

The Regular meeting of the Township Council of the Township of Livingston was held on the above date commencing at 7:32 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 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) Livingston Cricket Association – The Mayor, Council members, and Milind Sapre, presented citations to three cricket players who outperformed in the Women’s Sanskriti Cricket Team event in Nashville, and Milind was presented with a citation for sponsoring the team.

2) Girl Scouts Bronze / Silver/ Gold Awards – Girl scouts from Troop 20170, 20018 and 20090 were presented with their Bronze, Silver, and Gold awards for their hard work and determination. Gabriella DeFilippo was presented with the highest award, the Change Maker Award, for creating a “Captain Hope Activity Book” for the Valerie Fund.

3) LHS Baseball Team – NJSIAA Section 1, Group IV Champions. The Mayor and Councilmembers celebrated the Livingston High School Baseball coaches and team for their outstanding record (21-9), and for being the Group IV, Section 1 State Champions.

4) Livingston Huaxia Chinese School – The Chinese school was honored for their 20<sup>th</sup> Anniversary and their commitment to Chinese culture in Livingston.

## Essex County Updates & Communications

Chief Gary Marshuetz and Captain John Drumm gave a presentation regarding the Livingston Police Department's handling of car thefts over the last few years. They mentioned that car thefts were not exclusive to Livingston, and presented statistics explaining that the majority of the cases were cars that had their key fobs left inside, and the remaining car thefts were cars that had been left running.

### 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) June 6, 2022 Regular and Conference Minutes
- 2) June 6, 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.

Township Clerk Mazzucco read comments from Justin Alpert regarding Resolution 22-180 and 22-182 on tonight's June 20, 2022 Agenda.

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

### Resolution 22-185 Repealing the Introduction of Ordinance 12-2022

**WHEREAS**, at its regular meeting on June 6, 2022 the Township Council of the Township of Livingston introduced Ordinance 12-2022, as amended (the "Ordinance"); and

**WHEREAS**, based on concerns raised, the Township no longer has a desire to consider the Ordinance; and

**WHEREAS**, the Township wishes to repeal the introduction of the Ordinance and take no further action; 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 introduction of Ordinance of 12-2022 is hereby repealed and the Council will take no further action on Ordinance 12-2022.

Township Clerk Mazzucco read the full Resolution. On motion duly made and seconded, and on roll call vote, all members present voting YES, Resolution 22-185 was adopted.

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

Passage of Ordinances

Final Hearing/2nd Reading

Ord. 12-2022 Ordinance Of The Township Of Livingston Amending Section 170-106.1 Riao Inclusionary Adult Residential Overlay District was repealed by Resolution 22-185.

Ord. 14-2022 Establishing the Livingston for All Ages Committee 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	X		

Ord. 15-2022 Temporary New Development Signs 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	X		

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 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	X		

### Introduction of Ordinances

There were none.

### Res 22-174 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 June 20, 2022 attached hereto, which are preceded by an "\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

### \*Res 22-175 Annual Renewal of ABC Licenses 2022-2023

BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, in accordance with the provisions of Legislature entitled "An Act concerning Alcoholic Beverages," passed December 6, 1933, and several amendments and supplements thereto and subject to the rules and regulations of the New Jersey Division of Alcoholic Beverage Control, that

1, There be issued to each of the following applicants a **Plenary Retail Consumption license** from the first day of July, 2022, until expiration on June 30, 2023:

0710-33-020-011	Anthony's Coal Fired Pizza of Livingston, LLC	8119 Town Center Way
0710-33-009-008	Calabria's Pizzeria & Restaurant, Inc.	588 So. Livingston Ave.
0710-33-002-001	Cedar Hill Golf & Country Club, Inc.	100 Walnut St
0710-33-004-002	Crystal Plaza Inc.	307 W. Northfield Road
0710-33-018-007	Vuthaj Inc	405 Eisenhower Parkway
0710-33-015-006	The Landmark Pub, LLC	259 W. Mt. Pleasant Ave
0710-33-008-012	Panevino, LLC	637 W. Mt. Pleasant Ave..
0710-33-001-009	Pizzeta Livingston LLC	62 W. Mt. Pleasant Ave.
0710-33-019-004	2 Chef's Inc. (Nero's)	618 So. Livingston Ave.

2. There be issued to the following applicant a **Hotel/Motel license** from the first day of July, 2022 until expiration on June 30, 2023:

0710-36-023-003 Westminster Hospitality LLC 550 W. Mt. Pleasant Ave.

3. There be issued to each of the following applicants a **Plenary Retail Distribution license** from the first day of July, 2022 until expiration on June 30, 2023:

0710-44-007-012 OM Livingston Liquors, LLC 214 No. Livingston Ave  
0710-44-016-008 Livingston Bottle King Inc. 343 W. Mt. Pleasant Ave.  
0710-44-005-006 Livingston Legend Inc. 277 Eisenhower Parkway

4. There be issued to each of the following applicants a **Club license** from the first day of July, 2022 until expiration on June 30, 2023:

0710-31-011-001 Columbian Association of Livingston 299 Eisenhower Parkway  
0710-31-012-001 Livingston Lodge No. 1855 B.P.O. Elks 19-21 W. Mt. Pleasant Ave.

**\*Res 22-176 Resolution Authorizing The Award of a Contract To Lawn and Golf Supply Company, Inc.**

WHEREAS, the Township of Livingston (“Township”) has a need to purchase a universal GPS line marking solution for Township athletic fields; and

WHEREAS, on May 26, 2022, the Township of Livingston issued Bid No. 9-2022 to solicit bids from contractors experienced in furnishing a universal GPS line marking solution; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on May 26, 2022 and as a result eleven (11) bid packages were requested; and

WHEREAS, on June 8, 2022, one (1) bid was received by the bid deadline and publicly read; and

WHEREAS, Lawn and Golf Supply Company, Inc. 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., is responsive and responsible; and

WHEREAS, the Superintendent of Public Works has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Lawn and Golf Supply Company, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to Lawn and Golf Supply Company, Inc. in an amount not to exceed \$60,890.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-04-55-010-006-003.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Township Manager to enter into a contract with Lawn and Golf Supply Company, Inc. in an amount not to exceed \$60,890.00.

**\*Res 22-177 Resolution Authorizing The Award of a Contract To Lawn and Golf Supply Company, Inc.**

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.

<b><u>Commodity/Service</u></b>	<b><u>Vendor</u></b>	<b><u>Contract #</u></b>
Aboveground Fuel Tanks Installation, Removal, Repair and Related Equipment	Ted Slack Environmental Services, Inc.	42266
Aboveground Fuel Tanks Installation, Removal, Repair and Related Equipment	Independence Constructors	42270
Auctioneering Services: Internet Auctions to Sell Surplus Property	Municibid	19-GNSV1-00696
Automotive Parts for Heavy Duty Vehicles	Beyer Bros Corp	42069
Automotive Parts for Heavy Duty Vehicles	Dover Brake & Clutch, Inc.	42094
Automotive Parts for Heavy Duty Vehicles	Route 23 AutoMall	42073
Automotive Parts for Heavy Duty Vehicles	Trius, Inc.	42108
Automotive Lubricants	IEH Auto Parts, LLC	20-FLEET-01344
Breakaway Upost Sign Support	Garden State Highway Products	19-FLEET-01137
M0483- Computers, Equipment, Peripherals & Related Services	Dell Marketing L.P.	19-TELE-00656
M0483- Computers, Equipment, Peripherals & Related Services	CDW Government, LLC	89980
M0483- Computers, Equipment, Peripherals & Related Services	Gold Type Business Machines, Inc.	89980
M0483- Computers, Equipment, Peripherals & Related Services	SHI International Corp.	89980
M0483- Computers, Equipment, Peripherals & Related Services	Wireless Electronics	89980
M0483- Computers, Equipment, Peripherals & Related Services	Ocean Computer Group, Inc.	19-TELE-00656

M0483- Computers, Equipment, Peripherals & Related Services	EMC Corporation	89968
M0483- Computers, Equipment, Peripherals & Related Services	HP, Inc.	89974
M4002- NAPS0 ValuePoint Cloud Solutions	SHI International Corp.	21-TELE-01360
Computers, Equipment, Peripherals & Related Services	CDW Government, LLC	40166
Computers, Equipment, Peripherals & Related Services	Microsoft	40166
Computers, Equipment, Peripherals & Related Services	SHI International Corp.	40166
Copiers, Multifunction Devices	Xerox Corporation	40469
Copiers, Maintenance and Supplies	Ricoh USA, Inc.	40467
Environmental Testing Instruments	Applied Analytics, Inc.	21-FOOD-01687
Fence, Chain Link (Installation & Replacement)	Consolidated Steel & Aluminum Fence Co., Inc.	88680
Firefighter Protective Clothing and Equipment	Skylands Area Fire Equipment & Training, LLC	17-FLEET-00810
Firefighter Protective Clothing and Equipment	Firefighter One, LLC	17-FLEET-00807 & 17-FLEET 00819
Facilities, Maintenance Repair & Operations (MRO) & Industrial Supplies	Grainger	19-FLEET-00566
Facilities, Maintenance Repair & Operations (MRO) & Industrial Supplies	Fastenal	19-FLEET-00565
Facilities, Maintenance Repair & Operations (MRO) & Industrial Supplies (Custom Orders)	Fastenal	19-FLEET-00678
Influenza Vaccine	FFF Enterprises, Inc.	41502
Inspection of Fire Suppression	Johnson Controls Fire Protection	83717
Law Enforcement Firearms Equipment and Supplies	Atlantic Tactical, Inc.	17-FLEET-00732 & 17-FLEET-00787
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00719
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00749
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00792
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00761
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00728
Law Enforcement Firearms Equipment and Supplies	Beyer Fleet, LLC	17-FLEET-00768
Law Enforcement Firearms Equipment and Supplies	Eagle Point Gun Shop	17-FLEET-00721
Law Enforcement Firearms Equipment and Supplies	Elite Emergency Lights, LLC	17-FLEET-00749
Law Enforcement Firearms Equipment and Supplies	Gen-El Safety and Industrial Products	17-FLEET-00722
Law Enforcement Firearms Equipment and Supplies	General Sales Administration	17-FLEET-00760
Law Enforcement Firearms Equipment and Supplies	Lawman Supply Co., NJ Inc.	17-FLEET-00740, 17-FLEET-00754 & 17-FLEET-00751
Law Enforcement Firearms Equipment and Supplies	SF Mobile Vision, Inc.	17-FLEET-00731
Law Enforcement Firearms Equipment and Supplies	MPH Industries, Inc.	17-FLEET-00755
Law Enforcement Firearms Equipment and Supplies	Turn Out Fire and Safety	17- FLEET-00751, 17-FLEET-00752, 17-FLEET-00778, 17-FLEET-00813, 17-FLEET-00113 & 16-FOOD-00113
Mailroom Equipment and Maintenance	Quadient, Inc.	41267

Maintenance & Repair Heavy Duty Vehicles	Route 23 AutoMall	89262
Maintenance & Repair Heavy Duty Vehicles	A. Lembo Car & Truck Collision, Inc.	89274
Marine Craft: Boat, Motor, Trailer	Firefighter One, LLC	86336
OEM Automotive Parts for Light Duty Vehicles	Beyer Bros Corp	19-FLEET-00922
OEM Automotive Parts for Light Duty Vehicles	Beyer Ford, LLC	19-FLEET-00913
OEM & NON-OEM Maintenance and Repair Services for Light/Medium Duty Vehicles	American Hose & Hydraulics Co.	40866
OEM & NON-OEM Maintenance and Repair Services for Light/Medium Duty Vehicles	Beyer Bros Corp	40801
OEM & NON-OEM Maintenance and Repair Services for Light/Medium Duty Vehicles	Route 23 AutoMall	40812
Non-OEM Automotive Parts & Accessories for Light Duty Vehicles	Samuels, Inc. d/b/a Buy-Wise Auto Parts	85992
Parks & Playground Equipment	Ben Shaffer Recreation, Inc.	16-FLEET-00135
Parks & Playground Equipment	MRC, Inc.	16-FLEET-00121
Parts & Repairs for Road Maintenance Equipment	Trius, Inc.	85856
Parts & Repairs for Road Maintenance Equipment	W.E. Timmerman Co., Inc.	85857
Parts & Repairs for Lawn & Grounds Equipment	Storr Tractor Company	43038
Purchasing Card System for the State of NJ	FIA Card Services, NA, A Bank of America Company	84675
Radio Communication Equipment	Gold Type Business Machines, Inc.	83909
Radio Communication Equipment	Micro Strategies, Inc.	83921
Radio Communication Equipment and Accessories	Motorola Communications & Electronics, Inc/	83909
Radio Communication Equipment and Accessories	Philip M. Casciano Associates, Inc.	83900
Radio Communication Equipment and Accessories	Regional Communications	83909
Rock Salt, Treated Salt & Solar Salt	East Cost Salt Dist., Inc.	20-FLEET-01520
Rock Salt, Treated Salt & Solar Salt	Morton Salt, Inc.	20-FLEET-01519
Signs- reflective fluorescent roll-up warning signs	Garden State Highway Products	20-FLEET-01159
Snow Plow Parts, and Grader & Loader Blades	A & K Equipment Company, Inc.	88273
Software Reseller Services	Dell Marketing L.P.	20-TELE-01510
Statewide Equipment and Space Rental	United Rentals North America, Inc.	19-GNSV2-00853
Telecommunications Equipment & Services	Johnston GP, Inc.	80802
Tires, Tubes and Services	Firestone Complete AutoCare	19-FLEET 00708
Tires, Tubes and Services	Cleveland Auto Tire	19-FLEET 00708
Tree Trimming, Pruning & Removal Services	Rich Tree Service, Inc.	18-DPP-00645
Office Supplies & Recycled Copy Paper	W B Mason Company, Inc.	0000003
Ultra Low Sulfur Diesel and Biodiesel	National Fuel Oil, Inc.	19-FOOD-01100
Vehicle Lifts, with Garage and Fleet Maint., Equipment	Stertil-Koni	22-FLEET-01984
Vehicles, Trucks, Pick-Up Class 1	Chas S. Winner Inc.	17-Fleet-00212
Vehicles, Trucks, Class 2, Pickup/Utility, with Snow Plow Option	Chas S. Winner Inc.	88726
Vehicles, Trucks, Class 3, Pickup/Utility, with Snow Plow Option	Chas S. Winner Inc.	88758



**\*Res 22-178 Authorizing The Provision Of A Loan Pursuant To The Township Of Livingston Affordability Assistance Program For The Purchaser Of An Affordable Housing Unit Located At 1a Rosewood Court, Livingston, NJ 07039-5142**

WHEREAS, Applicant Asrat Firdawek and Nardos Tilaye Asamnew (“Owner”) is under contract to purchase 1A ROSEWOOD COURT, LIVINGSTON, NJ 07039-5142, a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, the Owner has requested a down payment/closing cost assistance loan through Livingston Township’s Affordability Assistance Program toward the purchase of 1A ROSEWOOD COURT, LIVINGSTON, NJ 07039-5142; and

WHEREAS, the Township’s Affordable Housing Administrative Agent, CGP&H, LLC, has reviewed the Owner’s application and qualified the Owner for the requested assistance; and

WHEREAS, the amount of the requested Loan for down payment assistance/closing cost assistance is \$15,000.00, and

WHEREAS, the Township is willing, pursuant to the Affordability Assistance Program, to extend a Loan to the Owner in the amount of \$15,000.00; and

WHEREAS, the funding for the Loan will be from the Livingston Township Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED on this \_\_\_\_ day of \_\_\_\_\_, 2022, by the Township Council of Livingston, County of Essex, State of New Jersey, that:

1. The Mayor and Clerk are hereby authorized, pursuant to the Township’s Affordability Assistance Program, to enter into an Affordability Assistance Program Repayment Agreement with Owner and provide Owner with a Loan to be used as a down payment toward the purchase of an affordable housing unit located at 1A ROSEWOOD COURT, LIVINGSTON, NJ 07039-5142.
2. The Mayor, Manager, Clerk, Township Attorney, CFO, Municipal Liaison, and such other staff and officials as may be appropriate, are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the Loan amount.

**\*Res 22-179 Resolution Supporting And Urging The Passage Of S-330 To Restore The Payment Of Energy Tax Receipts To New Jersey Municipalities**

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Livingston in the County of Essex urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senator Richard J. Codey, Assemblywoman Mila M. Jasey, Assemblyman John F. McKeon, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

\*Res 22-180 Resolution Opposing A-1294/S-2103 And Urging That Such Legislation Not Advance Further

WHEREAS, local officials, because of their peculiar knowledge of local conditions, are in the best position to determine land use and zoning regulations; and

WHEREAS, this peculiar knowledge is used to develop a Municipal Master Plan, which is adopted with the goal of promoting the health, safety, and welfare of the public, and only after careful and thoughtful consideration by local officials for its compatibility and consistency with other state, county and regional plans, such as the State Development and Redevelopment Plan, the Coastal Area Facility Review Act, the Highlands Water Protection and Planning Act, the Pinelands Protection Act, the County Solid Waste Management Plan and Water Quality Management Plan; and

WHEREAS, the Municipal Master Plan guides the determination to designate land use and zoning districts, which help effectuate the careful development plans and goals outlined within the Master Plan; and

WHEREAS, the Municipal Land Use Law lays out a comprehensive system allowing for and detailing the process in which applicants for development may seek to deviate from these careful and deliberate land use and zoning regulations through the municipal planning board's review of a variance; and

WHEREAS, consideration of a land use variance is done by local officials, taking into account the variety of circumstances including the proposed deviation's impacts on the goals of the Master Plan; and

WHEREAS, the Local Redevelopment and Housing Law provides municipalities with substantial tools to support the redevelopment of blighted sites, including the creation of site specific redevelopment plans and numerous financial incentives; and

WHEREAS, legislation, A-1294/S-2103, has been introduced that would preempt local control over land use and zoning regulations, allowing certain qualifying office park and retail center properties to be permitted, as of right, to redevelop as a mixed-use development, not requiring a use variance; and

WHEREAS, A-1294/S-2103 requires a planning board approve an application for development to convert and eligible property to a mixed-used development unless the application causes “substantial detriment to the public good” and “substantially impair[s] the intent and purposes of the zone plan and zoning ordinance”, a vague standard that may be difficult if not impossible to overcome; and

WHEREAS, A-1294/S-2103 is further deficient in that it fails to provide any objective standards, including any requirement as to the mix between the uses or the density of any residential use; and

WHEREAS, A-1294/S-2103 may interfere with municipalities implementing alternative visions for the redevelopment of office park and retail center properties, including as industrial sites, parkland, or sites for needed infrastructure; and

WHEREAS, A-1294/S-2103 would interfere with existing and potential Redevelopment Plans that were specifically developed to address office park and retail center properties; and

WHEREAS, A-1294/S-2103 does not take into account conditions such as flooding and future climate risk that may impact the suitability of a site for mixed-use development; and

WHEREAS, this top-down approach, eliminating local land use planning regulations undermines the recognized benefits of municipal land use regulation, without providing the appropriate review for deviation as outlined within the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Livingston in the County of Essex opposes this legislation, and urges our representatives to not advance further A-1294/S-2103; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senator Richard J. Codey, Assemblywoman Mila M. Jasey, Assemblyman John F. McKeon, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

**\*Res 22-181 Resolution Approving And Authorizing The Execution Of A Master Equity Lease And Capital Lease Addendum Between The Township Of Livingston And Enterprise Fm Trust For The Acquisition Of Municipal Vehicles**

WHEREAS, the Township of Livingston ("Township") has a recurring need to acquire various vehicles for the operation and provision of municipal services; and

WHEREAS, an available method to acquire such vehicles, in addition to the outright purchase with bonded funds, is via Equity Leasing through Enterprise FM Trust (“Enterprise”); and

WHEREAS, the Township Manager and Township CFO have reviewed the advantages of vehicle leasing through Enterprise, identified opportunities where vehicle leasing is advantageous to the

Township and therefore recommended the approval and execution of a Master Equity Lease and Capital Lease Addendum with Enterprise; and

WHEREAS, any future vehicle acquisitions under the Master Equity Lease will require further approval by the Township Council and certification of available funds;

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 Manager is hereby authorized to enter into the Master Equity Lease and Capital Lease Addendum with Enterprise FM Trust and any additional or ancillary documents in connection therewith.

\*Res 22-182 Resolution Of The Township Of Livingston Authorizing The Planning Board To Conduct A Preliminary Investigation Of Conditions Of Block 4804, Lots 1, 2, 20, 21, 22, 23, 24 And 25 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 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 4804, Lots 1, 2, 20, 21, 22, 23, 24 and 25 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-Condemnation 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.

On motion duly made and seconded, and on roll call vote, all members present voting YES, Resolutions 22-174 through Resolutions 22-182 was adopted.

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

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 July 11, 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.

Laura Sheridan, 26 Force Hill Road, inquired about the setbacks on Force Hill Road.

Nancy Now, 383 E Mount Pleasant Ave, wanted to understand the next steps now that the Townhouses have been removed from the proposed plans.

Case Stahl, 30 Nance Road, stated that environmental concerns should be taken into account.

Tim Now, 383 E Mount Pleasant Ave, asked who was threatening litigation.

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

At 8:58 p.m., the Regular meeting was adjourned.

EDWARD MEINHARDT, Mayor

CAROLYN MAZZUCCO, RMC Township Clerk