

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 7:30 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 February 28, 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.

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) Remembering Eric Rosenson - The Mayor and Council as well as the Livingston Lancer Lacrosse team and their families honored Mr. Rosenson for the legend he was. His daughter Jenny, spoke of her father's love of lacrosse and that for him it was always about having fun and teaching sportsmanship. Mr. Ende, a Board Member of the Livingston Lancer Lacrosse program, spoke about how Mr. Rosenson was their guiding light. He also announced the Eric Rosenson Scholarship Award for LHS seniors.

2) Cannabis Findings – Township Manager Lewis explained the history behind the cannabis legislation in the State of NJ and why the Township temporarily opted out of zoning for all six cannabis classes in 2021. He further explained that an ad-hoc committee was created to examine appropriate locations for all Classes of Cannabis, with the exception of the Class 5 retailer license which is expected to be addressed by the Township Council in the near future. He then shared the zones recommended by the ad-hoc committee for class 1-4, and class 6 cannabis licenses, which are the Research laboratory District, the Commercial Industrial District, and the Limited Industrial District. Both Mayor Vieira and Council member Bagolie stated that they support adding the Class 5 cannabis retailer license in the Township as soon as possible, and were disappointed in its lack of inclusion in the ad-hoc committee's findings, and Mayor Vieira spoke of his support of a medicinal dispensary also.

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 a time correction for the February 27, 2023 Regular meeting which started at 7:30pm and the February 27, 2023 Conference meeting which started at 6:30pm.

- 1) February 27, 2023 Regular and Conference Meeting Minutes
- 2) February 13, 2023 and February 27, 2023 Closed Session minutes.

Public Portion (Agenda Items Only—4 Minute Limit)

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

Josh and Karen Garland, 293 Eisenhower Parkway, reminded the Council members that the Livingston voters overwhelmingly approved cannabis at the polls, and that lack of education and knowledge scare people away. Council member Bagolie responded that the Township will receive 2% in tax revenue also.

Bobbie Blitz, 14 Hickory Place, inquired if residents could be included on the Cannabis ad-hoc committee, and that there is a lot of fear surrounding legalizing cannabis.

Mark Pollack, 114 West Hobart Gap Rd, discussed the fear surrounding Cannabis, and added that one nearby cannabis retailer and one nearby cannabis cultivator are on the verge of bankruptcy, and it is very important that the Township hire out of state experts for guidance.

Steve Shaiman, 14 Knollwood, asked where retail would be allowed in the Township, and if the Township Council plans to move forward with everything but the Class 5 cannabis retailer license.

Justin Alpert, 56 Amherst Place, stated that Resolution 23-108 on tonight's March 13, 2023 Agenda, a resolution for purchasing license plate readers, should be removed from the Agenda as it's a violation of an individual's privacy rights and a civil liberty issue, and added there was no public discussion on this topic. Lastly, he urged Council members to please approve and move forward with the Class 5 cannabis retailer license while considering the other Classes of cannabis licenses.

Township Clerk Mazzucco read the livcomment submitted by Dr. Haider Rizvi regarding cannabis, and allowing retail operations in the Township.

On motion duly made by Council member Meinhardt and seconded, and on voice vote, the public portion on Agenda items was closed.

Passage of Ordinances

Final Hearing/2nd Reading

Ord 03-2023 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 by Council member Anthony and seconded, and on voice vote, the hearing was opened on the ordinance. Justin Alpert, 56 Amherst Place, stated that a

healthcare type facility does not belong at the Livingston Mall. Township Manager Lewis responded that the Mall is struggling with occupancy and this healthcare training center will bring more people into the Mall as a result. On motion duly made by Council member Anthony and seconded, and on voice vote, the hearing was closed. On motion duly made by Council member Bagolie and seconded, and on roll call vote, all members present voted yes. 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		

Ord 04-2023 Bond Ordinance Providing An Appropriation Of \$5,600,000 For Various Improvements In And By The Township Of Livingston, Authorizing The Issuance Of \$5,333,333 Bonds Or Notes Of The Township For Financing Part Of The Appropriation was read by title.

On motion duly made by Council member Anthony and seconded, and on voice vote, the hearing was opened on the ordinance. There being no speakers, on motion duly made by Council member Klein and seconded, and on voice vote, the hearing was closed. On motion duly made by Council member Bagolie and seconded, and on roll call vote, all members present voted yes. 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 05-2023 Accepting The Utility Easement At Block 7300, Lot 4.02, Commonly Known As 346 East Cedar Street, Livingston, New Jersey was read by title.

On motion duly made by Council member Meinhardt 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 27, 2023.

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

Ord 06-2023 Accepting The Deed Restriction At Block 7300, Lot 4.02, Commonly Known As 346 East Cedar Street, Livingston, New Jersey was read by title.

On motion duly made by Council member Meinhardt 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 27, 2023.

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

Res 23-105 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 March 13, 2023 attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

*Res 23-106 Approving BID Budget

BE IT RESOLVED by the Township Council of the Township of Livingston, in the County of Essex and State of New Jersey, that the attached annual budget submitted by the Livingston Community Partnership Corporation, in the amount of \$387,410 is hereby approved.

BE IT FURTHER RESOLVED that:

1. This approval shall constitute a first reading.
2. The budget will be published in the West Essex Tribune in the issue of April 13, 2023.
3. A public hearing will be scheduled for April 24, 2023 _at Town Hall, 357 South Livingston Avenue, Livingston, New Jersey at 7:30 p.m.

*Res 23-107 Approving First Amendment to Lease Agreement with T-Mobile Northeast LLC for Chetwynd Water Tank Cell Tower

WHEREAS, the Township of Livingston ("Township") has a Lease Agreement with T-Mobile Northeast, LLC for the placement of cellular antennae and related equipment on the Chetwynd Water Tank; and

WHEREAS, the Township's cell tower consultant, Wireless Edge Towers, has reviewed the current lease, which is expiring and negotiated the terms of a First Amendment that provide greater revenues and greater protections to the Township and has recommended that the Township approve the First Amendment attached hereto; and

WHEREAS, the Township Manager has reviewed the Amendment and discussed with Wireless Edge Towers and concurs with their recommendation that the Township approve the First Amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that hereby approves the First Amendment to Lease Agreement with T-Mobile Northeast LLC for Chetwynd Water Tank Cellular Antennae and authorizes the Township

Manager to enter into the First Amendment with T-Mobile Northeast and any additional or ancillary documents in connection therewith.

Council member Klein requested that Resolution 23-108 be pulled from tonight’s March 13, 2023 Consent Agenda.

On motion duly made by Council member Meinhardt and seconded, and on roll call vote, all members present voted YES, and Resolutions 23-105 through 23-107 were adopted.

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

*Res 23-108 Authorizing a Contract with Gold Type Business Machines Inc.

WHEREAS, the Township of Livingston (“Township”) has the need for the license plate reader cameras; and

WHEREAS, the purchase of goods and services through a Cooperative Pricing System by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-11 et seq; and

WHEREAS, Gold Type Business Machines, Inc. has been awarded the Somerset County Cooperative Pricing System (UCCPC) contract number CC-0099-22; and

WHEREAS, the Police Captain has evaluated the recommended vendor for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Gold Type Business Machines, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to Gold Type Business Machines, Inc. in an amount not to exceed \$170,000.00; and

WHEREAS, the Chief Financial Officer has certified that funding is available in capital account C-04-55-023-004-E01.

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 Gold Type Business Machines, Inc. under the Somerset County Contract Number CC-0099-22 in an amount not to exceed \$170,000.00.

Council member Klein stated that he had extensive discussions with Police Chief Marshuetz regarding the License Plate Readers (LPR’S) and that purchasing LPR’S is the best way to combat high theft in the Township, and that public safety is the number one concern communicated to him by residents. He added that the information collected will be handled very carefully. On motion duly made by Council member Meinhardt and seconded, and on roll call vote, all members present voted YES, and Resolution 23-108 was adopted.

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

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

On motion duly made by Council member Meinhardt and seconded, and on voice vote, the public portion was opened. There were no speakers. On motion duly made by Council member Meinhardt and seconded, and on voice vote, the public portion was closed.

Reports of Township Officials and Council Members

Township Manager Lewis mentioned that the BID Budget will have it's hearing at the April 24, 2023 Regular meeting. He and Assistant Township Manager Loehner discussed the placement of security cameras at the Recycling Center at the Community Center which are expected shortly.

Township Attorney Kantor addressed the Closed Session item on tonight's March 13, 2023 Agenda, and stated there is litigation with Fair Share Housing due to a filing by Westminster Hotel against the Township.

Council member Klein inquired about the improvement of the basketball courts near Haines pool, and Township Manager responded that it hinges on the Township Council's decision on the pools, and if that is the pool chosen for renovation it would impact the basketball courts.

The Mayor and council members expressed gratitude to the ad-hoc cannabis committee, and Mr. Eric Rosenson who was honored earlier in the evening for his tremendous efforts with the Livingston Junior Lancer Lacrosse Program.

At 9:02 p.m., the Regular meeting was adjourned.

MICHAEL VIEIRA, Mayor

CAROLYN MAZZUCCO, Township Clerk