

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 July 6, 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) LEC (Livingston Environmental Commission) Minutes June 3, 2021
- 2) “Livingston Honors Courage and Memories”—Sunday, October 3rd---Councilmember Vieira will discuss this matter during the Council Comments portion of the Agenda.

Proclamations & Presentations

- 1) Eileen Fishman, Essex County Update—On behalf of Essex County Executive Joseph DiVincenzo, Jr., Ms. Fishman highlighted the County events and programs, including the “Reach for Community” outreach program for substance use educational and prevention; Movies at the Zoo; and the Mobile Vaccine Unit.

Approval of Minutes, Pending Any Corrections

The Council approved the following by voice vote, pending any corrections:

- 1) June 21, 2021 Regular and Conference Minutes
- 2) June 21, 2021 Closed Session Minutes

Legal Fees

The following were all approved by voice vote, with “global issues” raised to be discussed in Closed Session.

- 1) Murphy McKeon, P.C. (May 2021)
- 2) Antonelli Kantor, PC (June 2021)
- 3) Antonelli Kantor, PC (May 2021)
- 4) Murphy McKeon, P.C. (June 2021)

Public Portion (Agenda Items Only)

Deputy Clerk Mazzucco read an email received from Justin Escher Alpert, 58 Amherst Place, regarding the Mall Committee.

Deputy Clerk Mazzucco read an email received from Schwartz, 116 Shrewsbury Drive, read an received from Schwartz, 116 Shrewsbury Drive.

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 Aver & Volker Lane 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.

Deputy Clerk Mazzucco read an email and petition signed by 44 residents. submitted on behalf of Clifford Schafer, 128 Passaic Avenue, by his attorney Kenneth D. Macpherson III, Esq.

Julie Traynor, 15 Volker Lane, opposed the Ordinance, which she stated was “uncharacteristic of the neighborhood”, asked whether traffic studies had been done (Manager Lewis explained that they had), and asserted that the “property was being “shoehorned in there.”

Severino Renna, on behalf of his mother, Rose Renna, 24 Dickinson Lane, spoke in opposition to the Ordinance, asserting that the four story height was “uncharacteristic of the neighborhood,” and expressing parking concerns.

Attorney Macpherson spoke again, referenced the letter and petition submitted on behalf of his client Clifford Schafer, and asked the Town Council to carry the matter until answers were given by the developer to the proposed changes.

On motion to close the hearing, duly made and seconded, and on roll call vote, Councilmember Fernandez and Mayor Klein voted YES. Councilmember Anthony and Vieira and Deputy Mayor Meinhardt voted NO.

The Final Hearing on this Ordinance was carried to the July 26 Meeting.

Ord. 12-2021 Establishing a New Inclusionary Development Zone Designated as the R-5P Residence Overlay District (E. Cedar St and Shrewsbury Dr)

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.

Adam Kroll, 18 Kearney Terrace, spoke in opposition to the Ordinance.

Hugo Lima, 179 E. Cedar St., spoke in opposition to the Ordinance.

Mary Corvelli, 14-16 Kearney Terrace, spoke in opposition to the Ordinance, citing aesthetic concerns, congestion, and concerns about cars pulling out into the road.

On motion duly made and seconded, and on voice vote all members present voting YES, the hearing was closed. Councilmember Fernandez moved to amend the Ordinance. The Ordinance will be amended and reintroduced for first reading at the Regular Meeting of July 26, 2021.

Ord. 16-2021 Amending Ch. 170 by Establishing a New Mixed Use Inclusionary Development Zone Designated as the MU-3 Mixed Use Overlay District, Block 101, Lots 3 and 4 (Route 10 Westbound and Regent St) was read by title. Mayor Klein recused himself from the discussion. 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, Vieira and Deputy Mayor Meinhardt voted YES. It was ordered advertised according to law.

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.

Deputy Clerk Mazzucco read a written submission by Justin Escher Alpert addressing the Ordinance.

John Javellana, 26 Irving Avenue, urged the Council to put a date on when to opt-in. He asked each Councilmember to state whether he has an interest in marijuana shops, and each Councilmember responded that no, he did not.

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 Vieira voted NO. It was ordered advertised according to law.

Ord. 19-2021 Adopting the 630 NJSH Route 10 Overlay District Redevelopment Plan was read by title. Deputy Mayor Meinhardt stated that the Councilmembers had just this morning received a forty-one page report from Beacon, addressing the Plan. He urged that the matter be pulled and relisted for a future meeting. The Ordinance was carried to the July 26 meeting.

Ordinances for Introduction

Ord. 20-2021 Mandating Direct Deposit of Net Pay for all Employees of the Township of Livingston was read by title. On roll call vote, all members present voted YES. The matter was ordered advertised and will come on for public hearing, second reading, at the Regular Meeting of July 26, 2021.

Ord. 21-2021 Amending Section 35-25A Fees and Charges of the Township Code was read by title. On roll call vote, all members present voted YES. The matter was ordered advertised and will come on for public hearing, second reading, at the Regular Meeting of July 26, 2021.

Consent Agenda for Resolutions: Res 21-184

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 July 12, 2021, attached hereto, which are preceded by an “*” are the Consent Agenda and are hereby accepted, approved and/or adopted.

a) Res 21-185 Authorizing Release of Performance Guarantee for Lifetown, Inc.

WHEREAS, LifeTown, LLC has requested the release of the Performance Bonds posted for site improvements at 8-10 Microlab Road (Block 100, Lot 15); and

WHEREAS, the Township Engineer has determined that the Applicant has completed all site improvements; and

WHEREAS, it has been determined that Performance Bonds posted for the application can be released; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, Essex County, that the Performance Guarantees pertaining to the subject property be released and returned under the application previously approved by the Planning Board.

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

b) Res 212-187 Authorizing a Contract with Community Grants Planning and Housing LLC

WHEREAS, the Township of Livingston has a need to acquire professional affordable housing services and rehabilitation services pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and,

WHEREAS, the Township Manager has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the Township Council has determined that Community, Grants, Planning & Housing, LLC has provided affordable housing services and rehabilitation services in prior years and has performed in a satisfactory manner; and

WHEREAS, Community Grants, Planning & Housing, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Community Grants, Planning & Housing, LLC has not made any reportable contributions to a political or candidate committee in the Township of Livingston in the previous one year, and that the contract will prohibit Community Grants, Planning & Housing, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Planning Administrator and Township Manager are recommending the award of a contract to Community Grants, Planning & Housing, LLC to provide professional affordable housing services and rehabilitation services as required by the Township in an amount not to exceed \$30,000.00; and,

WHEREAS, the Chief Financial Officer has certified that funding is available in account T-15-55-850-001-501.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Community, Grants, Planning & Housing, LLC for the period of August 1, 2021 and ending July 31, 2022 in an amount not to exceed \$30,000.00 as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a notice of this action shall be printed in the West Essex Tribune as required by law within ten (10) days of its passage.

c) Res 21-188 Authorizing Use of Competitive Contract Process for Laboratory Services

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-4.1(e)) allows municipalities to utilize competitive contracting for laboratory testing services; and

WHEREAS, the competitive contracting process allows municipalities to take into account factors other than price to determine the successful vendor; and

WHEREAS, the Township Manager believes it is advantageous to utilize the competitive contracting process for the procurement of laboratory testing services recommends same.

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 prepare the necessary documents to utilize the competitive contracting process to solicit requests for proposals for laboratory testing services for the Township of Livingston.

Res 21-189 Authorizing Purchases Under Union County Coop Purchasing Program

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-11(6) and N.J.A.C. 5:34-7.1 et seq. may by resolution and without advertising for bids, purchase any goods or services under a County Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Union County Cooperative Pricing System and has the need on a timely basis to purchase goods or services using those contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced County contract vendors through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable to current County 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 Union County Cooperative Pricing System vendors on the attached list, pursuant to all the conditions of the individual County 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, 2021 or upon the expiration of the vendors' contract, whichever event first occurs.

On motion duly made and seconded, and on roll call vote of R-21-185 and R-21-187 to R-21-189, inclusive, all members present voted YES.

Res 21-186 Authorizing a Contract with IMS Infrastructure Management Services LLC

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for a street condition assessment pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, the Township Manager has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, IMS Infrastructure Management Services, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that IMS Infrastructure Management Services, LLC has not made any reportable contributions to a political or candidate committee in the Township of Livingston in the previous one year, and that the contract will prohibit IMS Infrastructure Management Services, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Engineer and Township Manager are recommending the award of a contract to IMS Infrastructure Management Services, LLC to provide professional engineering services for a street condition assessment as required by the Township in an amount not to exceed \$68,908.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-04-55-020-011-C01.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with IMS Infrastructure Management Services, LLC in an amount not to exceed \$68,908.00 as described herein.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a notice of this action shall be printed in the West Essex Tribune as required by law within ten (10) days of its passage.

On motion duly made and seconded, and on roll call vote of R-21-186, Councilmembers Fernandez, Anthony, Vieira and Deputy Mayor Meinhardt voted YES. Mayor Klein voted NO.

L. Reports of Township Officials/Professionals

M. Unfinished Business

- 1) DPW Garage—Township Manager Lewis gave an update on the matter.
- 2) Sidewalks—The Mayor noted the matter had been addressed and could be removed from “Unfinished Business” Agenda going forward.
- 3) Pools—The matter was continued to the next meeting.
- 4) Shared Services—Township Manager Lewis stated he would be coordinating meetings to discuss Animal Control and Regional Dispatch.
- 5) Licari/Strahman—Manager Lewis updated the Council as to ongoing discussions, including as to “Strahman 2”.
- 6) Covid Update—Manager Lewis updated the Council on the Township’s response to the Covid pandemic.
- 7) Gazebo—Township Manager Lewis noted the gazebo has not been delivered yet, addressed the question of relocation, and whether the expense of relocation was warranted. It was agreed the matter would be discussed at the next meeting.
- 8) Chris Brown—Bruno and Associates—Grant Writing Consultant Firm/Grants
Manager Lewis explained that additional quotes were being obtained.
- 9) Budget—Manager Lewis discussed work on the Budget being conducted by CFO Cucci and himself, and advised that the Budget would be introduced on July 26, and that Capital items and six year plan would be provided to the Council.
- 10) Passaic Ave/South Orange Ave Intersection---The Mayor stated there was no additional discussion at this time.
- 11) Accessory Structures—Township Manager Lewis discussed his memo provided to the Council regarding revisions to the Ordinance, and a Resolution will be introduced for first reading on July 26.

N. New Business

- 1) Upcoming Council Calendar Invitations—The Councilmembers discussed their attendance at upcoming events.
- 2) McClelland Parking---Township Manager Lewis will speak with neighbors regarding their concerns regarding parking availability near their homes.
- 3) India Day---Additional information was needed and would be provided to the Council.
- 4) Score Board for Bocce Courts—Councilmember Vieira explained the request, and a photograph of the proposed scoreboard will be provided to the Council.

O. Council Reports

Councilmember Vieira explained plans for a Parade on October 3 to say Thank You and identifying persons To Be Thanked, as he had discussed in his memo sent to the Mayor and Council.

Councilmember Fernandez suggested the Council resume conducting separate Conference and Regular meetings.

Councilmember Fernandez noted the upcoming event by UNICO honoring Livingston resident Nick Santinelli, and attendance by the Councilmembers; Councilmember Anthony will check with UNICO President Maria Brush.

P. Mayor's Report

The Mayor announced that a Fireworks display was planned for September 12.

Q. Public Portion

Matthew Boxer, 6 Trombley Drive, discussed the H2M contract and stormwater facilities, asked about a new fixed date, and to review; Manager Lewis will confirm if the draft is final, in which case the report would be forwarded to Mr. Boxer.

Steve Gillberg urged keeping “livcomments” open during live Council meetings, and urged more ways to interact at the Council meetings

At 9:55 p.m., Township Clerk Turtletaub read the following Resolution:

R-21-190

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. Livingston mall (Attorney Client Privilege/Contract Negotiations); Miller v. Livingston, et

al (Attorney Client Privilege)

2. Affordable Housing (Attorney Client Privilege)

3. Block 3700, Lot 24-30, 18-73 South Livingston Ave Redevelopment (Attorney Client Privilege/Contract Negotiations)

WHEREAS: minutes will be kept, and once the matter involving the confidentiality of the above no longer requires confidentiality, the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Livingston that the public be excluded from this meeting.

On motion duly made and seconded, and by voice vote, all members present voted YES.

At 11:15 p.m., the Closed Session meeting adjourned.

Adjournment

The meeting was adjourned at 11:15 p.m.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk