

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 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 April 15, 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

1) Public Service Recognition Week—Mayor Klein thanked all Livingston public employees for their work, and read from a Proclamation he had issued commemorating the event.

2) Autism Awareness Month—Mayor Klein read from a Proclamation he had issued celebrating the event. Councilmember Vieira stated that a family member of his has autism, and how meaningful the Proclamation and recognition were to him.

3) Eileen Fishman, Essex County Updates---No report.

The Mayor called Agenda Item M11 (Old Business). Chris Brown, Claire Crimando and Joe DiFranco of Bruno Associates (Grant Consultants) gave a presentation explaining how the company could help Livingston by seeking and obtaining grant monies. Mr. Brown stated that there was a 15-1 or more dollar return in grant monies received versus cost. Township Manager Lewis noted that the Township had already applied for some of the grants Mr. Brown had suggested. Mayor Klein asked Township Manager Lewis how much the Township had received in grants over the years, and Mr. Lewis will provide a list.

#### Approval of Minutes

The Council approved the following, pending any corrections:

- 1) April 12, 2021 Regular and Conference Minutes
- 2) April 12, 2021 Closed Session Minutes
- 3) April 13, 2021 Open Forum on Cannabis Legislation Minutes

#### Legal Fees

The Council approved payment of the following Legal Fees:

- a) McCarter & English (March 2021)
- b) McManimon, Scotland & Baumann (February 2021, Three Bills)
- c) Antonelli Kantor, PC

Public Portion (Agenda Items Only)

Justin Alpert, 56 Amherst, inquired as to the DPW matter.

Larry Cooper, Co-Chair of the Licardi/Strahman Committee, stated he was impressed with the Bruno Associates presentation earlier this evening. Mr. Cooper noted that the company might help the Committee by obtaining grants toward the cost of addressing ingress and egress problems.

Passage of Ordinances

Ord. 6-2021 To Establish the Section 170-106.1 RIAO Inclusionary Adult Residential Overlay District, Block 2100, Lots 22, 23, 24, 25 and 35.01, 35.02, 35.03 (389-405 E. Mount Pleasant Avenue)

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON TO ESTABLISH THE SECTION 170-106.1 RIAO INCLUSIONARY ADULT RESIDENTIAL OVERLAY DISTRICT was read by title.

Peter Sheridan, 26 Force Hill Rd., spoke in opposition, addressing the sewer system on Force Hill Road, and asking how the sewage would be addressed. He expressed concern over the height of the building, and that the water and drainage created would come onto his lot.

Laetitia Williams, 12 Nance Rd., West Orange, sought answers to her questions about privacy, asked whether the Mayor of West Orange had been notified, whether a traffic study had been done, and spoke of traffic volume and utilities usage concerns.

Tim and Nancy Snow, 383 E. Mt. Pl. presented their concerns with height and visual aspects.

Resident Kranzman, 32 Nance Rd., spoke in opposition to the Ordinance.

Bob Margolis, 22 Nance Road, West Orange discussed his concerns about the Ordinance, including how many trees (including buffer trees) would be taken down.

Helen Engel asked where adult children would live.

Township Manager Lewis gave a history of the matter, including Fair Share and Affordable Housing involvement.

David Weisman, 7 Hadrian Drive, spoke about traffic concerns.

Hrishi, 18 Force Hill Rd., asked how far below the Township was in addressing its affordable housing obligation, asked to know more details, and stated that the Town should put such information on its website. Township Manager Lewis responded this would be done.

Justin Alpert, 56 Amherst Place, suggested developing a “work-life” aspect, addressed the tax impact, and suggested a better Master Plan.

Michael Rieber, 9 Hadrian Drive, discussed the importance of getting young families into town, and stated that the ordinance was needed and that he was in favor of it.

Christine H., 10 Nance Rd., West Orange, spoke in opposition to the Ordinance.

Laura Sheridan, 26 Force Hill Rd., spoke in opposition to the Ordinance, claiming the building was “right in her backyard’.

Bavalvn objected to the ordinance, claiming it would isolate and segregate his home.

Stella Geller, 28 Nance Rd., addressed environmental factors, traffic and quality of life concerns.

Kees Stohl, 30 Nance Road, read from the Livingston Land Use Planning Environmental Resource Inventory, and asked why these properties were being targeted and why not other areas for which studies had already been done. She criticized the taking away of undeveloped land.

Rabbi Klibanoff, 339 E. Mt. Pl., spoke in favor, explaining that it would not be a strain on public schools, as many children would go to private school, and stressed that the Township would want young families.

Beth Weisman, 7 Hadrian Drive, spoke of climate concerns and the taking down of trees, and stated that the neighbors did not want the proposed Ordinance.

Sandeep, 16 Force Hill Road, asked whether any traffic study had been done for Force Hill Rd., and expressed concern about the traffic on Force Hill Road.

Keith Hines stated he was pleased and that the Township was doing a good job, and that restricting to 55 and up was good for seniors.

Joe G, 20 Keyes Rd., asked how many units were designated for low income. Township Manager Lewis responded approximately 200 units, to be built over the next five and a half years.

Bhavaharn, 20 Force Hill Rd, asked what would happen if the Township had no vacant land.

The hearing was continued to the May 10 meeting.

Ord. 7-2021 Establishing a New Inclusionary Development Zone Designated as the R-5L Residence Overlay District, Block 6101, Lots 25 and 26 (Passaic Avenue in vicinity of Parsonage Hill Rd.)

AN ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON BY ESTABLISHING A NEW INCLUSIONARY DEVELOPMENT ZONE DESIGNATED AS THE R-5L RESIDENCE OVERLAY DISTRICT was read by title.

Josephine Ciardi, 1 Parsonage Hill Rd., addressed traffic concerns, stated that she can’t get out of her driveway, and stressed that “this is a residential zone” and that she objected to the construction.

Pasquale Campanile, 28 Passaic Ave., addressed the Ordinance.

Severino Renna, on behalf of his mother, a resident at 24 Dickinson Lane, spoke in opposition to the ordinance.

Kenneth McPherson, representing resident Shaefer, 128 Passaic Ave., objected to the ordinance, and addressed the setback line and other concerns.

Stephen Pertuz, on behalf of the resident at 13 Volker Lane, spoke in opposition to the ordinance, the quality of life, and claimed that his client did not have notice and a chance to intervene in the action of February 9.

Samir Patel, spoke on behalf of his father who resides at 26 Dickinson Lane, addressing traffic and pointing out that one cannot walk safely on Passaic Avenue.

Joe, 20 Keyes, spoke in opposition to the Ordinance.

Zev August, 17 Dickinson Lane, spoke in opposition to the Ordinance, citing traffic and building height concerns.

Primy Walsh, 186 Passaic Ave., opposed the Ordinance and plans to build, citing traffic and congestion concerns.

Dolores Sharabner, 15 Volker Lane, stated she was concerned about traffic and drainage issues.

John Schafer, 130 Passaic Avenue, stated he was opposed to the Ordinance citing the building height as a concern.

Inga and Ori Cohen, 13 Volker Lane, spoke in opposition to the Ordinance, stated that “we were not notified”, and that they could have obtained lawyers who could have helped defend against the Ordinance.

Judith Julceus, 22 Dickinson Lane, spoke in opposition to the Ordinance.

Keith Hines, E. Cedar Street, asked what changes the Planning Board could make.

Rich Donovan, 180, 182, 194 Passaic Avenue stated he was opposed, citing concerns about height and number of units.

Jill Ricardi, 15 Dickinson Lane, asked whether a traffic study had been done.

The hearing was continued to the May 10, 2021 meeting.

Ord. 8-2021 To Establish the R-5M Multi-Family Housing Overlay District, Block 107, Lot 8.011 (On Eisenhower Parkway South of The Pointe).

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON TO ESTABLISH THE R-5M MULTI-FAMILY HOUSING OVERLAY DISTRICT was read by title.

Councilmember Meinhardt recused himself from the meeting.

Plyush Gopal, 129 Beaufort, asked what the milestone dates were for this Ordinance, going forward.

Sam McNulty, attorney for The Pointe Condo Association, requested that additional tools, such as including conditional uses, be given to the Planning Board in connection with any application that may come forward. He stated that clarification was needed as to the density for this ordinance, going forward

Sam Jacoby, 4210 Pointe Gate Drive, addressed the Ordinance as to height.

Harvey Weintraub, 4208 Pointe Gate Drive, asked why the proposal was being changed from Senior to Family use, and urged keeping the density at 48 units and to keep it for seniors.

Fred Perlstadt, 5301 Pointe Gate Drive, stated he was opposed to the Ordinance, that it would provide for overbuilding of the area, inadequate parking spaces, and asked whether there should be parking restrictions.

The Mayor stated that consideration of these suggestions should be listed for discussion at the next meeting, and the hearing was continued until the May 10, 2021 Regular/Conference meeting.

The hearing was continued to the May 10, 2021 meeting.

Councilmember Meinhardt returned to the Meeting.

#### Ordinances for Introduction

Ord. 9-2021 Establishing a New Inclusionary Development Zone Designated as the R-5N Overlay District

The Ordinance was not introduced and was carried to the May 10 meeting.

#### Consent Agenda for Resolutions: Res 21-130

**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 26, 2021, attached hereto, which are preceded by an "\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

## Res 21-131 Authorizing Execution of an Agreement with Morris City Coop Pricing Council to Renew Membership

**WHEREAS**, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Township of Livingston desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

1. The Township Council of the Township of Livingston hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2021, through September 30, 2026.
2. The Township Purchasing Manager is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Township of Livingston officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

## Res 21-132 Authorizing Disposition of Surplus Vehicles

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 are such that they are not saleable and can be junked; and,

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

## Res 21-133 Authorizing a Contract with Mott MacDonald LLC

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Water and Sanitary Sewer Systems Capacity 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 Township Engineer and Township Manager are recommending the award of a contract to Mott MacDonald, LLC to provide professional engineering services for the Water and Sanitary Sewer Systems Capacity Analysis as required by the Township in an amount not to exceed \$66,300.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-09-55-017-001-004, C-06-55-019-007-001, C-06-55-017-003-005 and C-06-55-020-012-A01.

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 \$66,300.00 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

### Res 21-134 Authorizing a Contract with S Rotundi and Sons Inc.

WHEREAS, the Township of Livingston ("Township") has a need for leaf disposal 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 S. Rotondi & Sons, Inc. has provided leaf disposal services in prior years and has performed in a satisfactory manner; and

WHEREAS, S. Rotondi & Sons, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that S. Rotondi & Sons, 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 S. Rotondi & Sons, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, pursuant to N.J.S.A 40A:11-5 (s), this contract is exempt from public bidding as it involves the marketing of recyclable materials recovered through a recycling program; and

WHEREAS, S. Rotondi and Sons, Inc. submitted unit pricing of \$8.20 per cubic yard for the 2021 & 2022 leaf collection seasons; and

WHEREAS, the Public Works Assistant Superintendent has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to S. Rotondi & Sons, Inc.; and

WHEREAS, the Township Manager recommends the award of a contract for (2) leaf collection seasons (2021 and 2022); 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 an open-ended contract with S. Rotondi & Sons, Inc. at a unit price of \$8.20 per cubic yard for the 2021 and 2022 leaf collection seasons in an amount not to exceed \$318,000.00 per season.

Res 21-134 was removed from the Consent Agenda and will be voted on separately.

### Res 21-135 Rescinding Resolution Res 21-123

**WHEREAS**, on April 12, 2021 the Township Council of the Township of Livingston awarded a contract to Main Pool and Chemical Company, Inc. for water treatment chemicals; and

**WHEREAS**, Main Pool and Chemical Company, Inc. was awarded Water Department Item one and SYLS items one through four and should have been awarded Water Department Item one and SYLS items two through four; 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 rescinding the contract with Main Pool and Chemical Company, Inc.

Res 21-136 Rescinding Resolution Res 21-124

**WHEREAS**, on April 12, 2021 the Township Council of the Township of Livingston awarded a contract to Miracle Chemical Company for water treatment chemicals; and

**WHEREAS**, Miracle Chemical was awarded WPCF item one and should have been awarded WPCF item one and SYLS item one; 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 rescinding the contract with Miracle Chemical Company.

Res 21-137 Authorizing a Contract with Main Pool and Chemical Inc.

WHEREAS, the Township of Livingston ("Township") has a need for water treatment chemicals; and

WHEREAS, on February 18, 2021, the Township of Livingston issued Bid No. 3-2021 as an open-ended contract, to solicit bids from companies that provide water treatment chemicals; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on February 18, 2021 and as a result nineteen (19) bid packages were requested; and

WHEREAS, on March 12, 2021, seven (7) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of Main Pool and Chemical Company, Inc. was identified as the lowest responsive and responsible bidder for the Water Department item one and SYLS items two through four 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, Main Pool and Chemical Company, Inc.'s schedule of pricing is attached; and

WHEREAS, the Utility Engineer and SYLS Director has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to Main Pool and Chemical Company, Inc.; and

WHEREAS, the Township Manager is recommending the award of a twenty-four (24) month contract to Main Pool and Chemical Company, 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 twenty-four (24) month contract with Main Pool and Chemical Company, Inc. effective May 1, 2021.

Res 21-138 Authorizing a Contract with Miracle Chemical Company

WHEREAS, the Township of Livingston ("Township") has a need for water treatment chemicals; and

WHEREAS, on February 18, 2021, the Township of Livingston issued Bid No. 3-2021 as an open-ended contract, to solicit bids from companies that provide water treatment chemicals; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on February 18, 2021 and as a result nineteen (19) bid packages were requested; and

WHEREAS, on March 12, 2021, seven (7) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of Miracle Chemical Company was identified as the lowest responsive and responsible bidder for the WPCF item one and SYLS item one 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, Miracle Chemical Company's schedule of pricing is attached; and

WHEREAS, the Utility Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Miracle Chemical Company; and

WHEREAS, the Township Manager is recommending the award of a twenty-four (24) month contract to Miracle Chemical Company; 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 twenty-four (24) month contract with Miracle Chemical Company effective May 1, 2021.

**Res 21-139 Authorizing Approval of a CO #1 & Final with M2 Assoc Inc (Wells 1 & 10 Evaluation)**

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1900010") with M2 Associates, Inc. for Wells 1 & 10 Evaluation; and

WHEREAS, the initial Contract was not to exceed Seventy-One Thousand, Eighty-Five Dollars and no cents (\$71,085.00); and

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

A.	REDUCTIONS	
	Pump Installation	-\$3,520.00
	Report Preparation	-\$7,500.00
	<b>Total</b>	<b>-\$11,020.00</b>

WHEREAS, the total change order decreased the contract amount by 15.50% or \$11,020.00 making the new contract sum \$60,065.00; and

WHEREAS, this Change Order has been recommended by the Utility Engineer 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 M2 Associates, Inc. for Wells 1 & 10 Evaluation 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.

**Res 21-140 Authorizing Approval of CO #1 & Final with M2 Assoc Inc (Wells 1 & 10 Redevelopment)**

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1900015") with M2 Associates, Inc. for Wells 1 & 10 Redevelopment; and

WHEREAS, the initial Contract was not to exceed Three Hundred Thirty-Nine Thousand, Seven Hundred Dollars and no cents (\$339,700.00); and

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

B. REDUCTIONS

Project Management	-\$940.00
First Treatment of Well 1	-\$4,050.00
First Treatment of Well 10	-\$4,050.00
Third Treatment of Well 1	-\$43,100.00
Third Treatment of Well 10	-\$43,100.00
Step Drawdown Testing	-\$1,360.00
Report Preparation	-\$50.00
<b>Total</b>	<b>-\$96,650.00</b>

C. EXTRAS

New Valves, Piping, Instrumentation, Well Pump Installation	\$40,760.00
<b>Total</b>	<b>\$40,760.00</b>

WHEREAS, the total change order decreased the contract amount by 16.45% or \$55,890.00 making the new contract sum \$283,810.00; and

WHEREAS, this Change Order has been recommended by the Utility Engineer 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 M2 Associates, Inc. for Wells 1 & 10 Redevelopment 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.

Res 21-141 Authorizing Approval of CO #1 with Murphy McKeon PC

WHEREAS, the Township Council of the Township of Livingston entered into a contract with Murphy McKeon, PC to serve as Special Counsel; and

WHEREAS, the initial Contract was not to exceed One Hundred Thousand Dollars and no cents (\$100,000.00); and

WHEREAS, due to the cost of additional work, the following Change Order is requested:

A. CHANGE ORDER NUMBER ONE	
Additional transitional services	<u>\$15,000.00</u>
Total	\$15,000.00

WHEREAS, the total amount for change order number one is \$15,000.00 or 15% making the new contract sum \$115,000.00; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account 1-01-20-155-001-401.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution of Change Order Number One to the contract with Murphy McKeon, PC to cover the cost of additional work.

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

Res 21-142 Authorizing the Execution of the Estoppel and Agreement Regarding Development Agreement with Sunrise Development, Inc.

**WHEREAS**, the Township of Livingston (the “Township”) has previously entered into a Developer’s Agreement with Sunrise Development, Inc. (the “Developer”) dated July 27, 2020; and

**WHEREAS**, The Township Council and the Developer have determined it to be in their mutual best interest to enter into an Estoppel and Agreement Regarding the Development Agreement in the form attached 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 Estoppel and 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 of R-21-131, R-21-132, R-21-133, and Res 21-135 through 21-142, inclusive, all members present voted YES.

Res 21-134 Authorizing a Contract with S Rotunda and Sons Inc.

WHEREAS, the Township of Livingston (“Township”) has a need for leaf disposal 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 S. Rotondi & Sons, Inc. has provided leaf disposal services in prior years and has performed in a satisfactory manner; and

WHEREAS, S. Rotondi & Sons, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that S. Rotondi & Sons, 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 S. Rotondi & Sons, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, pursuant to N.J.S.A 40A:11-5 (s), this contract is exempt from public bidding as it involves the marketing of recyclable materials recovered through a recycling program; and

WHEREAS, S. Rotondi and Sons, Inc. submitted unit pricing of \$8.20 per cubic yard for the 2021 & 2022 leaf collection seasons; and

WHEREAS, the Public Works Assistant Superintendent has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to S. Rotondi & Sons, Inc.; and

WHEREAS, the Township Manager recommends the award of a contract for (2) leaf collection seasons (2021 and 2022); 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 an open-ended contract with S. Rotondi & Sons, Inc. at a unit price of \$8.20 per cubic yard for the 2021 and 2022 leaf collection seasons in an amount not to exceed \$318,000.00 per season.

Township Manager Lewis explained the possibility of a shared services agreement to address Leaf Collection, and noted the time frame would allow the Council to hold this Resolution, and it was tabled to the next meeting.

#### L. Reports of Township Officials/Professionals

#### M. Unfinished Business

a) Habitable Floor Ratio Definition---Township Manager Lewis stated that he is putting together material for the Council including sample language regarding accessory structures. He stated his recommendation will be to separately regulate the accessory structures, and the matter will be put on the Agenda for the next meeting.

b) DPW Garage—Township Manager Lewis provided an update on the status of the project,

c) Marijuana Legislation---The Mayor discussed the upcoming Town Forum scheduled for May 11, 2021, and stated that the hearing would be in the same format as the April hearing, that Township Attorney Kantor would speak, and that there would be a diverse group of residents.

d) Sidewalks—Township Manager Lewis stated that he had met with the Engineering Department which is finalizing a list of roads, and that his recommendation would be that the cost sharing be limited to those sidewalks which would be utilizing concrete. He stated that a draft ordinance will be distributed, and if all Councilmembers approved, the matter could be put on the Agenda for First Reading at the next meeting.

e) Pools—The Council continued its consideration of the Pools, and Township Manager Lewis noted the numbers of applications received for pool membership.

f) Shared Services—Township Manager Lewis reported on meetings he had held and progress made toward reaching agreement of shared services agreements.

G) Licari/Strahman---Committee Co-Chair Larry Cooper spoke of the serious question regarding ingress and egress, and that the neighbors were opposed to providing access from the cul-de-sac. Mr. Cooper discussed the cost involved, and suggested that the Township could perhaps obtain funds by way of grants. He asked the Council for the authority to engage an expert to gauge the costs of creating ingress and egress. The Mayor responded that the Council had already discussed and agreed to it in conference meeting.

h) Covid Update—Township Manager Lewis provided an update on the Township response to the pandemic.

i) Gazebo—Township Manager Lewis gave an update on the progress being made regarding repairs and improvements to the Gazebo.

j) 61 Falcon Road backyard—The Council discussed the possibility of the Township putting signs upon private property with the owners' permission, and Deputy Township Manager Jones confirmed that the Township did in fact own some of the surrounding land.

k) Chris Brown—Bruno and Associates—Grant Writing Consultant Firm—the matter was addressed earlier this evening.

j) Budget—The Council and Manager discussed timing for presentation of the Budget.

#### N. New Business

1) Upcoming Council Calendar Invitations—The Councilmembers discussed their attendance at upcoming events.

2) Request from Millstone Township—Resolution to Improve JCP&L Service—It was agreed to issue such resolution as requested by Millstone Township with the goal of improving JCP&L Service, and it will be placed on the next Regular Agenda.

3) Return to Meetings at Town Hall—Mayor Klein explained that some were not comfortable with having meetings held at Town Hall given the pandemic, and that meetings would continue to be held remotely.

4) “Pick It Up, Livingston”—Mayor Klein stated that Saturday, May 22, had been selected for the next “Pick It Up, Livingston” event, with the rain date to be the following day.

5) Spartan Fire Heavy Rescue Truck—Township Manager Lewis explained the requested purchase, and the matter will be put on the May 10 Agenda for a vote.

6) Civilian Dispute Mediation Board—The Council agreed it was a good idea to get the program going again, and will be contacting Walter Levine, Chair, for names of persons with experience in mediation, to join him on the Committee.

#### O. Council Reports

Councilmember Meinhardt stated he had recused himself from the vote and discussion of Ordinance 8-2021 because he was a property owner of a unit at the Pointe.

Councilmember Fernandez stated that overflow parking at Town Hall could be used by Kiwanis at their upcoming Carnival.

#### P. Mayor’s Report

#### Q. Public Portion

Matthew Boxer, 6 Trombly Drive, discussed the performance bond issued to JMZ in connection with the Stormwater Detention Basin. Mr. Boxer also discussed H2M, the Homeowners Association and a series of other questions, to which Township Manager Lewis will respond.

#### R. Executive (Closed) Session

At 11:23 p. m., the following Resolution was considered:

#### R-21-143 Resolution To Go Into Closed Session

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:

- i. 12 Industrial Parkway Litigation Update (Pending Litigation)
- ii. Affordable Housing Zoning Ordinances (Attorney Client privilege/Contract negotiations)
- iii. DPW Contract Discussion (Contract negotiations)

**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 11:45 p.m., the Closed Session meeting was adjourned.

Adjournment

The meeting was adjourned at 11:45 p.m.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk