

The Regular meeting of the Township Council of the Township of Livingston was held on the above date commencing at 7:50 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, Assistant Township Manager Loehner, 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.

Essex County Updates & Communications

Proclamations & Presentations

1) Livingston HS FBLA (Future Business Leaders of America) Team – The Livingston HS FBLA students were praised for their accomplishments at the State and National Competition in Chicago.

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) July 11, 2022 Regular and Conference Meeting Minutes
- 2) July 11, 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.

Matthew Boxer, 6 Trombley Drive, asked if any of the bond ordinances on tonight's agenda were to raise money toward stormwater drainage improvements.

Township Clerk Mazzucco read comments from Justin Alpert, 56 Amherst Place. Mr. Alpert wrote that affordable housing should not be discussed in closed session and council members stated for the record that the affordable housing consultant spoke in the open session of the meeting. Per Mr. Alpert's statement regarding the redevelopment Resolution at the current YMCA location, R-22-202, council members advised that only one council member is on the YMCA Board and had to recuse himself, Rudy Fernandez.

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

### Passage of Ordinances

#### Final Hearing/2nd Reading

Ord 17-2022 Bond Ordinance Providing an Appropriation of \$525,000 for Pool Utility Improvements 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 18-2022 Bond Ordinance Providing an Appropriation of \$2,890,000 for Water Utility Improvements 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 19-2022 Bond Ordinance Providing an Appropriation of \$3,750,000 for Sewer Utility Improvements 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 20-2022 Ordinance Of The Township Of Livingston Amending Chapter 2, Article IV, §2-12 of the Township Code 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 21-2022 Exceed Calendar Year 2022 Municipal Budget Appropriation Limits and To Establish a CAP Bank 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 22-2022 Approving The Application For A Long-Term Tax Exemption And Authorizing The Financial Agreement Related To A Redevelopment Project Located at 630 Njsh Route 10 In The Township was read by title.

On motion duly made and seconded, and on voice vote, the hearing was opened on the ordinance. Mr. Justin Alpert, 56 Amherst Place, opposed the Resolution claiming it was not consistent with a real master plan. 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 council members except Klein voted yes, as council member Klein abstained. 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

Ord 23-2022 Bond Ordinance providing an Appropriation of \$7,294,000 for Various Improvements and Authorizing the Issuance of \$6,394,283 Bonds or Notes was read by title.

On motion duly made and seconded, and on Roll Call vote, all members present voted yes. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular meeting of the Township Council on Monday, August 8, 2022.

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

Ord 24-2022 Amending §29-10.5 to Amend Parking Restrictions was read by title.

On motion duly made and seconded, and on Roll Call vote, all members present voted yes. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular meeting of the Township Council on Monday, August 8, 2022.

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

Ord 25-2022 Amending Ch. 170 Section 170-90Q, Temporary New Development Signs was read by title.

On motion duly made and seconded, and on Roll Call vote, all members present voted yes. It was ordered advertised according to law, to be forwarded to the Planning Board for consideration at their August 4, 2022 meeting, and to come up for public hearing second reading and final consideration at a Regular meeting of the Township Council on Monday, August 8, 2022.

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

Ord 26-2022 Amending the Township Code with Respect to the Display of Flags on Township Flag Poles was read by title.

On motion duly made and seconded, and on Roll Call vote, all members present voted yes. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular meeting of the Township Council on Monday, August 8, 2022.

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

Resolutions

\*Res 22-199 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 July 25, 2022 attached hereto, which are preceded by an "\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

\*Res 22-200 Annual Renewal of ABC License

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 the following applicant a **Plenary Retail Consumption license** from the first day of July, 2022, until expiration on June 30, 2023:

0710-33-021-007 RTC Restaurant Corp

Pocket (Inactive) License

**\*Res 22-201 Authorizing the Execution of a Funding Agreement with Brightview Senior Living, LLC**

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, in accordance with the Redevelopment Law, by Resolution No. 22-136 adopted on April 4, 2022, the Township Council of the Township of Livingston (“Township Council”) designated certain property within the Township, including the property identified as Block 3100, Lot 56, on the Township’s tax maps, commonly known as 321 S. Livingston Avenue (the “Property”), as an area in need of redevelopment; and

WHEREAS, Brightview Senior Living Development, LLC, a Maryland limited liability company, having its offices at 218 North Charles Street, Baltimore, Maryland (and its successors and assigns, including an affiliated urban renewal entity, the “[Developer](#)”) is the contract purchaser of the Property and is interested in redeveloping the Property; and

WHEREAS, the Parties have negotiated the terms of this Agreement to provide for the funding of redevelopment activities regarding the Property; and

WHEREAS, the Developer has agreed to fund certain Township costs, including but not limited to those relating to the adoption of a redevelopment plan for the Property and negotiation and execution of a redevelopment agreement for the construction of a project on the Property (the “Project”); and

WHEREAS, Parties have negotiated the Funding Agreement, attached hereto as Exhibit A, to provide for the funding of redevelopment activities, including planning and legal costs incurred to date, costs to prepare a redevelopment plan for the Property, costs to negotiate a redevelopment agreement between the Parties and other costs associated with the redevelopment of the Property, in order to establish a mechanism for the provision of sufficient funds so that the undertaking of such work causes no financial hardship to the Township; and

WHEREAS, in consideration for such funding the Township shall enter into exclusive negotiations with the Developer for the aforementioned purposes,

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 Township Council hereby approves the attached Funding Agreement with Brightview Senior Living Development, LLC for the purposes recited above and set forth in the Funding Agreement.

Section 3. The Township Manager is hereby authorized to execute the Funding Agreement on behalf of the Township, with such modifications, deletions or additions as deemed necessary in consultation with Redevelopment Counsel to the Township.

Section 4. This Resolution shall take effect immediately.

\*Res 22-202 Authorizing the Preparation of a Redevelopment Plan for Block 3100, Lot 56, Commonly Known as 321 S Livingston Ave.

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, on April 4, 2022, by Resolution No. 22-136, and in accordance with the provisions of the Redevelopment Law, the Township Council of the Township of Livingston, in the County of Essex, New Jersey (the “Township Council”) authorized and directed the Planning Board of the Township of Livingston (the “Planning Board”) to conduct an investigation of certain property identified on the tax maps of the Township of Livingston as Block 3100, Lot 56, commonly known as 321 S. Livingston Avenue (the “Study Area” or “Block 3100, Lot 56”), and to determine whether all or a portion of the Study Area meets criteria set forth in the Redevelopment Law, *N.J.S.A. 40A:12A-5*, to be designated as a non-condemnation redevelopment area in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-6*; and

WHEREAS, the Planning Board engaged Beacon Planning and Consulting Services LLC (the “Planning Consultant”) to conduct an investigation to determine whether the Study Area should be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, the Planning Board received a report setting forth the basis for the investigation prepared by the Planning Consultant, entitled, “West Essex YMCA 321 South Livingston Avenue Redevelopment Area Assessment” dated April 2022, concerning the determination of the Study Area as an area in need of redevelopment (the “Report”); and

WHEREAS, on June 2, 2022, the Planning Board reviewed the Report, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which members of the general public were given an opportunity to present their own evidence and/or to cross-examine the Planning Consultant, and to address questions to the Planning Board and its representatives, concerning the potential designation of the Study Area as an area in need of redevelopment; 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. 22-171 adopted on June 6, 2022, the Township Council designated Block 3100, Lot 56 as a non-condemnation area in need of redevelopment (the “Redevelopment Area”);

WHEREAS, to carry out its powers under the Redevelopment Law, the Township has a need for professional planning and engineering services in connection with the redevelopment of the Redevelopment Area; and

WHEREAS, the Planning Consultant possesses the experience and qualifications to perform professional planning consultant services; and

WHEREAS, by Resolution 22-71 adopted January 10, 2022, pursuant to a request for proposals for professional planning consultant services issued in accordance with applicable law, the Township awarded a contract to the Planner to provide professional planning consultant services to the Township for a contract term of January 1, 2022 through December 31, 2022; and

WHEREAS, the Township desires to authorize the Planning Consultant to prepare one (1) or more redevelopment plans for the Redevelopment Area; and

WHEREAS, funds shall be available for this purpose pursuant to the existing contract for professional services by and between the Planning Consultant and the Township and/or pursuant to funding agreement(s) with the Township applicable to the Redevelopment Area (or portion(s) thereof),

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL 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 Township Council hereby authorizes the Planning Consultant to prepare one (1) or more redevelopment plans for the Redevelopment Area. The Planning Consultant shall prepare the redevelopment plan(s) when and as directed by the Township.

Section 3. A copy of this resolution, the Planning Consultant's contract, the Planning Consultant's completed Business Disclosure Entity Certification and Political Contribution Disclosure Form, and if applicable the relevant funding agreement shall be available for public inspection at the offices of the Township.

Section 4. This Resolution shall take effect immediately.

**\*Res 22-203 Authorizing Purchases Under the State of NJ Cooperative Purchasing Program**

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.



\*Res 22-204 Approving an Agreement with Borough of Roseland Pursuant to NJSA 40A: 13-19

WHEREAS, PSEG is the owner of a parcel of property (the "Property") located within the Township of Livingston ("Township") and identified as Block 1103 Lot 15 on the tax maps of the Township, and a portion of which is located within the boundaries of the Borough of Roseland ("Borough" ) and identified as Block 32 Lot 100 on the tax maps of the Borough; and

WHEREAS, PSEG desires to construct various improvements on the Property with virtually all of the improvements proposed to be located on the portion of the Property located within the Township, as reflected on Exhibit A; and

WHEREAS, N.J.S.A. 40A:13-19 provides that "When the boundary line between adjoining municipalities divides lands and buildings, so that a portion of the lands and buildings are located in each municipality, the municipalities in which the lands and buildings are situated may determine, by resolution passed by their respective governing bodies, which municipality shall have sole supervision of the lands and buildings."; and

WHEREAS, the Township and the Borough, recognizing that most of the land and virtually all of the improvements will be located in the Township, have determined that in the interest of efficiency and uniformity it is appropriate to enter into an Agreement pursuant to 40A:13-19 providing that the Township shall have sole supervision of the Property and any buildings and improvements existing or to be constructed thereon; including exercising zoning and land use jurisdiction over the Property.

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 Agreement for Sole Supervision of the Property as authorized by N.J.S.A. 40A:13-19 is hereby approved and the Township Manager and Township Clerk are hereby authorized to execute and enter into the Agreement and any additional or ancillary documents in connection therewith.



\*Res 22-205 Affirming Women’s Rights

WHEREAS, the Township Council of the Township of Livingston believes human rights to be inalienable and fundamental rights inherent to all human beings; and

WHEREAS, these human rights include the right to autonomy over personal health care decisions without interference by the government; and

WHEREAS, in the landmark case Roe v Wade, the Supreme Court established a constitutional right to abortion prior to the point of pregnancy viability; and

WHEREAS, the rights established under Roe v Wade have been considered settled law in America for nearly 50 years; and

WHEREAS, the US Supreme Court has now in Dobbs v. Jackson Women’s Health Organization reversed Roe v Wade despite public testimony by some in the majority having under oath described this precedent as “the law of the land”; and

WHEREAS, the author of the majority opinion in Dobbs v. Jackson Women’s Health Organization has indicated a desire to similarly examine and potentially reverse established precedents associated with birth control and gay and lesbian rights; and

WHEREAS, human rights experts have denounced the harm extreme abortion bans will cause to pregnant women and in particular women from marginalized communities, women with low incomes, women living in rural areas, and women from racial and ethnic minorities, and have called on the U.S. Government to prevent retrogression in access to abortion and instead enact positive measures to ensure access to safe and legal abortion; and

WHEREAS, health experts have repeatedly and explicitly recognized the connection between unsafe illegal abortion and high maternal mortality rates; and

WHEREAS, the Township Council of the Township of Livingston believes that a pregnant individual, in consultation with her doctors, supportive friends and family, and her spiritual beliefs, should be entitled to decide how best to proceed with an unplanned, unexpected, or medically complex pregnancy.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council condemns the Supreme Court majority decision in Dobbs v. Jackson Women’s Health Organization and urges the Federal Government and the Government of the State of New Jersey to implement all feasible legal protections to ensure that women continue to have autonomy over their healthcare decisions, including those related to birth control and pregnancy.

Resolutions 22-201, 22-202, and 22-205 were pulled from the Consent Agenda.

Resolutions 22-200, 22-203, and 22-204 were read by title. On motion duly made and seconded, and on roll call vote, all members present voting YES, Resolutions 22-200, 22-203 and 22-204 were adopted.

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

Resolution 22-201 and Resolutions 22-202 were read by title. Councilmember Fernandez recused himself from the vote since he is a YMCA Board member. On motion duly made and seconded, and on roll call vote, the remaining four councilmembers voted YES.

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

Resolution 22-205 was read by title. Councilmember Vieira, Klein, and Meinhardt commented on the importance of women having the choice over their own bodies. On motion duly made and seconded, and on roll call vote, all members present voting YES,

	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 August 8, 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.

Matthew Boxer, 6 Trombley Dr, inquired again about storm-water drainage issues near his property and asked if a storm-water drainage utility in Livingston was feasible.

Scott Goldman, 42 N Baums Court, inquired about the pocket license renewal of Resolution 22-200, thanked the Township Council on bringing the Affordable Housing consultant to their meeting, and implored the Council to amend an ordinance to stop dumping behind SYLS.

Lucas Zhu and Eric Brehkman, both Livingston HS FBLA citation recipients, thanked the Council members and also asked for their support in passing legislation for “Vote 16”, which would enable 16 year olds to vote.

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

At 8:37 p.m., the Regular meeting was adjourned.

EDWARD MEINHARDT, Mayor

CAROLYN MAZZUCCO, RMC Township Clerk