

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, Township Clerk Turtletaub, 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

Mayor Meinhardt read a Proclamation recognizing Livingston graduate Magnolia Wang for her efforts to raise awareness of Rare Disease. Ms. Wang spoke, thanking the Mayor and Council, and stated that she was "excited to bring this issue" to the public's attention. Deputy Mayor Vieira stated he was "proud of the graduates from Livingston."

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) February 7, 2022 Regular and Conference Minutes
- 2) February 7, 2022 Closed Session Minutes

Legal Fees

The Council approved the following Legal Fees:

- 1) Antonelli Kantor Litigation Services (January 2021)
- 2) Antonelli Kantor St. Barnabas Tax Appeal (April 2021)
- 3) Antonelli Kantor General (November 2021)
- 4) Genova Burns (January 2022)
- 5) Antonelli Kantor General (January 2022)

New Business

1) Pickleball Installation Costs—Manager Lewis discussed plans and costs for installation of new pickleball courts. The Mayor noted that these changes had resulted in response to requests from residents.

2) Happy Jack (Jack Nathan) Event—The Council discussed the request to change the date for the “Happy Jack” event to Saturday, May 14. It was pointed out that this was the same day as Cycle for Survival, and Mayor Meinhardt will discuss this conflict Happy Jack event leader Ed Steinberg.

3) LEC Replacement for Pearl Huang—Clerk Turtletaub was asked to invite the candidate to replace Pearl Huang on the LEC to the March 7, 2022 meeting to meet with the Council.

4) Arts Council of Livingston LHS AP Art Show—The Council discussed this upcoming annual event.

5) Special Counsel Services-2022—Manager Lewis explained the need for counsel experienced with I-Bank Funding Assistance for PFAS treatment projects. The matter is listed on the evening’s Agenda for a formal vote.

6) 2022 Road Improvements—Manager Lewis explained his recommendation for funding the improvements. The matter is listed on this evening’s Agenda for a formal vote.

7) Emergency Contract—Sanitary Sewer Main Repair—Manager Lewis explained the need for the emergency contract. The matter is listed on this evening’s Regular Agenda for a formal vote.

8) Change Orders for Various Mott MacDonald Contracts—Manager Lewis referenced his memoranda explaining the recommended Change Orders. The matter is listed on this evening’s Agenda for a formal vote.

9) On-Call Sanitary Sewer Repairs at Various Locations—Manager Lewis referenced his memoranda explaining the recommended expenditure, and the matter is listed on this evening’s Agenda for a formal vote.

10) Upcoming Council Calendar Invitations—The Council discussed upcoming events, and noted that live, in-person Council meetings would resume on March 7. Manager Lewis described the procedures being implemented at Town Hall to allow for this.

Public Portion (Agenda Items Only—4 Minute Limit)

Deputy Clerk Mazzucco read a LivComment received from Scott Goldman, and Manager Lewis explained the genesis.

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

There being no 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

Introduction

Consent Agenda for Resolutions: Res 22-095

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 22, 2022 attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Res 22-096 Authorizing the Award of Contract to McManimon Scotland Baumann (Special Counsel)

WHEREAS, the Township of Livingston has a need to acquire Special Counsel for I-Bank Funding 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, McManimon, Scotland & Baumann, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that McManimon, Scotland & Baumann, 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 McManimon, Scotland & Baumann, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer and Township Manager are recommending the award of a contract to McManimon, Scotland & Baumann, LLC to provide Special Counsel for I-Bank Funding as required by the Township; 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 that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with McManimon, Scotland & Baumann, LLC for the period of February 22, 2022 through December 31, 2022 in an amount not to exceed \$50,000.00.

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 22-097 Authorizing the Award of a Contract to Crossroads Paving

WHEREAS, the Township of Livingston ("Township") has a need for the 2022 Road Improvements that cannot otherwise be performed by its regular employees; and

WHEREAS, on January 13, 2022, the Township of Livingston issued Bid No. 3-2022 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 13, 2022 and as a result thirty-eight (38) bid packages were requested; and

WHEREAS, on February 9, 2022, twelve (12) bids were received by the bid deadline and publicly read; and

WHEREAS, Crossroads Paving 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 Crossroads Paving; and

WHEREAS, the Township Manager is recommending the award of a contract to Crossroads Paving in an amount not to exceed \$1,331,667.50; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-04-55-020-011-C01 and C-04-55-021-030-B01.

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 Crossroads Paving in an amount not to exceed \$1,331,667.50.

Res 22-098 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, 2022 or upon the expiration of the vendors' contract, whichever event first occurs.

Res 22-099 Authorizing an Emergency Contract with Ischia Corp.

WHEREAS, the Township Manager has identified the immediate need for a sewer repair at 104 West Hobart Gap Road; and

WHEREAS, sewer repairs 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 sewer repairs 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, Ischia Corp. submitted a price of \$33,800.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-08-55-018-001-005 and C-08-55-021-027-F01

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 Ischia Corp. for the emergency sewer repair at 104 West Hobart Gap Road in an amount not to exceed \$33,800.00.

Res 22-100 Authorizing Approval of CO #1 with Mott McDonald (2020 Water Main)

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1900022") with Mott MacDonald for professional engineering services for the 2020 water main improvements; and

WHEREAS, the initial Contract was not to exceed One Hundred Fifteen Thousand Three Hundred Dollars and no cents (\$115,300.00); and

WHEREAS, due to field conditions requiring additional engineering services, a Change Order has been requested; and

WHEREAS, the total change order increases the contract amount by \$5,285.78 making the new contract sum \$120,585.78; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in account C-06-55-018-005-002.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number One to the Contract with Mott MacDonald; that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

Res 22-101 Authorizing Approval of CO #1 with Mott Macdonald (Well #11 Water Treatment Plant and Facility)

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1700011") with Mott MacDonald for professional engineering services for the well 11 water treatment plant and facility; and

WHEREAS, the initial Contract was not to exceed Sixty-Eight Thousand Dollars and no cents (\$68,000.00); and

WHEREAS, due to field conditions requiring additional engineering services, a Change Order has been requested; and

WHEREAS, the total change order increases the contract amount by \$6,300.00 making the new contract sum \$74,300.00; and

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

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

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number One to the Contract with Mott MacDonald; that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

Res 22-102 Resolution Authorizing Approval of Change Order Number Two With Mott MacDonald, LLC (Congressional Generator Replacement)

WHEREAS, the Township Council of the Township of Livingston entered into a contract (“Contract C1900019”) with Mott MacDonald for professional engineering services for the Congressional generator replacement; and

WHEREAS, the initial Contract was not to exceed Thirty-Nine Thousand Four Hundred Dollars and no cents (\$39,400.00); and

WHEREAS, due to field conditions requiring additional engineering services, Change Order Number Two has been requested:

A.	CHANGE ORDER NUMBER ONE- Additional Engineering Services (approved R-19-211)	\$12,500.00
	CHANGE ORDER NUMBER TWO- Additional Engineering Services	
	Total Change Order Number Two	\$13,800.00

WHEREAS, the total change order number two increases the contract amount by \$13,800.00 making the new contract sum \$65,700.00; and

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

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

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number Two to the Contract with Mott MacDonald; that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

Res 22-103 Designating Block 5901, Lot 1 and Block 5900, Lots 39, 40, Also Known as 1,2 and 17 Old Road and 397 W. Mt. Pleasant Ave., and a Portion of the Old Road Right-Of-Way as a Non-Condemnation Area in Need of Redevelopment

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land located therein constitutes an area in need of redevelopment; and

WHEREAS, on January 24, 2022, by Resolution No. 22-080, and in accordance with the provisions of the Redevelopment Law, the Township Council of the Township of Livingston, in the County of Essex, New Jersey (the “**Township Council**”) authorized

and directed the Planning Board of the Township of Livingston (the “**Planning Board**”) to conduct an investigation of certain properties identified on the tax maps of the Township of Livingston (the “**Township**”) as Block 5901, Lot 1 and Block 5900, Lots 39, 40 (including Lot 40, B01) and 41 (including Lot 41, B01), commonly known as 1, 2 and 17 Old Road and 397 W. Mt. Pleasant Avenue; and a portion of the Old Road right-of-way located between Block 5901, Lot 1 and Block 5900, Lots 39-40 (collectively, the “**Study Area**”), and to determine whether all or a portion of the Study Area meets the criteria set forth in the Redevelopment Law, *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Township engaged Beacon Planning and Consulting Services, LLC (the “**Planning Consultant**”) to conduct an investigation for the Planning Board to determine whether the Study Area should be designated an area in need of redevelopment; and

WHEREAS, the Planning Board received a report setting forth the basis for the investigation and a map depicting the Study Area prepared by the Planning Consultant, entitled, “Livingston Circle Redevelopment Area Assessment” dated January, 2022, concerning the determination of the Study Area as an area in need of redevelopment (the “**Report**”); and

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to determining whether the Study Area should be designated as a non-condemnation area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the property is an area in need of redevelopment; and

WHEREAS, on February 15, 2022, the Planning Board reviewed the Report, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which members of the general public were given an opportunity to present their own evidence and/or to cross-examine the Planning Consultant, and to address questions to the Planning Board and its representatives, concerning the potential designation of the Study Area as an area in need of redevelopment; and

WHEREAS, the Planning Consultant concluded in the Report and testified to the Planning Board on February 15, 2022 that the Study Area satisfies the criterion for a redevelopment area designation as set forth in the Redevelopment Law; and

WHEREAS, after conclusion of the public hearing described above on February 15, 2022, the Planning Board voted to adopt and accept the recommendation contained in the Report, and recommended that the Study Area be declared a non-condemnation area in need of redevelopment, in accordance with the Redevelopment Law, and for the reasons set forth in the Report; and

WHEREAS, the Township Council agrees with the conclusion of the Planning Board that the Study Area satisfies the criterion for redevelopment area designation set

forth in the Redevelopment Law and finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Township Council now desires to declare the Study Area as a non-condemnation area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-6*,

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

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

Section 2. Based on the Report and the recommendation of the Planning Board, the Township Council hereby finds that the Study Area satisfies the criterion for redevelopment area designation as set forth in the Redevelopment Law.

Section 3. The Study Area is hereby designated as a “Non-Condensation Redevelopment Area” as referenced in the Redevelopment Law.

Section 4. The Township Council hereby directs the Municipal Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs for review.

Section 5. This resolution shall take effect in accordance with applicable law.

Res 22-104 NJ Historic Preservation Fund Administered by NJ Historic Trust

The governing body/board of Township of Livingston desires to further historic preservation through a grant from the New Jersey Historic Trust, State of New Jersey in the amount of \$403,052. for the following project Theophilus Ward Thomas Force House and Condit Family Cook House.

Therefore, the governing body authorizes Barry R. Lewis, Jr., Township Manager (Insert Name and Title of Authorized Signatory) to execute a grant agreement with the State in an amount up to that awarded for the proposed project, and to seal the grant agreement.

Res 22-105 Authorizing Transfer of 2021 Budget Appropriation Reserves

WHEREAS, N.J.S. 40A:4-58 authorizes transfers between budget appropriation reserves during the first three months of the subsequent fiscal year; and

WHEREAS, certain 2021 budget appropriation reserves are expected to be insufficient to meet expenditure requirements through the end of the fiscal year, and certain 2020 budget appropriations are expected to have funds available to offset these expenditure requirements; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston (not less than two-thirds thereof affirmatively concurring) that the transfers listed on the attached page be made effective February 22, 2022.

Res 22-106 Authorizing 2022 Temporary Emergency Appropriations

WHEREAS, an emergent condition as arisen in that the Township of Livingston is expected to enter into contracts, commitments and/or payments prior to the 2022 budget adoption and no adequate provision has been made in the CY2022 temporary budget for the aforesaid purposes;
and

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

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

Current Fund	\$8,362,736.00
Sewer Utility	194,947.00
Water Utility	<u>194,947.00</u>
Total	\$8,752,630.00

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

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$8,752,630.00 as per attached.
2. Said emergency temporary appropriations will be provided for in the 2022 Budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

Res 22-107 Authorizing a Contract with Shauger Property Services Inc.

WHEREAS, the Township of Livingston ("Township") has a need for on-call sanitary sewer repairs at various locations; and

WHEREAS, on January 27, 2022, the Township of Livingston issued Bid No. 4-2022 as an open-ended contract, to solicit bids from companies that provide on-call sanitary sewer repairs; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 27, 2022 and as a result sixteen (16) bid packages were requested; and

WHEREAS, on February 16, 2022, three (3) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of Shauger Property Services, 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, Shauger Property Services, Inc.'s schedule of pricing is attached; and

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

WHEREAS, the Township Manager is recommending the award of a six (6) month contract with the option for one six (6) month extension at the sole discretion of the Township to Shauger Property Services, Inc.; 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 six (6) month contract with the option for one six (6) month extension with Shauger Property Services, Inc.

Res 22-108 Authorizing Purchases Under Bergen Cty Cooperative Priing 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 22-109 Authorizing the Execution of the Developer's Agreement with RLP 111 West Essex Logistics, LLC Relative to 8 Peach Tree Hill Rd.

WHEREAS, RLP III West Essex Logistics, LLC., (the "Developer") received Preliminary and Final Site Plan Approval to Planning Board Application No. 2021-33-PFSP

to develop that certain real property designated as Block 6100, Lots 12 and 13 on the Official Tax Map of the Township of Livingston and commonly known as 8 Peach Tree Hill Road (the "Property"); and

WHEREAS, the nature and extent of the improvement/development are set forth in the Resolution of the Township of Livingston Planning Board adopted on October 19, 2021; and

WHEREAS, the Developer is required to enter into a Developer's Agreement with the Township of Livingston (the "Township") setting forth the rights, duties and obligations of the parties in connection with the Development; and

WHEREAS, The Township Council and the Developer have determined it to be in their mutual best interest to enter into the Developer's Agreement; and

WHEREAS, the Township desires to authorize the execution of the Developer's Agreement attach hereto as Exhibit "A"; 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 Mayor is hereby authorized to execute the Developer's Agreement based upon the terms and conditions set forth herein and, in a manner, substantially similar to the Agreement attached hereto as Exhibit "A."

Res 22-110 Authorizing the Execution of the Developer's Agreement with Pitot Developers, LLC Relative to 222 S Livingston Ave.

WHEREAS, Poto Developers, LLC., (the "Developer") received Preliminary and Final Site Plan Approval to Zoning Board Application No. 2018-86-PFSPV to develop that certain real property designated as Block 4300, Lot 23 on the Official Tax Map of the Township of Livingston and commonly known as 222 South Livingston Avenue (the "Property"); and

WHEREAS, the nature and extent of the improvement/development are set forth in the Resolution of the Township of Livingston Zoning Board adopted on September 22, 2020; and

WHEREAS, the Developer is required to enter into a Developer's Agreement with the Township of Livingston (the "Township") setting forth the rights, duties and obligations of the parties in connection with the Development; and

WHEREAS, The Township Council and the Developer have determined it to be in their mutual best interest to enter into the Developer's Agreement; and

WHEREAS, the Township desires to authorize the execution of the Developer's Agreement attach hereto as Exhibit "A"; 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 Mayor is hereby authorized to execute the Developer's Agreement based upon the terms and conditions set

forth herein and, in a manner, substantially similar to the Agreement attached hereto as Exhibit "A."

On motion duly made and seconded, and on roll call vote, all members present voting YES, Resolutions 22-096 through Res 22-110, inclusive, were adopted.

N. Reports of Township Officials/Professionals

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

Chief Financial Officer Ann Cucci participated in the meeting via telephone, anticipating a preliminary budget for the Council's review prior to the next meeting.

P. Mayor's Report

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.

Scott Goldman, 42 N. Baums Ct., spoke about live meetings, and that he wanted to keep Zoom comments available. He also stated that help was needed on electronics recycling, specifically addressing the condition of the box. He praised Pearl Wong's service on the LEC.

Lefty Grimes, 84 Hanover Rd, E Hanover, and sativacross.org, urged the Township to retain an ADA Coordinator.

Jeff King, Eatontown, urged that more opportunities be provided for disabled people to participate in Township meetings.

There were no other speakers.

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

At 8:14 p.m., the following Resolution was read by Township Clerk Turtletaub:

R. 22-111 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) Redevelopment (Attorney-Client Privilege)
- 2) Personnel (Clerks Office Staffing Issues)
- 3) 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 9:30 p.m., the Closed Session meeting was adjourned.

At 9:30 p.m., the Regular/Conference meeting was adjourned.

EDWARD MEINHARDT, Mayor

GLENN TURTLETAUB, Township Clerk