

The Regular and Conference Meeting of the Township Council of the Township of Livingston were held via Livestream from Facebook @facebook.com/LivingstonTownshipNJ on the above date at 7:00 p.m. The Mayor stated that notice of this meeting has been given in accordance with the "Open Public Meetings Law", and that Annual Notice was faxed to the West Essex Tribune and the Star Ledger on January 4, 2021, and that "48-hr. notice" was faxed and emailed to these same publications and posted on the Livingston Township website (livingstonnj.org) on March 18, 2021 and posted on the Livingston Township website (livingstonnj.org).

Present (via Livestream): Mayor Klein, Deputy Mayor Meinhardt, Councilmember Anthony, Councilmember Fernandez, Councilmember Vieira, Township Manager Lewis, Deputy Township Manager Jones, Township Attorney Weiner, Township Clerk Turtletaub; Deputy Township Clerk Mazzucco

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

#### Presentations

a) Honoring Former Livingston Mayor Doris Beck—Women's History Month

Via Zoom the Council celebrated Women's History Month, and honored former Mayor Doris Beck, who had been the first female Livingston Mayor and also had been the first female Mayor in Essex County. Mayor Beck's sons Bruce and Steven Beck participated, along with former Governor Chris Christie, Commissioner Pat Sebold, and Livingston former Mayors Jeff Dollinger, Renee Green (whose statement was read by the Mayor), Eleonore Cohen, Shari Weiner and Arlene Johnson, former Township Attorney Barry Evenchick, and many other relatives and friends of Doris Beck.

b) Sustainable Solutions Corporation—Possible Green Density Bonus Apparatus

Tad Radzinski and Nicole Meyer gave a presentation on behalf of Sustainable Solutions Corporation (SSC). They explained how SSC could help the environment, save money, and help address climate change, issues which matter to the same group of young people who it was hoped to move to and live in Livingston. Planning Board Chair Peter Klein and Construction Official Martin Chiarolanzio also participated in the discussion.

#### Essex County Update/Questions

#### Legal Fees

The Council approved payment of the following Legal Fees:

- a) McCarter & English
- b) Antonelli, Kantor

#### Unfinished Business

a) Habitable Floor Ratio Definition---The Mayor asked to place this matter on the next Meeting Agenda.

b) DPW Garage—Township Manager Lewis provided an update on the status and revised scope of the project, which will be provided to the Council. He stated that he had a meeting on this matter coming on Thursday, and would report by the next Council meeting.

c) Marijuana Legislation---The Mayor noted the upcoming town forum scheduled for April 14, 2021.

d) Sidewalks—Township Manager Lewis advised of revisions to the map provided by the Township Engineer at the last meeting. The Manager will give a memorandum to the Council regarding treatment of those streets which had been marked on the map in purple (signifying treatment with concrete as opposed to asphalt). The Manager stated he expects that a draft Ordinance amendment will be provided to the Council at the next meeting.

e) Pools—As Councilmember Fernandez had suggested, a rendering will be drawn up by a Township Consultant and presented to the public. Township Manager Lewis suggested this is a way to show the public what they would be getting in the event it was decided to close one pool. Deputy Mayor Meinhardt suggested, and it was agreed, that the Township go back to the same consultant who had previously provided a 100 page report. Township Manager Lewis will forward the assessment report to the Council, and will move forward and reach out to him.

f) Township Arborist—Since the matter is being addressed, and DPW is working on it, the Mayor stated this matter could be taken off the Unfinished Business going forward.

g) Shared Services

h) Green Development Support Service Proposal

i) Licari and Strahman properties----Licari/Strahman Committee Co-Chairs Art Altman and Larry Cooper joined the meeting, explaining proposals the Committee was considering for the two properties. The Co-Chairs discussed how the Strahman Hill Park development proposal faced the problem of ingress/egress. They stated that the problem with Licari was one of Public Access during proposed Phase 2 (i.e., use of the property for the Township Summer Camp). Councilmember Fernandez questioned whether the public could be excluded from Green Acres property while the camp is in session. The Township will investigate the matter and advise the Committee as to whether the property could be used as a summer camp under Green Acres rules. The Committee sought permission to meet with a landscape architect to obtain a proposal for the Strahman property, and Mr. Altman stated they were asking for the council's commitment and support. The Council agreed to the request, and Mr. Cooper will contact a landscape architect.

j) Covid Update—Township Manager Lewis provided an update on the Township's response to the pandemic, highlighting efforts made to insure vaccines for the homebound, how the Board of Education was addressing teachers' vaccinations, and stated that generally the situation was status quo.

### New Business

A) Upcoming Council Calendar Invitations The Mayor and Councilmembers highlighted and discussed upcoming events on their schedules.

b) Request to Use Gazebo—The Council approved the request of resident Tian, 23 Blackstone Drive, to use the barbecue area by the Gazebo “to burn ancestor money to remember loved ones.” Township Clerk Turtleaub will advise the requester.

c) Contract Close-Out—Effluent Controls--WPCF.—Township Manager Lewis discussed his recommendation to approve Final Payment to DeMaio Electrical Chemical Company, Inc., and the matter will be considered on the evening’s Regular Agenda.

d) State of New Jersey—Dept. of Transportation—Belmont Ave—Section One.  
The Council acknowledged receipt of executed Agreements approved by the Department of Transportation for the Belmont Ave—Section one project.

e) AWIA (American Water Infrastructure Act) Analysis  
Township Manager Lewis discussed his Memorandum recommending an award of a “non-fair and open” contract to Mott MacDonald for professional engineering services for the American Water Infrastructure Act project. The matter is listed on the evening’s Agenda for a vote.

f) WPCF Primary Sludge Pumping Upgrades--  
Township Manager Lewis explained his memorandum recommending a “non-fair and open” contract be awarded to H2M Associates for professional engineering services. The matter is listed on the evening’s Agenda for a vote.

g) Authorizing Sale of Surplus Computer Items—Township Manager Lewis discussed the recommendation of the Police Department and IT Department that certain old electrical items be declared surplus as they are no longer needed for public use and will be recycled, and the matter will be considered during the evening’s Agenda for a vote.

#### Public Comments on Agenda Items

Justin Alpert, 56 Amherst, addressed Agenda Item 5a and cited the item in the local paper to the effect that the Livingston Mall Committee was being disbanded. The Council stressed that no decision had been made to disband the Committee. Mr. Alpert also addressed Item 7e (Pools).

Keith Hines, 160 E. Cedar Street, asked when the affordable housing plan could be disclosed to the public. Township Attorney KNTOR POINTED OUT THIS WAS ANOT AN AGENDA ITEM, AND THAT MR. Hines should present his question during the Public comment section at the end of the meeting.

#### Resolution—Consent Agenda Includes All Items Marked “\*” R-21-108

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 22, 2021, attached hereto, which are preceded by an “\*” are the Consent Agenda and are hereby accepted, approved and/or adopted.

On motion duly made and seconded, and on roll call vote, all members present voted YES.

Approval of Minutes

- a) March 8, 2021-- Regular and Conference Minutes
- b) March 8, 2021—Closed Session Minutes

Approval of Licenses

Final Hearing Ordinances

Proposed Ordinances

a) Ord. 5-2021 Amending the Township Code to Update Council Procedures

was read by title and introduced on first reading. 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, April 12, 2021.

Resolutions

a) R-21-109 Correction of Resolution 21-205 (Livingston Mall)

**WHEREAS**, on March 8, 2021, the Township Council of Livingston (“**Township Council**”) in the County of Essex, New Jersey adopted resolution number R-21-105 (“**Resolution No. R-21-105**”) authorizing the Planning Board of the Township of Livingston to conduct a preliminary investigation of certain properties for determination as a non-condemnation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*; and

**WHEREAS**, Resolution No. R-21-105 incorrectly indicated that the properties to be studied are located on Block 6200 within the Township of Livingston (the “**Township**”); and

**WHEREAS**, Resolution No. R-21-105 should have stated that the properties to be studied are located on property identified as Block 6002, Lots 1, 1.01, 2 and 3 on the official tax map of the Township; and

**WHEREAS**, the Township Council desires to correct Resolution No. R-21-105 accordingly,

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY**, that Resolution No. R-21-105 be amended to reflect that the properties to be studied by the Planning Board of the Township of Livingston are identified as Block 6002, Lots 1, 1.01, 2 and 3 on the official tax map of the Township, and all remaining aspects of Resolution No. R-21-105 shall remain in full force and effect.

b) R-21-110 Contract with H2M Associates

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the WPCF Primary Sludge Pumping Upgrades 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 of Livingston solicited proposals from four companies qualified to provide professional engineering services for the WPCF Primary Sludge Pumping Upgrades; and

WHEREAS, the Township of Livingston received three proposals; and

WHEREAS, H2M Associates, Inc. submitted the lowest price proposal; and

WHEREAS, the Township Council has determined that H2M Associates, Inc. has provided engineering services in prior years and has performed in a satisfactory manner; 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 Township Engineer and Township Manager are recommending the award of a contract to H2M Associates, Inc. to provide professional engineering services for the WPCF Primary Sludge Pumping Upgrades as required by the Township in an amount not to exceed \$60,140.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-09-55-020-012-B01; and

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 \$60,140.00 as described herein.

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.

c) R-21-111 Contract with Mott McDonald LLC

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the America's Water Infrastructure Act Risk Resilience Assessment and Emergency Response Plan "AWIA Analysis" 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 Mott MacDonald, LLC has provided engineering services in prior years and has performed in a satisfactory manner; and

WHEREAS, Mott MacDonald, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald, 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 Mott MacDonald, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Utility Engineer and Township Manager are recommending the award of a contract to Mott MacDonald, LLC to provide professional engineering services for the AWIA Analysis as required by the Township in an amount not to exceed \$22,500.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-017-003-002; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Mott MacDonald, LLC in an amount not to exceed \$22,500.00 as described herein.

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

d) R-21-112 Change Order #1 and Final with DeMaio Electrical Company, Inc.

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C2000014") with DeMaio Electrical Company, Inc. (DeMaio) for the Water Pollution Control Facility Effluent Pump Station Upgrades; and

WHEREAS, the initial Contract was not to exceed One Hundred Sixty-Two Thousand Nine Hundred Dollars and no cents (\$162,900.00); and

WHEREAS, due to field conditions which resulted in changed quantities, a Change Order has been requested for the following:

A. REDUCTIONS

Township Defined Work	-
	\$15,000.00

WHEREAS, the total change order decreased the contract amount by 9.21% or \$15,000.00 making the new contract sum \$147,900.00; and

WHEREAS, this Change Order has been recommended by the Utilities Director and Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract with DeMaio Electrical Company, Inc. for the Water Pollution Control Facility

Effluent Pump Station Upgrades; and 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.

e) R-21-113 Authorizing Disposal of Surplus Property

WHEREAS, the Township of Livingston is the owner of certain personal property described on the attached Schedule A and which is no longer needed for public purposes; and

WHEREAS, the condition of the items is such that they are not saleable and can be recycled; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston that said property listed in the attached schedule shall recycled.

Public Comment

Keith Hines, 160 East Cedar Street, asked when the Affordable Housing Agreement would go out to the public. Township Manager Lewis explained what is already available and what is still being worked on and still need to go before the Planning Board.

Councilmember Fernandez inquired about the preparation of a “Drive Thru” Ordinance, and Manager Lewis stated the matter was being discussed.

Mayor Klein asked that going forward, the Closed Session Resolution be placed further down on the Agenda for ease of reference.

At 9:45 p. m., the following Resolution was considered:

Resolution Authorizing Closed Session—Potential Open Space Acquisition (Purchase of Property); Livingston Mall Committee (Attorney-Client Privilege); 12 Industrial Parkway Litigation Update (Pending Litigation)

**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:

- i. Potential Open Space Acquisition (Purchase of Property)
- ii. Livingston Mall Committee (Attorney-Client Privilege)Attorney-Client Privilege; and
- iii. 12 Industrial Parkway Litigation Update (Pending Litigation) (Attorney-Client, potential litigation); and

- iv. Livingston Community Players (Attorney-Client; Potential Litigation)
- v. Hospital Fee (Litigation)

**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 10:45 p.m., the Closed Session meeting was adjourned.

Adjournment

The meeting was adjourned at 10:45 p.m.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk