

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 Antonelli, and 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.

Proclamations & Presentations

1) UNICAN of the Year – Richard Vallario was applauded for his “service above self” as a longstanding UNICO member and for his volunteerism in the Township, most notably as attorney for the Planning Board and Zoning Board.

2) National Gun Violence Awareness Day, June 3, 2022. Laurie Kahn and Diane Dresdale, chair of the Gun Violence Prevention committee at NCJW Essex, discussed the recent tragic shooting events in Buffalo and Texas. They mentioned that safe storage of guns and ammunition is paramount, as well as voting for safe gun legislation.

3) The Vigil Honor – Russell Jones, Deputy Township Manager, received the highest honor bestowed by the Boys Scouts order of the Arrow, for exceptional service, personal effort, and unselfish interest.

4) Click It or Ticket – Township Council declared their support for the Livingston Police Department 2022 “Click It or Ticket” campaign which runs from May 23rd through June 5th .

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) May 9, 2022 Regular and Conference Minutes

2) May 9, 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.

Justin Alpert, 56 Amherst Place, inquired about the Cooperman St. Barnabas Medical Center tax appeal and why it was a closed session discussion.

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. 10-2022 Amending §170-86 By Adopting Revised Official Zoning Map was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the ordinance. There being no speakers, 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 (Absent)			

Ord. 13-2022 Releasing, Extinguishing and Vacating the Rights of the Public Portion of a Certain Paper Street and Right-of-Way Known as Plymouth Drive was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the ordinance. There being no speakers, 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 (Absent)			

Introduction of Ordinances

Ord 14-2022 Establishing the Township of Livingston as an All Ages Age Friendly Municipality 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, June 20, 2022.

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

Ord 15-2022 Temporary new Development Signs was pulled from the Agenda.

Ord 16-2022 Amending Ch. 170 Section 170-90.C (6) Business Signs in Rear Yards 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, June 20, 2022.

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

Res 22-164 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 May 26, 2022 attached hereto, which are preceded by an “*” are the Consent Agenda and are hereby accepted, approved and/or adopted.

*Res 22-165 Authorizing the Execution of the Developer’s Agreement with Cooperman Barnabis Medical Center, Inc., Commonly Known as 94 Short Hills Road

WHEREAS, Cooperman Barnabas Medical Center, Inc. (the “Developer”) received Preliminary and Final Site Plan Approval pursuant to Planning Board Application No. 2019-49-PFSP to

develop that certain real property designated as Block 7300, Lots 4.01, 5 & 6 on the Official Tax Map of the Township of Livingston and commonly known as 94 Old Short Hills Road, 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 January 18, 2022; 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 22-166 Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on An Online Auction Website**

WHEREAS, the Township of Livingston has determined that its thirty-eight (38) Solar Renewable Energy Certificates are no longer needed for public use; and

WHEREAS, the Township of Livingston intends to utilize the online auction services of www.flettexchange.com; and

WHEREAS, the sale is being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15; 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 the Township of Livingston is hereby authorized to sell its thirty-eight (38) solar renewable energy certificates on an online auction website entitled www.flettexchange.com.

***Res 22-167 Supporting the Livingston for All Ages and Age Friendly Community Initiative**

WHEREAS, the global population of people aged 60 and over is expected to grow from 600 million in 2000 to almost 2.1 billion by 2050; and

WHEREAS, in the United States, the population of people aged 65 and over is expected to grow from 35 million in 2000 to 88.5 million by 2050, taking the total share of the 65+ population from 12 percent to 20 percent of the total population; and

WHEREAS, 34 percent of the population of Livingston is aged 55 and over and 34 and the number of older Livingston residents is projected to continue increase; and

WHEREAS, research shows that older Americans overwhelmingly want to remain in their homes and communities as they age; and

WHEREAS, access to quality health care, long term services and supports and affordable housing is essential for older adults to live in their homes and communities; and

WHEREAS, the World Health Organization (WHO) has developed a Global Network of Age-Friendly Cities and Communities to encourage and promote public policies to increase the number of cities and communities that support healthy aging and thereby improve the health, well-being, satisfaction, and quality of life for older Americans; and

WHEREAS, active aging is a life-long process, whereby an age-friendly community is not just “elder-friendly” but also intended to be friendly for all ages; and

WHEREAS, the WHO has noted that “making cities and communities age-friendly is one of the most effective policy approaches for responding to demographic ageing,”; and

WHEREAS, the WHO has developed eight domains of community life that influence the livability and quality of life of persons of all ages:

1. Outdoor spaces and buildings – accessibility to and availability of clean, safe community centers, parks, and other recreational facilities;
2. Transportation – safe and affordable modes of private and public transportation, “Complete Streets” types of initiatives, hospitable built environments;
3. Housing – wide range of housing options for older residents, ageing in place and other home modification programs, housing that is accessible to transportation and community and health services;
4. Social participation – access to leisure and cultural activities; opportunities for older residents to participate in social and civic engagement with their peers and younger people;
5. Respect and social inclusion – programs to support and promote ethnic and cultural diversity, programs to encourage multigenerational interaction and dialogue, programs to combat loneliness and isolation among older residents;
6. Civic participation and employment – promotion of paid work and volunteer opportunities for older residents; opportunities for older residents to engage in formulation of policies relevant to their lives;
7. Communication and information – promotion of and access to the use of technology to keep older residents connected to their community and friends and family, both near and far; and
8. Community support and health services – access to homecare services, clinics, programs to promote active ageing (physical exercise and healthy habits); and

WHEREAS, the WHO recognizes that cities and communities have different needs, resources, and varying capacities to engage their resources to take action to facilitate active aging; and

WHEREAS, community decision on land-use, housing, transportation, and outdoor spaces should be consistent with comprehensive plans that have been developed with public input; and with the Township of Livingston’s 2018 Land Use Plan supports age-friendly policies in outdoor spaces and recreation, housing, transportation, and community supports and health services and livability objectives for the Township’s future; and

NOW, THEREFORE, BE IT RESOLVED that the Township of Livingston hereby supports initiatives and opportunities to engage in the AARP/WHO Age-Friendly Cities and Communities Network;

AND, BE IT FURTHER RESOLVED, in recognition of existing efforts to promote and expand age friendly policies and programs in the Township of Livingston, the Town Council hereby supports the LIVINGSTON FOR ALL AGES initiative.

***Res 22-168 Entering into an Affordable Housing Agreement with Don's Apts, LLC**

WHEREAS, Don's Apts., LLC and Bluff Creek Partners III, LLC ("Assignor"), are the owner of that certain property located at 650 South Orange Avenue (the "Property"), also known as Lot 1.02, Block 7001 in the Tax Map in the Township of Livingston (the "Township"); and

WHEREAS, the Property includes twelve (12) affordable housing units; and

WHEREAS, the Township and Assignor previously entered into an agreement dated September 16, 2019 regarding Affordable Housing for the Property to help the Township satisfy its affordable housing obligations (the "Affordable Housing Agreement"); and

WHEREAS, Assignor and Chase Properties RL, LLC ("Assignee") entered into a Real Estate Sale Agreement wherein Assignor agrees to sell the Property to Assignee; and

WHEREAS, the sale of these affordable rental units requires the consent of the Township Council; and

WHEREAS, the parties have agreed to enter into an Assignment and Assumption of and Consent to Transfer of the Affordable Housing Agreement (the "Assignment Agreement") with the Township in form mutually acceptable to counsel for the Assignor, Assignee and the Township Attorney, by which Assignor assigns, sets over and transfer to Assignee all of Assignor's benefits, obligations, rights, title, liabilities and interest (collectively, "Obligations and Rights under the Affordable Housing Agreement, and Assignee assumes all of Assignor's Obligations and Rights under the Affordable Housing Agreement from and after the effective date thereof, which Obligations and Rights shall be governed by, and limited to, those Obligations and Rights as provided in the Developer's Agreement; and

WHEREAS, the Township Council has resolved that the Mayor be and hereby is authorized to execute, and the Township Clerk be and hereby is authorized to attest, Assignment Agreement between Assignor, Assignee and the Township in a form substantially similar to that set forth in Exhibit "A"; and

WHEREAS, the Assignment Agreement provides that the Township approves of, and consents to, the assignment and assumption of the Obligations and Rights by Assignor to Assignee under the Affordable Housing Agreement which Obligations and Rights shall be governed by and limited to the Affordable Housing Agreement; and

WHEREAS, the Assignment Agreement provides that the Township Approves of Assignee as the Owner under the Affordable Housing Agreement and acknowledges that commencing as of the transfer of title of the Property to Assignee, Assignee shall have assumed the Obligations and Rights with respect to the property, and whereupon Assignor shall be deemed to be released from its obligations under the Affordable Housing Agreement; and

WHEREAS, it is necessary for the Township Council to approve of, and consent to, the assigned of all of Assignor's benefits, obligations, rights, title, liabilities and interest (collectively,

“Obligations and Rights”) under the Affordable Housing Agreement and to Assignee’s assumption of all of Assignor’s Obligations and Rights under the Affordable Housing Agreement from and after the effective date thereof, which Obligations and Rights shall be governed by, and limited to, those Obligations and Rights as provided in the Affordable Housing Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Mayor be and hereby is authorized to execute, and the Township Clerk be and hereby is authorized to attest, an Assignment and Assumption of and Consent to Transfer of Affordable Housing Agreement by and between the Assignor, the Assignee and the Township of Livingston in the form substantially similar to that attached hereto as Exhibit “A”.

On motion duly made and seconded, and on roll call vote, all members present voting YES, Resolutions 22-164 through Resolutions 22-168, were adopted.

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

Comcast Hearing: Evaluating the Application of Comcast of New Jersey, II, LLC for the Renewal of its Municipal Consent to Own, Operate, Extend, and Maintain a Cable Television and Cable Communications System in the Township of Livingston. Township Manager Lewis stated that Federal law governs cable franchises in municipalities, and that the Township is continuing to review their contract with Comcast. On motion made and duly seconded, and on voice vote, the hearing will be carried to the June 6, 2022 Township Council meeting.

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.

Justin Alpert, 56 Amherst Place, inquired again about Cooperman Barnabas Medical Center being discussed in closed session. Township Attorney Antonelli explained that keeping strategies private before the appeal is settled protects the Township.

Bob Hunter, prior resident at 89 Elmwood Drive, stated it was his last meeting after 50 years, and that he was sad to say good-bye.

Clerk Mazzucco read an email from Mike Karp that was sent to livcomments@livingstonnj.org regarding the sale of 28 Harvest Lane to Habitat for Humanity.

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

At 8:12 p.m., the Regular meeting was adjourned.

EDWARD MEINHARDT, Mayor

CAROLYN MAZZUCCO, RMC Township Clerk

