

The Regular meeting of the Township Council of the Township of Livingston was held on the above date commencing at 7:40 p.m. The Mayor read the statement of compliance with the Sunshine Law N.J.S.A. 10:4-10 and 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.

A Quorum Roll Call was held.

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

Also present were professionals Township Manager Lewis, Deputy Township Manager Jones, Township Attorney Kantor, and Deputy Township Clerk Mazzucco.

Moment of Silence and Pledge of Allegiance

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

Essex County Updates and Questions

Eileen Fishman, Essex County Liaison to Livingston Liaison to Essex County Executive Joseph Di Vincenzo, advised of upcoming County events, including the Senior Citizen Legacy Writing Contest and its April 11th deadline. She detailed the many events hosted at the Essex County Environmental Center, and the hazardous waste and recycling events occurring in May.

Proclamations & Presentations

1) Nick Santinelli Day – April 4, 2022 was proclaimed “Nick Santinelli Day”, as the Mayor and Council celebrated his great achievements, among them he was the recipient of the UNICO National Humanitarian Award and his dedication to driving food donations to those in need. Martha Ackerman stated he was a hero.

2) Education & Sharing Day – Lubavitcher Rebbe, Rabbi Menachem Schneerson, a pioneer in emphasizing “the importance of moral and ethical education as the bedrock of humanity and the hallmark of a healthy society”, will be honored on April 12, 2022, 120 years since Rebbe’s birth, for his efforts in providing an excellent education for all children, including those with special needs.

3) 2022 UDrive, Utext, UPay – Distracted Driver Campaign—Livingston Police Department Police Officer Joe Fosko thanked the Mayor and Council for their support of the “UDrive UText UPay” program, and the Distracted Driving Crackdown conducted by the Livingston Police Department from April 1 through April 30. Officer Fosko explained the elements of distracted driving, especially the problem caused by texting while driving.

4) Living Mindfully - Deepak Sethi shared the importance of Mindfulness and how it has helped him and others just by focusing on your breath. He added that mindful meditation increases neuroplasticity, and reduces stress and blood pressure, and eventually will transform your life.

5) Livingston/Ukrainian Connection – Natalia Sawka discussed her upbringing in Chervonohrad, and her parents hard work and determination to provide a good education to her and her brother, which led them to Livingston in 1999. She explained how she and her brother have set up a website to establish supply chains to support the people in Chervonohrad. However, she stated that with schools all remote, the children do not have access to learning without tablets, and that donations are needed to support the young minds who want to attend school.

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) March 21, 2022 Regular and Conference Minutes
- 2) March 21, 2022 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.

Ketan Bhuptani, 47 Billingsley Dr, and Vishwas Kulkarni, 2 Alpine Way, proposed a PRIDE picnic in the month of June at the oval. They requested this event under Shiv's Third Eye Foundation, a non profit created to support young people and their mental health.

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. 4-2022 Approving the Application for A Long-Term Exemption and Authorizing the Execution of a Financial Agreement Related to a Redevelopment Project Located at 8 Peach Tree Hill Rd was read by title. On motion duly made and seconded, and on voice vote, the hearing was opened.

Justin Eschert Alpert, 56 Amherst Place, inquired about the necessity of Ordinance 04-2022, and why the Township needed a warehouse.

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. It was ordered advertised according to law.

	Yes	No	Abstain
Ed Meinhardt	X		
Michael Vieira	X		
Al Anthony	X		

Rudy Fernandez	X		
Shawn Klein	X		

Introduction

Ord. 5-2022 Adopting Chapter 135, Filming, of the Township Code 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, April 25, 2022.

	Yes	No	Abstain
Ed Meinhardt	X		
Michael Vieira	X		
Al Anthony	X		
Rudy Fernandez	X		
Shawn Klein	X		

Res 22-127 Consent Agenda for Resolutions

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 April 4, 2022 attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

*Res 22-128 Authorizing a Five Year Contract with Waste Industries, LLC

WHEREAS, the Township of Livingston ("Township") has a need for the collection, removal and disposal of recyclable materials from its residents and other Township locations that cannot otherwise be performed by Township employees; and

WHEREAS, on January 6, 2022, the Township of Livingston issued Bid No. 1-2022, to solicit bids from companies experienced in the collection, removal and disposal of recyclable materials; and

WHEREAS, the bid was advertised on the Township of Livingston website, West Essex Tribune and Star Ledger on January 6, 2022 and as a result thirteen (13) bid packages were requested; and

WHEREAS, on March 23, 2022, two (2) bids were received by the bid deadline and publicly read; and

WHEREAS, Waste Industries, LLC 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.; and

WHEREAS, the Deputy Township Manager has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Waste Industries, LLC; and

WHEREAS, the Township Manager recommends the award of a contract for five (5) years (an initial period of three (3) years, with one (1) - two (2) year option to renew at the sole discretion of the Township) in the amount of Three Million Six Hundred Seventy-Four Thousand Dollars (\$3,674,000.00) as follows: Year 1 - \$678,000.00; Year 2 - \$696,000.00; Year 3 - \$715,000.00; Year 4 - \$765,000.00; and Year 5 - \$820,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in the 2022 budget under account 2-01-26-305-003-250 and funding for years 2023 through 2027 is subject to the appropriation of sufficient funds in the 2023, 2024, 2025, 2026 and 2027 municipal budgets.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, County of Essex, State of New Jersey, that it authorizes the Township Manager to enter into a five (5) year contract (an initial term of three (3) years, with a single option to renew for an additional two (2) years) with Waste Industries, LLC in an amount not to exceed \$3,674,000.00 for the collection, removal and disposal of recyclable materials effective July 1, 2022.

*Res 22-129 Authorizing a Contract with M2 Associates Inc.

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Dorsa Avenue Well Rehabilitation 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, M² Associates, Inc. has completed and submitted a business Entity Disclosure Certification which certifies that M² 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 M² Associates, Inc. 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 M² Associates, Inc. to provide professional engineering services for the Dorsa Avenue Well Rehabilitation as required by the Township in an amount not to exceed \$292,180.00; and,

WHEREAS, the Township Council has determined that M² Associates, Inc. has provided 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 accounts C-06-55-019-007-002, C-06-55-020-012-CO1 and C-06-55-020-012-AO1; 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 M² Associates, Inc.

in an amount not to exceed \$292,180.00 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 22-130 Authorizing Purchases Under the State of NJ Cooperative Pricing 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 22-131 Authorizing the Developer's Agreement with Shivapriya, LLC Relative to Property
39 E Mt Pleasant Ave

WHEREAS, Shivapriya, LLC (the "Developer") received Preliminary and Final Site Plan Approval with variance pursuant to Planning Board Application No. 2020-64-PFSPV to develop that certain real property designated as Block 1503, Lot 7 on the

Official Tax Map of the Township of Livingston and commonly known as 39 E. Mt. Pleasant Avenue, Livingston, New Jersey 07039 (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 August 17, 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 22-132 Requesting Permission for Deduction by Rider for Twshp Oval Projects

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a deduction by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of funds from gifts bequests and donations by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:5-29 provides the dedicated revenues anticipated from the Township of Livingston Oval Projects Donations are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Livingston, County of Essex, State of New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Township of Livingston Oval Projects donations in accordance with N.J.S.A. 40A:5-2.
2. The Municipal Clerk of the Township of Livingston is hereby directed to forward two certified copies of this Resolution to the Director of Local Government Services.

*Res 22-133 Requesting Permission for Deduction by Rider for Donations to Twshp Recreation Programs

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a deduction by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of funds from gifts bequests and donations by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:5-29 provides the dedicated revenues anticipated from the Township of Livingston Recreation Program Donations are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Livingston, County of Essex, State of New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Township of Livingston Recreation Program donations in accordance with N.J.S.A. 40A:5-2.
2. The Municipal Clerk of the Township of Livingston is hereby directed to forward two certified copies of this Resolution to the Director of Local Government Services.

*Res 22-134 Requesting Permission for Deduction by Rider for Donations to Twshp Diversity Committee

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a deduction by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of funds from gifts bequests and donations by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:5-29 provides the dedicated revenues anticipated from the Township of Livingston Diversity Committee Donations are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Livingston, County of Essex, State of New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Township of Livingston Diversity Committee donations in accordance with N.J.S.A. 40A:5-2.
2. The Municipal Clerk of the Township of Livingston is hereby directed to forward two certified copies of this Resolution to the Director of Local Government Services.

*Res 22-136 Authorizing the Planning Board to Conduct A Preliminary Investigation of Conditions of Block 3100, Lot 5 as a Non-Condemnation Area in Need of Redevelopment and Authorizing Beacon Planning and Consulting Services, LLC to Conduct the Investigation and Prepare a Report

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land in the Township of Livingston (the “Township”) constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the municipal council of the Township (“Township Council”) must authorize the planning board of the Township (the “Planning Board”) to conduct a preliminary investigation of the area and make recommendations to the Township Council; and

WHEREAS, the Township Council hereby requests that an investigation occur with respect to the property described as Block 3100, Lot 56 on the tax maps of the Township, (hereinafter the “Study Area”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder authorizes the Township and Township Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain (hereinafter referred to as a “Non-Condemnation Redevelopment Area”); and

WHEREAS, to carry out its powers under the Redevelopment Law, the Township has a need for professional planning and engineering services, including preparation of a study of the Study Area (the “Services”), to be provided by means of a non-fair and open contract; and

WHEREAS, funds shall be available for this purpose; and

WHEREAS, Beacon Planning and Consulting Services, LLC (the “Planner”) possesses the experience and qualifications to perform the Services; and

WHEREAS, the Planner has been appointed as the Planner for the Township and the Planning Board for the calendar year 2022, in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (the “LPCL”), which authorizes the award of professional services contracts by resolution of the municipal governing body without competitive bidding; and

WHEREAS, the Township Council desires to authorize the Planner to perform the Services.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Municipal Council to exercise the power of eminent domain to acquire any property in the delineated area, as the Study Area is being investigated as a possible Non-Condensation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Municipal Council as to whether the Municipal Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. The Municipal Council hereby authorizes the Planner to provide the Services under its 2022 Township Planner professional services contract. The Planner shall provide the Services when and as directed by the Township.

Section 8. A copy of this resolution, the Business Disclosure Entity Certification and Political Contribution Disclosure Form, and the 2022 Township Planner professional services contract shall be available for public inspection at the offices of the Township.

Section 9. This Resolution shall take effect immediately.

Resolution 22-135, Authorizing a Contract with Bruno Associates, Inc., was pulled from the Agenda.

On motion duly made and seconded, and on roll call vote, all members present voting YES, Resolutions 22-128 through 22-134, and Resolution 22-135, were adopted.

	Yes	No	Abstain
Ed Meinhardt	X		
Michael Vieira	X		
Al Anthony	X		
Rudy Fernandez	X		
Shawn Klein	X		

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.

Fred Friedman, 1304 Pointe Gate Drive, inquired about PFAS and its occurrence in Livingston.

Justin Eschert Alpert, 56 Amherst Place, asked about the closed session items on the Agenda and why they had to be discussed in private. It was explained that there is ongoing litigation and discussions which are Attorney-Client privileged.

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

At 9:13 p.m., the Regular meeting was adjourned.

EDWARD MEINHARDT, Mayor

CAROLYN MAZZUCCO, Deputy Township Clerk