-00752, 17-FLEET-00778, 17-FLEET-00813, & 16-FOOD-00113
Mailroom Equipment and Maintenance	Quadient, Inc.	41267
Maintenance & Repair Heavy Duty Vehicles	Route 23 AutoMall	89262
Maintenance & Repair Heavy Duty Vehicles	A. Lembo Car & Truck Collision, Inc.	89274
Marine Craft: Boat, Motor, Trailer	Firefighter One, LLC	86336
OEM Automotive Parts for Light Duty Vehicles	Beyer Bros Corp	19-FLEET-00922
OEM Automotive Parts for Light Duty Vehicles	Beyer Ford, LLC	19-FLEET-00913
OEM & NON-OEM Maintenance and Repair Services for Light/Medium Duty Vehicles	American Hose & Hydraulics Co.	40866
OEM & NON-OEM Maintenance and Repair Services for Light/Medium Duty Vehicles	Beyer Bros Corp	40801
OEM & NON-OEM Maintenance and Repair Services for Light/Medium Duty Vehicles	Route 23 AutoMall	40812
Non-OEM Automotive Parts & Accessories for Light Duty Vehicles	Samuels, Inc. d/b/a Buy-Wise Auto Parts	85992
Parks & Playground Equipment	Ben Shaffer Recreation, Inc.	16-FLEET-00135
Parks & Playground Equipment	MRC, Inc.	16-FLEET-00121
Parts & Repairs for Road Maintenance Equipment	Trius, Inc.	85856
Parts & Repairs for Road Maintenance Equipment	W.E. Timmerman Co., Inc.	85857
Parts & Repairs for Lawn & Grounds Equipment	Storr Tractor Company	43038
Purchasing Card System for the State of NJ	Bank of America Company NA	84675
Radio Communication Equipment	Gold Type Business Machines, Inc.	83909
Radio Communication Equipment	Micro Strategies, Inc.	83921

Radio Communication Equipment and Accessories	Motorola Communications & Electronics, Inc/	83909
Radio Communication Equipment and Accessories	Philip M. Casciano Associates, Inc.	83900
Radio Communication Equipment and Accessories	Regional Communications	83909
Rock Salt, Treated Salt & Solar Salt	East Cost Salt Dist., Inc.	20-FLEET-01520
Rock Salt, Treated Salt & Solar Salt	Morton Salt, Inc.	20-FLEET-01519
Signs- reflective fluorescent roll-up warning signs	Garden State Highway Products	20-FLEET-01159
Snow Plow Parts, and Grader & Loader Blades	A & K Equipment Company, Inc.	88273
Software Reseller Services	Dell Marketing L.P.	20-TELE-01510
Software Reseller Services	York Telecom Corporation	20-TELE-01509
Statewide Equipment and Space Rental	United Rentals North America, Inc.	19-GNSV2-00853
Telecommunications Equipment & Services	Johnston GP, Inc.	80802
Tires, Tubes and Services	Firestone Complete AutoCare	19-FLEET 00708
Tires, Tubes and Services	Cleveland Auto Tire	19-FLEET 00708
Tires, Tubes and Services	C and C Tire, Inc.	19-FLEET 00708
Tree Trimming, Pruning & Removal Services	Rich Tree Service, Inc.	18-DPP-00645
Office Supplies & Recycled Copy Paper	W B Mason Company, Inc.	0000003
Ultra Low Sulfur Diesel and Biodiesel	National Fuel Oil, Inc.	19-FOOD-01100
Vehicle Lifts, with Garage and Fleet Maint., Equipment	Stertil-Koni	22-FLEET-01984
Vehicles, Trucks, Pick-Up Class 1	Chas S. Winner Inc.	17-Fleet-00212
Vehicles, Trucks, Class 2, Pickup/Utility, with Snow Plow Option	Chas S. Winner Inc.	88726
Vehicles, Trucks, Class 3, Pickup/Utility, with Snow Plow Option	Chas S. Winner Inc.	88758
Wireless Voice, Data and Accessories	Verizon Wireless	22-TELE-05441

***Res 23-091 Authorizing Purchases Under the State of NJ Cooperative Purchasing Program**

WHEREAS, the Township of Livingston ("Township") has a need for court reporter services for the Planning Department that cannot otherwise be performed by its regular employees; and

WHEREAS, on January 12, 2023, the Township of Livingston issued Bid No. 1-2023 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 January 12, 2023 and as a result ten (10) bid packages were requested; and

WHEREAS, on February 1, 2023, one (1) bid was received by the bid deadline and publicly read; and

WHEREAS, in accordance with Section VI.D., "Award of Bid", in the bid documents, the Township of Livingston desires to exercise its right to reject the bid for court reporter services due to the fact that this bid substantially exceeds the cost estimate for these services (N.J.S.A. 40A:11-13.2 (a)); and

WHEREAS, the Township Manager recommends rejecting the bid and reissuing the bid as soon as practicable.

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 bid received in connection with the issuance of Bid No. 1-2023 is hereby rejected.

***Res 23-092 Authorizing Redevelopment Agreement with Brightview Senior Living Development, LLC**

Pulled from the February 13, 2023 Agenda.

*Res 23-093 Authorizing the Award of A Contract To Antonelli Kantor Rivera (Affordable Housing Counsel)

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

WHEREAS, on December 2, 2022, the Township of Livingston issued RFP No. 17-2022 as a fair and open process, to solicit proposals from firms experienced performing affordable housing counsel services; and

WHEREAS, the request for proposals ("RFP") was advertised on the Township of Livingston website on December 2, 2022, and as a result eleven (11) rfp packages were requested; and

WHEREAS, on December 21, 2022, three (3) proposals was received by the bid deadline and publicly read; and

WHEREAS, Antonelli Kantor Rivera 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 Township Manager is recommending the award of a contract to Antonelli Kantor Rivera to provide Affordable Housing Counsel services as required by the Township at an hourly rate of \$165.00; and

WHEREAS, the Chief Financial Officer has certified that the account to be charged will be T-16-55-850-001-501, contingent upon sufficient funds being appropriated in the 2023 municipal budget.

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 Antonelli Kantor Rivera for the period of February 13, 2023 through December 31, 2023 in an amount not to exceed \$50,000.00.

*Res 23-094 Authorizing The Use Of A Design Build Process For The Development And Construction Of The Future DPW Facility On Property Identified As Block 102 Lot 12 On The Tax Maps Of The Township Of Livingston

WHEREAS, the Township has acquired property identified as Block 102 Lot 12 also described as 12 Industrial Parkway, Livingston, NJ on which it plans to develop and construct a new facility to house the operations and equipment of the Department of Public Works (the "Facility"); and

WHEREAS, the Township is desirous of utilizing evaluating and using the most advantageous method of procurement for the construction of the Facility, and

WHEREAS, in P.L. 2021, c.71 (N.J.S.A. 40A:11-53 through 40A:11-60) the legislature authorized municipalities to utilize a Design-Build Project Delivery method of procurement for the development and construction of projects reasonably having a value in excess of \$5,000,000, and

WHEREAS, on December 19, 2022 the State issued "N.J.A.C. 5:34-10 Use of Design-Build Project Delivery for Construction Projects", establishing the rules and procedures for the municipal use of the Design-Build Project Delivery process; and

WHEREAS, the Township Council hereby determines and finds as follows:

1. The new DPW Facility can be reasonably, and in good faith, estimated to have a cost equal to or exceeding \$5,000,000.

2. The use of the Design-Build Project Delivery process for the DPW Facility, when compared to the design-bid-build process, will facilitate a shorter overall design and construction process including, but not limited to, reducing the likelihood of work stoppages and change orders that would increase project

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby authorizes the use of the Design-Build Project Delivery method provided under N.J.S.A. 40A:11-53 through 40A:11-60 and "N.J.A.C. 5:34-10 Use of Design-Build Project Delivery for Construction Projects" for the development and construction of the new DPW Facility on Block 102 Lot 12, 12 Industrial Parkway, Livingston, NJ 07039; and

BE IT FURTHER RESOLVED that:

1. As required by N.J.A.C. 10:34-10.5, there is hereby established a Technical Review Committee consisting of the following individuals:

a. Karen Sullivan, QPA, the Township's purchasing agent, who shall administer the selection process and serve as selection coordinator for the technical review committee.

b. Barry R. Lewis, Jr., Township Manager

c. Adam D. Loehner, Assistant Township Manager

d. Jeannette Harduby, Township Engineer, who shall served as the Project Design Official, unless and until a separate Design Official is appointed

e. Rocco Marrucci, Assistant Township Engineer

f. Chris Southworth, DPW Superintendent

g. Dennis Britt, DPW Assistant Superintendent

h. Nathan Kiracofe, Utility Engineer

i. Ann Cucci, CFO

j. Outside Design Official and Project Manager, as authorized by N.J.A.C. 5:34-10.4, who may be the same individual, to be appointed at a later date following solicitation of competitive qualifications and proposals, evaluation and recommendation by the Technical Review Committee, and appointment by the Township Council.

2. Pursuant to N.J.A.C. 10:34-10.3(c), the following procedures for the solicitation and award of the design-build contract are established, which shall be consistent with the regulations:

a. The Technical Review Committee shall develop and solicit proposals for a Design Official and/or Project Manager, who may be the same individual, and thereafter make a recommendation to the Township Council.

b. Any Design Official or Project Manager appointed by the Township Council shall also be appointed as members of the Technical Advisory Committee.

c. The Technical Review Committee shall develop and advertise a Request for Qualifications ("RFQ") in accordance with N.J.A.C. 10:34-10.2 and N.J.A.C. 10:34-10.7.

d. The Technical Review Committee shall review the responses to the RFQ and make a recommendation to the Township Council of the respondents to be designated as "Prequalified Bidders" which shall be not less than two (2) and no more than six (6) bidders.

e. The Technical Review Committee shall develop and advertise a Request for Proposals ("RFP"), including the Project Specifications and Prescriptive Specifications, all in accordance with N.J.A.C. 10:34-10.2 and N.J.A.C. 10:34-10.8, to solicit Design-Build proposals for the new DPW Facility project from Prequalified Bidders.

f. The Technical Review Committee shall review all complete and responsive Technical Proposals and Price Proposals in accordance with N.J.A.C. 10:34-10.9 (f) through (k) and make a recommendation to the Township Council for the selection and award of a contract on a submitted proposal.

g. The Township Council may thereafter award a contract in accordance with N.J.A.C. 10:34-10.

On motion duly made and seconded, and on roll call vote, all members present voted YES, and Resolutions 23-079 through 23-083, 23-085 through 23-088, and 23-90 through 23-091, and 23-093 through 23-094 were adopted.

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

Council members thanked the entire team at Antonelli Kantor Rivera, in reference to Resolution 23-093 on tonight's February 13, 2023 Regular Agenda.

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

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

Karen Garland, 293 Eisenhower Parkway, stated that her conditional (cannabis) retail license from the State will expire in two months, and that she would like the Township of Livingston to adopt an Ordinance at the March 13, 2023 meeting to allow the sale of cannabis. Mayor Vieira inquired about the status of the report from the sub-committee on cannabis, and explained that it needed to be reviewed by the Township Council beforehand. Justin Garland, Karen's son, also urged the Township Council to move forward with legislation allowing cannabis.

Justin Alpert, 56 Amherst Place, repeated his comments about Ordinance 1-2023 on tonight's February 13, 2023 Regular Agenda, regarding insurance requirements on businesses and multi family dwellings, and that it was a mistake. He added that another whale washed up on the beach in NJ, and that windmills are causing the problem.

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

Reports of Township Officials and Council Members

Township Officials gave various updates on Township affairs. The Mayor and Council members all thanked the DPW for their efforts in setting up/ cleaning up three events this past Sunday, February 12, 2023. Township Manager Lewis stated that he and CFO Cucci are working on the temporary budget which will cover capital projects that are time sensitive. CFO Cucci stated that the Township closed on the I-Bank notes last Friday, which will allow the Township to proceed with alleviate the wells with the highest production of PFAS first. Council member Klein thanked everyone who attended Sunday's (February 12, 2023) rally on anti-semitism. Council member Bagolie stated she supported the Resolutions on tonight's February 13, 2023 Agenda on anti-semitism (Res 23-081) and supporting a task force on reparations (Res 23-082).

To the extent possible, Township Attorney Kantor gave a brief description on the ideas being discussed in Closed Session tonight, February 13, 2023. He also added that the Michele Meade litigation will have a trial date in October 2023.

At 8:56 p.m., the Regular meeting was adjourned.

MICHAEL VIEIRA, Mayor
CAROLYN MAZZUCCO, Township Clerk