

## Minutes - Livingston Township Council Conference Meeting #5—February 27, 2017

**Present:** Mayor Klein; Councilmembers Anthony, Fernandez, Meinhardt, Silverman; Acting Township Manager Jones, Township Attorney Weiner; Township Clerk Turtletaub

The Conference meeting commenced at 7:00 p.m. The Mayor stated that all the requirements of the "Open Public Meetings Law" had been met. "Annual Notice" was faxed to the *West Essex Tribune and the Star Ledger* on January 3, 2017.

The Council approved the **Minutes** of February 6, 2017 (Conference and Closed).

The Council approved the January 2017 **Legal Fees** of McCarter & English.

The Council discussed the plans for the 2017 **Food Truck and Craft Festival** on June 10, 2017 with Elliot Sherman and Scott Maynard, who displayed the new poster for the Council's review.

Mayor Klein discussed the proposed **Foxcroft Drive project** and payment of costs between the Township and Board of Education. He noted that the proposed Foxcroft Drive project had not been included in the list of projects funded in the 2017 Capital Improvement Program, and that the Board of Education, was not interested in paying its share of the project directly, feeling it was the Township's responsibility to deal with such road projects, but that the Board would give the Township a certain amount of money towards another project. Mayor Klein stated he wanted the work to be completed over the summer. Acting Township Manager Jones will coordinate with the Board.

The Council considered the informational memo from Acting Township Manager Jones regarding the recent sale of **Bond Anticipation Notes (BAN)**, for which the Township would receive a net interest cost of 1.0547%.

The Council acknowledged receipt and review of the informational January 2017 **Open Positions Reports** memorandum provided by Acting Township Manager Jones.

It was agreed that a Resolution appointing Chris Bickel to the **Open Space Trust Committee** would be memorialized at the March 6, 2017 Regular Council meeting.

### RESOLUTION—Authorizing Closed Session—COAH

At 7:30 p.m., the following resolution was considered:

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

**WHEREAS**, the Governing Body of the Township of Livingston has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

**WHEREAS**, the Conference meeting of the Governing Body will reconvene; and

**BE IT RESOLVED** that this 27th day of February, 2017, that the Township Council of the Township of Livingston will go into Closed Session for the purpose of discussing COAH and such other matters as may come before the Council and that are exempted from the public as outlined in N.J.S.A. 10:4-12.

**BE IT FURTHER RESOLVED** that the matters discussed in closed session will be made public upon disposition.

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

At 7:50 p.m., the Closed Session concluded.

Police Chief Craig Handschuch discussed the **2016 TNR Report and 2017 TNR Budget**. He gave an overview of his plans for the TNR program, including increased trapping, and said he anticipated producing a schedule by the third week in March identifying what areas to focus on. A trailer is to be set up in April for use in May. Alan Karpas noted that 200 cats (potentially spawning 2000 kittens) would need to be subjected to the TNR program.

Acting Township Manager Jones introduced Kimberly Kientz, the new Township **CFO**.

Mr. Jones distributed envelopes to each Councilmember containing Department Program Budget and Line Item information, separated out. He gave current and back budget requests of each Township Department, and discussed the process to be followed for Thursday's **Budget Meeting with Department Heads**.

The Council considered the Memorandum and recommendations of Township Engineer Harduby in connection with the **Tiered Water** Pricing concept.

Regarding the **Town-Wide Clean-Up Day**, Councilmember Klein noted the County had agreed to close the road. Deputy Township Manager Jones spoke about how the insurance coverage would work.

Councilmember Anthony related the request of Ira Sessler on behalf of the **Horseneck Riding Club** that the Township institute an "Adopt A Road" program. Mr. Jones will ask Health Director Lou Anello for a template used by Clean Communities in such a program.

The Council agreed to honor Livingston resident Avika Bonsal on her receipt of the **Prudential Spirit of Community Award**, and a presentation will be scheduled for an upcoming Council Regular meeting.

HCHY President Alan Karpas discussed his proposal to keep **CHOW** as a Livingston functioning entity. He gave a history of the program, and described a plan whereby the Township would store food and make it available to those in need. Mayor Klein called the arrangement "a wonderful use of empty space." Rev. Dan Martian, Interfaith Clergy Association, spoke in support. Councilmember Meinhardt urged the Township to support as much as possible. Mark Fusari, 15 Hearthstone Drive, noted that if sanctioned by the Knights of Columbus, use of their parking lot would increase the size still further. Bernard Searle, 14 Washington Court, asked who would administer the program; Mr. Karpas replied "HCHY." Mr. Searle stated that the "Health Department was supposed to move to Town Hall and that maybe there were other needs the Township has for the space?" Acting Township Manager Jones noted the project would not require "a major fit out". Councilmember Meinhardt thanked Mr. Karpas and HCHY. All Councilmembers stated they were in favor of the plan.

The Council discussed a resident's inquiry regarding **Pickleball lines and Tennis Courts**. Councilmember Meinhardt noted it was not necessary timely to address that issue at the present time.

The Council agreed with the recommendations of Township Engineer Jeanette Harduby and Acting Township Manager Jones, and a Resolution approving Change Order 1 and Final Payment to Reivax Contracting Corporation for **Water Main Improvements** will be placed on the March 6, 2017 Regular Agenda for consideration.

The Council agreed to the recommendations of Township Engineer Harduby and Acting Township Manager Jones and a Resolution Approving Change Order 1 and Final Payment to Aqua Infrastructure Rehabilitation for **Sanitary Sewer Pipe Rehabilitation** on West Northfield Road. A Resolution will be placed on the March 6, 2017 Regular Agenda for consideration.

The Council agreed to placement on the March 6, 2017 Regular Agenda of a Resolution approving Change Order 1 and Final Payment for **#1 and #3 Well Main Improvements**. The Change Order was recommended by Township Engineer Harduby and agreed to by Acting Township Manager Jones.

The Council accepted the recommendations of Township Engineer Harduby and Acting Township Manager Jones and approved Change Order 1 and Final Payment for **North Hillside Booster Station Generator Replacement**. A Resolution will be placed on the March 6, 2019 Regular Agenda for consideration.

The Council accepted the recommendation of Township Engineer Harduby and Acting Township Manager Jones, approving Change Order 1 for Professional Services for **2017 Water Main Replacement**. A Resolution will be placed on the Regular March 6, 2017 Agenda for consideration.

The Council discussed Proposed Ordinance **Amending Chapters 170, 217, 227** by adding language "Or His Designee" and agreed to its placement on the March 6, 2017 Regular Agenda for introduction.

The Council considered Acting Township Manager Jones's memorandum explaining the need to re-appoint the Township's Commissioner as well as an Alternate Commissioner for the Township to serve as the Township's representatives on the **Garden State Municipal Joint Insurance Fund Board of Commissioners**. A Resolution will be placed on the March 6, 2017 Regular Agenda for consideration.

The Council accepted the recommendation of Nathan Kiracofe, Junior Utility Engineer and Acting Township Manager Jones and a Resolution approving Change Order 1 for Professional Engineering Services for **Chetwynd Water Tank Rehabilitation** Change Order 1. A Resolution will be placed on the March 6, 2017 Regular Agenda for consideration.

The Council accepted the recommendation of Acting Township Manager Jones and Superintendent of Sewer Operations Joseph Greco, for an award of a "non-fair and open" contract to Mott MacDonald for professional engineering services for Final Phases of the **Passaic Avenue Seervice Area Upgrades**. A Resolution will be placed on the March 6, 2017 Regular Agenda for consideration.

The Council discussed receipt of the **Facilities Inventory/10 Year Master Plan Draft Reports** for Haines (Memorial) and Northland Pools, along with memos from Jennifer Hessberger, Direct, SYLS, and Kenneth A. Lomax, Supervisor of Athletics and Aquatics, presenting their recommendations. Following Council review of these reports which had been prepared by LAN Associates, the matter will be listed for discussion at a Conference meeting with representatives from LAN, SYLS and the Engineering Department in attendance.

Public Comment

Several speakers addressed the Council's consideration of a "Welcoming City " Resolution:

Laurie Beacham, 37 S. Ashby, urged the Council to adopt such Resolution as she had previously urged in writing and provided the Council with examples of Resolutions passed by other municipalities.

Lewis Feldman, 10 Chelsea Drive, pointed out his relatives would not visit the Township due to fear, and he stated that he did not want tax dollars voluntarily paying for unnecessary cooperation, and that visitors "should not be scared to come here and shop here."

Rabbi Faith Joy Dantowitz of Temple B'nai Abraham urged the passage of such Resolution to "decrease the fear" and that such an action would be "humanitarian and just."

Rev. Dan Martian, Chair of the Township Interfaith Council, expressed concern that the Township police force would be "stretched beyond capability".

Sheri Goldberg, 71, spoke of the "chilling effect" on kids.

Robert Hunter, 89 Elmwood Drive, stated that "we can't run a county just letting illegal people in" and that "we've got to know who they are".

James DiGore, Federated Church of Livingston, discussed the immigrants.

Brian Lazano, "Wind of Spirit" Alliance for Immigrant Justice", stated that people should be able to come to Livingston, that we should try not to have local resources expended and that people should not be afraid to come to Livingston.

Amy Ipp, 101 Martin Road, inquired whether such Resolution would apply to the Hospital.

Richard Vossler, 3 Berkely Terrace, urged that any Resolution or discussions "not be based on fear or innuendo": but "on fact." Township Attorney Weiner expressed concern over the effect of a Resolution on interactions with ICE.

Bernard Searle, 14 Washington Court, asked when the Township water contract was such that we can go into commodity pricing? He noted that as to the Welcoming Resolution issue, the supporters did not specify whether persons were here legally and if they had committed a major crime.

Walter LeVine, 345 Walnut Street discussed the Township Zoning Board.

Bob Hunter, 89 Elmwood Drive, stated he would be listening to the Board hearing tomorrow, related the calls he receives from the Oxford House.

Duffy, 37 Bennington Rd., discussed a letter he had sent earlier to the Council earlier today.

Councilmember Meinhardt discussed the bringing of **lighting trucks** to Madonna Field and invite the community to see where the lights would be and should be placed. He stated that they are presently coordinating to turn the lights on, and a date is being selected. He advised of an upcoming meeting with citizens of Bennington Road.

Councilmember Meinhardt stated that the **DPW** had done "a fantastic job" with roads following the recent snowstorm.

Councilmember Fernandez advised that the Zoning Board asked the Town Council to take a look at the "McMansions" Ordinance, and asked whether the Council wished to kick it to the **Planning Board**. All Councilmembers agreed that it should be sent to the Planning Board.

Acting Township Manager Jones advised of **pricing on Madonna Field and Congressional Parkway**, and that materials would be placed in the next packet.

RESOLUTION—Authorizing Closed Session—Contract Negotiations (Environmental Assessment), Potential Loss of Federal Funding (Welcoming City Resolution), Personnel (Town Manager), Contract Negotiations (Board of Education—Private Fiber Optic Network; Board of Education—Tennis Courts); Property (Open Space)

At 10:05 p.m., the following resolution was considered:

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

**WHEREAS**, the Governing Body of the Township of Livingston has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

**WHEREAS**, the Conference meeting of the Governing Body will reconvene; and

**BE IT RESOLVED** that this 27th day of February, 2017, that the Township Council of the Township of Livingston will go into Closed Session for the purpose of discussing Contract Negotiations, Potential Loss of Federal Funding); Personnel; Property and such other matters as may come before the Council and that are exempted from the public as outlined in N.J.S.A. 10:4-12.

**BE IT FURTHER RESOLVED** that the matters discussed in closed session will be made public upon disposition.

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

At 11:05, the Closed Session ended.

At 11:05 p.m., the Conference meeting concluded.

Respectfully submitted,

GLENN R. TURTLETAUB  
Township Clerk