

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 7:30 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 June 14, 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 read the Sunshine Statement.

A Quorum Roll Call was held. Councilmembers Fernandez, Anthony, Vieira, Deputy Mayor Meinhardt and Mayor Klein were all present.

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

Communications

- 1) Letter from Resident Regarding Sculpture and 9-11 Plans
- 2) Email from Resident Regarding Ord. 17-2021 (Accessory Structures)
- 3) Letters from Residents Regarding Ord. 10-2021 (457-361 S Livingston Ave)

Mayor Klein stated that communications had been received and would be addressed later.

Proclamations & Presentations

- 1) Eileen Fishman, Essex County Update—No report

Approval of Minutes, Pending Any Corrections

The Council approved the following, pending any corrections:

- 1) June 9, 2021 Regular and Conference Minutes
- 2) June 9, 2021 Closed Session Minutes

Legal Fees

- 1) Murphy McKeon, P.C. (April 2021)
- 2) McCarter & English (May 2021)
- 3) Antonelli Kantor PC (April 2021)

Mayor Klein stated Legal Fees would be considered in the evening's Closed Session.

Public Portion (Agenda Items Only)

Deputy Clerk Mazzucco read an email received from Justin Alpert.

Fred Friedman spoke about the Marijuana Ordinance, specifically as to the danger posed by marijuana for youth.

Liz Raban addressed the Marijuana Ordinance.

Robert Allen spoke about the Marijuana Ordinance, asking if the Council would be banning ancillary businesses.

Steven Gillberg addressed the Marijuana Ordinance.

Passage of Ordinances—Final Hearing—Second Reading

Ord. 7-2021 Establishing a New Inclusionary Development Zone Designated as the R-5L Residence Overlay District, Block 6101, Lots 25 and 26 (Passaic Ave & Volker Ave Area)

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.

The Final Hearing on this Ordinance was carried to the July 12 Meeting.

Ord. 10-2021 Establishing a New Inclusionary Development Zone Designated as the R-5O Residence Overlay District Block 2700, Lots 60, 61, 62, 53 and 64 (457-461 South Livingston Ave)

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-5O RESIDENCE OVERLAY DISTRICT was read by title.

Township Clerk Turtletaub read emails **addressing** Ordinance 10-2021, all of which had been sent to Livcomments at the time of the June 9, 2021 meeting, and which the Mayor had asked be held and read at the June 21 meeting and Final Hearing. Those emails had been sent by Justin Escher Alpert, (56 Amherst Place, addressing the Ordinance), Sydney Coplin (South Livingston Avenue, supporting the Ordinance), Daniel King (5 White Oak Drive, supporting the Ordinance), Raphael Miller (7 Dellmead Drive, supporting the Ordinance), Erica Ryan (38 Bear Brook Lane, supporting the Ordinance), Melisa Cane (65 Hillside Terrace, supporting the Ordinance), Deanna Moschella (Virginia Avenue, supporting the Ordinance), and Nimisha Govind (608 Kensington Lane, supporting the Ordinance).

Linda Leck, 19 Wardell Rd., spoke in opposition to the Ordinance.

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, Councilmembers Fernandez, Anthony, Deputy Mayor Meinhardt and Mayor Klein voted YES. Councilmember Viera voted NO. It was ordered advertised according to law.

Ord. 15-2021 Amending Ch. 274, Articles V, VIII, and IX of the Township Code (Sidewalks)

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 274, ARTICLES V, VIII AND IX OF THE TOWNSHIP CODE was read by title. Township Clerk Turtletaub read an email addressing the Ordinance submitted by Justin Escher Alpert (56 Amherst Place) to Livcomments, 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.

Ordinances for Introduction

Ord. 12-2021 Establishing a New Inclusionary Development Zone Designated as the R-5P Residence Overlay District (E Cedar St and Shrewsbury Dr) was read by title and introduced on first reading. 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, July 12, 2021.

Ord. 18-2021 Prohibiting All Six Classes of Cannabis User Licenses Within the Geographical Boundaries of the Township of Livingston Ch. 170 of the Code of the Township of Livingston Entitled "Land Use) was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, Councilmembers Fernandez, Anthony, Deputy Mayor Meinhardt and Mayor Klein voted YES. Councilmember Vieira voted NO. Mayor Klein noted "this is not a delay tactic", and asked Township Attorney Kantor to provide a list of questions to be answered in the Council's consideration of Marijuana zoning going forward. Councilmember Fernandez noted the opt-out now was to allow for the Council's determination of where and how to allow such locations in the future. 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, July 12, 2021.

Ord. 19-2021 Adopting the 630 NJSH Route 10 Overlay District Redevelopment Plan was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, Councilmembers Fernandez, Anthony, Vieira and Mayor Klein voted YES. Deputy Mayor Meinhardt voted NO, citing lack of walkability and his opposition to the project going forward. 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, July 12, 2021.

Consent Agenda for Resolutions: Res 21-176

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 21, 2021, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Res 21-177 Resolution Providing for the Form, Maturities and Other Details of hot e\$37.5MM Refunding Bonds of the Township of Livingston

RESOLUTION PROVIDING FOR THE FORM, MATURITIES
AND OTHER DETAILS OF THE REFUNDING BONDS OF
THE TOWNSHIP OF LIVINGSTON IN AN AGGREGATE
AMOUNT NOT TO EXCEED \$37,500,000 IN ORDER TO
PROVIDE DEBT SERVICE SAVINGS TO THE TOWNSHIP OF
LIVINGSTON

June 21, 2021

WHEREAS, the Township Council of the Township of Livingston, in the County of Essex, New Jersey (the "Township"), has heretofore issued its General Obligation Bonds in the original aggregate principal amount of \$53,668,000, dated January 18, 2012, (i) which consist of \$46,935,000 General Improvement Bonds which bonds are subject to redemption (on or after January 15, 2022) prior to their stated dates of maturity, and which mature on January 15 in each of the years 2023 to 2042, inclusive, in an aggregate amount of \$33,035,000, (ii) which consist of \$4,595,000 Water Utility Bonds which bonds are subject to redemption (on or after January 15, 2022) prior to their stated dates of maturity, and which mature on January 15 in each of the years 2023 to 2031, inclusive, in an aggregate amount of \$2,340,000 and (iii) which consist of \$2,138,000 Sewer Utility Bonds which bonds are subject to redemption (on or after January 15, 2022) prior to their stated dates of maturity, and which mature on January 15 in each of the years 2023 to 2029, inclusive, in an aggregate amount of \$1,028,000 (collectively, the "Refunded Bonds"); and

WHEREAS, the Township desires to refund the Refunded Bonds, and has adopted a bond ordinance entitled "REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY, APPROPRIATING \$37,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$37,500,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF," which authorized refunding bonds to be issued to refund the Refunded Bonds;

BE IT RESOLVED BY TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) that:

Section 1. There shall be issued bonds of the Township in an amount not to exceed \$37,500,000 pursuant to the following bond ordinance (#11-2021):

"REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY, APPROPRIATING \$37,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$37,500,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF."

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount not to exceed \$37,500,000 and are

sometimes hereinafter collectively referred to as the "Bonds." The Bonds will be issued in three series as "General Improvement Refunding Bonds, Series 2021," "Water Utility Refunding Bonds, Series 2021" and "Sewer Utility Refunding Bonds, Series 2021." The Bonds of said issue (i) shall be dated the date of delivery of the Bonds, (ii) shall mature on January 15 in each of the years 2023 through 2042, inclusive, or such other years as may be determined by the Chief Financial Officer, (iii) shall bear interest at the interest rates per annum as determined by the Chief Financial Officer, (iv) shall be sold at such price or prices as determined by the Chief Financial Officer, and (v) may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer, as shall be set forth in the proposal for the purchase of the Bonds acceptance of which is authorized pursuant to Section 10 hereof. The Bonds shall be numbered one consecutively upward, and will be issued in fully registered form. When issued, the Bonds will be registered in the name of and held by Cede & Co., as the owner thereof and nominee for The Depository Trust Company, New York, New York ("DTC"), an automated depository for securities and clearinghouse for securities transactions. Upon issuance, the Bonds will be delivered to DTC in single denominations for each maturity of the Bonds. Individual purchases of beneficial interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$5,000 each or any integral multiple thereof.

Section 3. The Bonds shall bear interest from their date based on their outstanding principal amount at the rate to be set forth in Section 2 hereof, shall be payable as to principal in lawful money of the United States of America at the administration office of the Township in Livingston, New Jersey, payable semi-annually on the fifteenth day of January and July in each year until maturity or prior optional redemption, commencing on January 15, 2022, or such other commencement date as may be determined by the Chief Financial Officer, by check or draft mailed on such interest payment date to the owners thereof registered as such as of each next preceding January 1 and July 1. Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day calendar months.

Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations to be executed by the Township and DTC. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the bonds is the responsibility of the DTC participants.

The Bonds shall be subject to the parameters set forth as follows: (i) the aggregate principal amount of the Bonds does not exceed \$37,500,000, (ii) the present value savings of the refunding is at least three percent (3.00%), (iii) the new debt service shall be structured such that no annual debt service payment is more than it was under the original debt service schedule, (iv) the final maturity of the Bonds does not extend past the budget year in which such final maturity was originally scheduled to mature, (v) the debt savings are substantially level across the life of the refunding, and (vi) this resolution shall have been adopted by at least a 2/3 vote of the full membership of the Township Council.

Section 4. The Bonds shall be signed by the Mayor and the Township Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Township.

Section 5. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

(FORM OF BOND)

No. 2021 G-_, WU-_ or SU-__

UNITED STATES OF AMERICA
STATE OF NEW JERSEY

TOWNSHIP OF LIVINGSTON,
IN THE COUNTY OF ESSEX

GENERAL IMPROVEMENT REFUNDING BOND, SERIES 2021
OR
WATER UTILITY REFUNDING BOND, SERIES 2021
OR
SEWER UTILITY REFUNDING BOND, SERIES 2021

Date of Bond: October 19, 2021

Principal Amount: \$

Date of Maturity: January 15, 20__

CUSIP: _____

The TOWNSHIP OF LIVINGSTON, a municipal corporation of the State of New Jersey, (the "Township") hereby acknowledges itself indebted and for value received promises to pay to Cede & Co. or registered assigns, the sum specified above as the Principal Amount on the date specified above as the Date of Maturity, upon presentation and surrender of this Bond, and to pay to the registered owner hereof interest on such sum, from the Date of Bond specified above until the Date of Maturity specified above, at the rate of _____ per centum (___%) per annum payable on January 15, 2022 and thereafter semi-annually on the fifteenth day of July and January in each year. Principal of this Bond will be paid in lawful money of the United States of America, at the administration office of the Township in Livingston, New Jersey. Interest on this Bond will be payable in lawful money of the United States of America by check or draft mailed on such interest payment date to the registered owner hereof as shown on the books of the Township kept for such purpose by the Chief Financial Officer of the Township (the "Bond Registrar") as of the first day of the month in which the payment of interest is to be made.

All of the Bonds, of which this Bond is one, shall be initially issued as one fully registered bond for each maturity in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company ("DTC"). Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations executed by the Township and DTC relating to the Bonds. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the Bonds is the responsibility of the DTC participants.

The Bonds maturing on or prior to January 15, 20__ shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after January 15, 20__ shall be subject to redemption prior to their respective maturity dates, on or after January 15, 20__ at

the option of the Township, either in whole or in part at any time in any order of maturity at one hundred percent (100%) of the principal amount of the Bonds being redeemed (the "Redemption Price"), plus in each case accrued interest thereon to the date fixed for redemption.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. However, so long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds, and will be done in accordance with DTC procedures. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by lot. If Notice of Redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

This Bond is transferable only upon the books of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Township duly executed by the registered owner or such duly authorized attorney, and thereupon the Township shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount, series, designation, maturity and interest rate as the surrendered bond. The Township and any paying agent of the Township may treat and consider the person in whose name this Bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This Bond is one of an authorized issue of bonds of the Township and is issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey, a resolution of the governing body of the Township adopted June 21, 2021 and by virtue of a certain bond ordinance referred to therein.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and interest on this Bond according to its terms. This Bond shall not be or be deemed to be a debt or liability of the State of New Jersey or a pledge of the faith and credit of the State of New Jersey.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

In the event the Township determines that the beneficial owners of the Bonds (the actual purchasers of the Bonds) shall be able to obtain certificated bonds, the Township shall notify

DTC of the availability of bond certificates. In such event, the Township will appoint a paying agent and the Township will issue, transfer and exchange bond certificates in appropriate amounts as required by DTC and others. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving a reasonable amount of notice in writing to the Township. In the event of such determination, if the Township fails to identify another qualified securities depository as successor to DTC, the Township will appoint a paying agent and the Township will issue and deliver replacement bonds in the form of fully registered certificates. Whenever DTC requests the Township to do so, the Township will cooperate with DTC in taking appropriate action (a) to make available one or more separate certificates evidencing the bonds to any DTC participant (participants of DTC) having bonds credited to its DTC account or (b) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

IN WITNESS WHEREOF, THE TOWNSHIP OF LIVINGSTON has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Township Chief Financial Officer, and its corporate seal (or facsimile thereof) to be affixed, imprinted or reproduced hereon, and this Bond and said seal to be attested by the manual signature of the Township Clerk, and this Bond to be dated the 19th day of October, 2021.

ATTEST:

TOWNSHIP OF LIVINGSTON

Glenn R. Turtleaub
Township Clerk

Shawn R. Klein
Mayor

[SEAL]

Ann M. Cucci
Chief Financial Officer

The following abbreviations, when used in the inscription on this bond, shall be construed as though they were written out in full according to applicable laws or regulations (additional abbreviations may also be used though not in the following list):

TEN COM as tenants in common
TEN ENT as tenants by the
 entireties
JT TEN as joint tenants with
 right of survivorship
 and not as tenants
 in common

UNIF GIFT MIN ACT
___Custodian___
(Cust) (Minor)
under Uniform Gifts
to Minors Act

(State)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF
ASSIGNEE (FOR COMPUTER RECORD ONLY)

(Please Print or Typewrite Name and Address of Transferee)

the within bond, and all rights thereunder, and hereby irrevocably constitutes and appoints

Attorney, to transfer the within bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name as it appears upon the first page of the within bond in every particular, without alteration or enlargement or any change whatever.

CERTIFICATE AS TO LEGAL OPINION

The undersigned Clerk of the Township of Livingston, New Jersey hereby certifies that a true and correct copy of the original legal opinion of the law firm of Gibbons P.C., Newark, New Jersey as to the validity of the issue of Bonds of which the within bond is one is available for inspection at the Office of the Clerk of the Township of Livingston, New Jersey and a copy thereof may be obtained by the registered or beneficial owner hereof upon request.

Township Clerk

Section 6. The Township Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Township Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by CUSIP Global Services, which is managed on behalf of the American Bankers Association by S&P Global Market Intelligence, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 7. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to DTC on behalf of the purchaser and the payment of the purchase price thereof in accordance with the Bond Purchase Agreement (as hereinafter defined), the Township Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said purchaser (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons P.C. as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 8. The proceeds of the Bonds shall be applied in the amounts and for the purpose provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

Section 9. The Mayor and Township Chief Financial Officer are hereby authorized and directed to approve the Preliminary Official Statement of the Township issued in connection with the Bonds, the Official Statement of the Township issued in connection with the Bonds, the DTC Letter of Representation, the Escrow Deposit Agreement and the Continuing Disclosure Certificate and their use in connection with the sale of the Bonds and are further authorized, as is

the Township Clerk, to execute all documents, including, but not limited to, the Preliminary Official Statement, the Official Statement, the DTC Letter of Representation, and Continuing Disclosure Certificate necessary for the sale and delivery of said Bonds.

Section 10. The Bonds are hereby authorized to be sold to Raymond James & Associates, Inc., and RBC Capital Markets, LLC (the “Underwriters”) pursuant to the terms of a Bond Purchase Agreement between the Township and the Underwriters (the “Bond Purchase Agreement”). The Mayor and the Township Chief Financial Officer are hereby authorized to award the Bonds and directed to execute, and the Clerk to attest to the Bond Purchase Agreement.

Section 11. The Township Chief Financial Officer is hereby authorized to purchase securities in an amount necessary to effectuate the refunding of the outstanding amount of the Refunded Bonds and to execute all documents necessary in connection therewith.

Section 12. Raymond James & Associates, Inc., and RBC Capital Markets, LLC are hereby appointed as the Underwriters for the Bonds.

Section 13. Phoenix Advisors, LLC is hereby appointed as municipal advisor to the Township in connection with issuance of the Bonds.

Section 14. Manufacturers and Traders Trust Company is hereby appointed as the escrow agent for the Refunded Bonds.

Section 15. This resolution shall take effect immediately.

AYES:

NAYS:

ABSTAIN:

ABSENT:

Res 21-178 2021-2022 Liquor License Renewals

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, 2021, until expiration on June 30, 2022:

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
0710-33-006-006 Marsag L P	277 Eisenhower Parkway
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..
0710-33-021-007 RTC Restaurant Corp (Pocket)	No Livingston Location
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, 2021 until expiration on June 30, 2022:

0710-36-023-003 Westminster Hospitality LLC	550 W. Mt. Pleasant Ave.
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3. There be issued to each of the following applicants a **Plenary Retail Distribution license** from the first day of July, 2021 until expiration on June 30, 2022:

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
0170-44-017-006 Wine Depot of Livingston , Inc.	603 So. Livingston Ave..

4. There be issued to each of the following applicants a **Club license** from the first day of July, 2021 until expiration on June 30, 2022:

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 21-179 Authorizing the Execution of the Developer's Agreement with Livingston Builders, LLC Relative That Certain Property Commonly Known as 531 Livingston Avenue

WHEREAS, Livingston Builders, LLC (the "Developer") received Preliminary and Final Site Plan Approval to develop that certain real property designated as Block 2700, Lots 50, 51 and 52 on the Official Tax Map of the Township of Livingston and commonly known as 531 Livingston Avenue (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 dated January 5, 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 21-180 Authorization of Sale of Surplus Vehicles

WHEREAS, the Township of Livingston has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the items are appropriate for sale and will be auctioned pursuant to N.J.S.A. 40A:11-36.

WHEREAS, the Township of Livingston intends to utilize the online auction services of Municbid located at www.municbid.com under State contract 19-GNSVI-00696; 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 the surplus personal property as indicated on Schedule A on an online auction website located at www.municbid.com.

Res 21-181 Referring to the Planning Board for Review and Comment a Redevelopment Plan Entitled “630 NJSH Route 10 Overlay District Redevelopment Plan “

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

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, by Resolution 20-69 dated January 27, 2020, the Township Council (“**Township Council**”) of the Township of Livingston (the “**Township**”) designated as “an area in need of rehabilitation” certain properties within the Township, including the property identified on the Township tax maps as Block 100, Lot 3 (the “**Property**”); and

WHEREAS, in accordance with the Redevelopment Law, by Resolution No. 20-

222 adopted November 23, 2020, the Township Council authorized and directed the Planning Board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the Property, together with adjacent property identified as Block 100, Lot 2 on the Township’s tax maps (the “**Study Area**”) and to determine whether the Study Area met the criteria for a non-condemnation redevelopment area, pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on February 16, 2021, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the Study Area qualified as an area in need of redevelopment and recommended that the Township Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, based on the recommendation of the Planning Board and in accordance with the criteria set forth in the Redevelopment Law, by Resolution No. 21-098 adopted on February 22, 2021, the Township Council designated the Study Area as a non-condemnation area in need of redevelopment (the “**Redevelopment Area**”); and

WHEREAS, pursuant to the Redevelopment Law, the Township Council caused to be prepared a redevelopment plan for the Property entitled the “630 NJSH Route 10 Overlay District Redevelopment Plan” (the “**Redevelopment Plan**”); and

WHEREAS, the Township Council desires that the Planning Board review and comment upon the Redevelopment Plan, as described on **Exhibit A** attached hereto, for its review and comment, pursuant to *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, New Jersey that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Pursuant to *N.J.S.A. 40A:12A-7(e)*, the Township Council hereby refers the Redevelopment Plan, as described on **Exhibit A** attached hereto, to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the Redevelopment Plan and shall submit same to the Township Council within forty-five (45) days after referral, as required by the Redevelopment Law.

Section 3. The Township Clerk shall forward a copy of this Resolution, and the Redevelopment Plan, attached hereto as **Exhibit A**, to the Planning Board for review.

Section 4. This Resolution shall take effect immediately.

Res 21-182 Authorizing a Contract with Watch Guard Video Inc.

WHEREAS, the Township of Livingston (“Township”) has a need for police body worn-cameras which has been mandated by the State of New Jersey; and

WHEREAS, the purchase of goods and services through State agency by a local contracting unit is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq; and

WHEREAS, Watch Guard Video, Inc. has been awarded New Jersey State contract number 17-FLEET-00793; and

WHEREAS, the Township Manager has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Watch Guard Video, Inc. in an amount not to exceed \$237,054.00; and

WHEREAS, the Township of Livingston received a grant from the State of New Jersey in the amount of \$152,850.00 which will be used as a down payment towards funding the body-worn cameras; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in the 2021 budget under account G-02-41-502-021-001 and 1-01-25-240-001-249 and funding for years 2022 through 2025 is subject to the appropriation of sufficient funds in the 2022, 2023, 2024 & 2025 municipal budgets.

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 Watch Guard Video, Inc. under the New Jersey State Contract Number 17-FLEET-00793 in an amount not to exceed \$237,054.00.

On motion duly made and seconded, and on roll call vote of R-21-177 to R-21-182, inclusive, all members present voted YES.

L. Reports of Township Officials/Professionals

M. Unfinished Business

1) DPW Garage—Township Manager Lewis gave an update on the matter, explaining the delay, and discussing future plans.

2) Marijuana Legislation---Mayor Klein noted the matter had already been spoken about earlier this evening.

3) Pools—The Council noted it would reach out to members of the Pool Committee previously formed, and noted it would ask the Pool Committee to come up a list of attributes the Township will be wanting in a new pool complex.

4) Shared Services—Township Manager Lewis stated he would be coordinating meetings to discuss Animal Control and Regional Dispatch.

5) Licari/Strahman—Manager Lewis advised that a consultant has been authorized to undertake the feasibility study addressing access and ADA issues.

6) Covid Update—Manager Lewis updated the Council on the Township's response to the Covid pandemic. He reported on his meeting with Covid Coordinators, and the possible upcoming return to holding in-person Council meetings. Councilmember Meinhardt stated the Council should explore options including holding meetings at the Community Center, and should consider how to handle masking at other locations. It was suggested that Health Officer Anello attend the next meeting, with the plan to go "live" after that.

7) Gazebo—Township Manager Lewis advised of a delivery date, and discussed the question of whether to install the gazebo on current concrete pad, or whether and at what cost to relocate a little further away from the Camuso shed.

8) Chris Brown—Bruno and Associates—Grant Writing Consultant Firm/Grants
Manager Lewis presented and reviewed a list of the Town's received grants, and discussed whether Bruno can do better.

9) Budget—Manager Lewis discussed the idea of permanently mounted cameras in the Courtroom/Council Chambers, and that he anticipated introduction of the Budget at the July 12 meeting.

10) Passaic Ave/South Orange Ave Intersection---The Mayor stated there was no additional discussion at this time.

11) Accessory Structure—Mayor Klein advised of a discussion with Zoning Board Chair Jim Hochberg, concerning questions Mr. Hochberg had raised about the proposed new Ordinance. Mayor Klein asked the matter be listed with Unfinished Business for the next meeting, unless the new Ordinance was ready to go at that time.

N. New Business

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

2) New Jersey Senior Olympics—Mayor Klein advised of the event, and asked that the matter be removed from the New Business Agenda going forward.

3) Easement Vacation---Township Manager Lewis advised he had no objection to the request, and the Mayor stated that the matter should be removed from the Agenda going forward, as the necessary Ordinance or Resolution would be prepared.

4) "Yoga Under the Stars"--- Township Clerk Turtletaub was asked to contact the organizers and obtain additional information for the Council's consideration of the request to hold the event at or near the Gazebo on July 22.

O. Council Reports

P. Mayor's Report

Q. Public Portion

Steve Gillberg discussed the Marijuana Ordinance.

Scott Goldman discussed Affordable Housing, and suggested that the Township adopt a concept similar to what had been done for Cedar Street Commons. Mr. Goldman suggested that a budget be provided for retention of an expert, and that the Township create a task force to look into the concept.

At 8:24 p.m., Township Clerk Turtleaub read the following Resolution:

R-21-183

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:

1. Zheng v. Township of Livingston (Pending Litigation)
2. Legal Fees
3. Affordable Housing

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 9:59 p.m., the Closed Session meeting adjourned.

Adjournment

The meeting was adjourned at 9:59 p.m.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk