

AGENDA

Livingston Township Council

Town Hall --357 South Livingston Avenue - 8:00 P.M.

Notice of this meeting has been given in accordance with the "Open Public Meetings Law." "Annual Notice" was faxed to the West Essex Tribune and the Star-Ledger on January 4, 2016.

Statement of Decorum

Pursuant to Township Code Section 2-15, while the Township Council is in session, any person who desires to address the Council must first be recognized by the presiding officer. Recognized speakers must make their statements within six cumulative minutes, unless such time is extended by the Council. Appropriate decorum is to be observed at all times.

1. Roll Call
2. Silent Meditation and Pledge of Allegiance
3. Presentations
 - a) Essex County Executive Joe DiVincenzo, Freeholder Pat Sebold, Chief of Staff Phil Alagia
 - b) National Nutrition Month Packet
 - c) Livingston Chinese School Packet
 - d) Robert Yampolsky Packet
 - e) Livingston Taiwanese Association Packet
4. Essex County Update/Questions
5. Public Comments on Agenda Items
- 6*. Resolution - Consent Agenda [Includes All Items Marked "**" R-17-77] Packet
- 7*. Approval of Minutes
 - a) February 6, 2017 Packet
- 8.* Approval of Licenses
9. Final Hearing Ordinances
 - a) Ord. 5-2017 Authorizing Private Sale of Township Owned Real Property to Habitat for Humanity, Inc., Grand Terrace (Block 3804, Lot 3) Burnet Street (Block 4803, Lot 12) Packet
Purpose: Self-explanatory
 - b) Ord. 7-2017 Banning the Sale of Certain Dogs and Cats From Pet Shops Packet
Purpose: Self-explanatory
10. Proposed Ordinances
 - a) Ord. 8-2017 Amending Chapters 170, 222 and 227 By Adding the Language "Or His Designee" Packet
Purpose: Self-explanatory
11. Resolutions
 - a) R-17-73 Authorizing the Entering Into an Agreement with Habitat for Humanity, Newark, Inc. for the Development, Administration and Sale of Affordable Housing Packet
 - b) R-17-78 Appointment of Chris Bickel to Open Space Trust Committee (Memorialized) Packet
 - c) R-17-79 Appointing Fund Commissioner and Alternate Fund Commissioner for Garden State Municipal JIF Packet
 - d) R-17-80 Change Order 1 and Final Payment for 2016 Water Main Improvements Packet
 - e) R-17-81 Change Order 1 and Final for Sanitary Sewer Pipe Rehabilitation on West Northfield Rd. Packet
 - f) R-17-82 Change Order 1 and Final for #1 and #3 Water Main Improvements Packet
 - g) R-17-83 Change Order 1 and Final for North Hillside Booster Station Generator Replacement Packet
 - h) R-17-84 Professional Engineering Services: 2017 Water Main Replacements Change Order 1 Packet
 - i) R-17-85 Professional Engineering Services: Chetwynd Water Tank Rehabilitation Change Order 1 Packet
 - j) R-17-86 Professional Engineering Services for Final Phases of Passaic Avenue Service Area Upgrades Packet
12. Public Comment
13. Recess

GLENN R. TURTLETAUB
Township Clerk

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R-17-77

RESOLUTION

**Accepting, Approving and/or Adopting the
Consent Agenda of March 6, 2017**

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 March 6, 2017, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approved as to form:

Shawn R. Klein Mayor

Sharon L. Weiner
Township Attorney

Glenn R. Turtleaub Township Clerk

Adopted: 3/6/17

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ORDINANCE NO. 5 - 2017

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AUTHORIZING THE PRIVATE SALE OF TOWNSHIP OWNED REAL PROPERTY TO HABITAT FOR HUMANITY, INC., GRAND TERRACE (BLOCK 3804, LOT 3) BURNET STREET (BLOCK 4803, LOT 12)

WHEREAS, Habitat for Humanity, Inc., Newark, is a not-for-profit organization of the State of New Jersey providing housing, rehabilitation and affordable housing within the County of Essex; and

WHEREAS, the Township of Livingston is the owner of certain real properties located on Grand Terrace (Block 3804, Lot 3) and Burnet Street (Block 4803, Lot 12); and

WHEREAS, the Township of Livingston sought proposals to provide for the development of affordable housing on these properties; and

WHEREAS, Habitat for Humanity, Newark, provided a proposal for the construction of affordable housing on these properties which best meets the needs of the Township of Livingston; and

WHEREAS, pursuant to N.J.S.A. 40A:12-21(1), the Township may sell real property not needed for public use for the purpose of the creation of affordable housing to a non-profit entity; and

WHEREAS, the Township of Livingston has determined that the aforementioned properties are no longer needed for public use and that it is in the public interest to convey these properties to Habitat for Humanity, Newark, pursuant to the terms set forth in the Agreement acceptable to the Township attorney.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Livingston, in the County of Essex and State of New Jersey, as follows:

SECTION 1. The Township of Livingston hereby agrees to the sale of the following properties to Habitat for Humanity, Inc., Newark, Block 3804, Lot 3, located on Grand Terrace and Block 4803, Lot 12 located on Burnet Street.

SECTION 2. The appropriate municipal officials are hereby authorized to execute Agreements for the sale of these properties to Habitat for Humanity, Inc., Newark.

SECTION 3. This Ordinance shall take effect twenty days from final passage and publication in accordance with the law.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

SHARON L. WEINER, Township Attorney

Introduced: 1/23/17

Adopted:

3/6/17-R
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ORDINANCE NO. 7 - 2017

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON BANNING THE SALE OF DOGS AND CATS FROM PET SHOPS

WHEREAS, as significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. The health and behavioral issues, which may not present themselves until some time after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelter or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelter and rescue organizations; and

WHEREAS, according to the New Jersey Department of Health 2014 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually, including nearly 1,500 in the County of Camden. Restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS; THIS Ordinance will not affect a consumer’s ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS; the Livingston Township Council believes it is in the best interests of this Municipality to adopt reasonable regulation to reduce costs to the Municipality and its residents, protect the citizens of the Municipality who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Municipality.

Section 1. Definitions

Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501 (c) (3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

Cat means a member of the species of domestic cat, *Felis catus*.

Dog means a member of the species of domestic dog, *Canis familiaris*.

Offer for sale means to sell, offer for sale or adoptions, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

Pet shop means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

Section 2. Restriction on the Sale of Animals

- (1) A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
 - (a) An animal care facility; or
 - (b) An animal rescue organization.
- (2) A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

Section 3. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4. Effective Date.

This ordinance shall become effective 90 days of passage.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

SHARON L. WEINER, Township Attorney

Introduced: February 6, 2017

Adopted:

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ORDINANCE NO. 8 - 2017

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTERS 170,
217 AND 227 ADDING THE LANGUAGE "OR HIS DESIGNEE"

BE IT ORDAINED by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey as follows:

Bold and italicized language is added

[Bracketed language is deleted]

SECTION 1. Chapter 170, Article XXV, Riparian Zones, is amended as follows:

170-192 Administrative Authority

The Planning Board or Zoning Board of Adjustment or Zoning Officer or Township Engineer ***or their designees*** with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

Chapter 170, Article XVI, Enforcement; Violations and Penalties of the Code of the Township of Livingston is amended as follows:

§ 170-137

C. It shall be the duty of the Zoning Officer (***or his designee***) to enforce Articles XI and XII of this chapter and, pursuant to that duty, to investigate any violation or alleged violation of these articles coming to his attention, whether by complaint of third persons or from his own personal knowledge or observation. When any building or structure is erected, constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of any provision of Articles XI and XII, it shall be the duty of the Zoning Officer (***or his designee***) to proceed with the enforcement of these articles and the penalties provided for hereunder. He may also pursue such other statutory method or methods, heretofore or hereafter provided, as may be open to him.

D. In the enforcement of Articles XI and XII, the Zoning Officer (***or his designee***) may apply to the Municipal Court Judge of the Township for a warrant to search and inspect the properties and premises upon which he has reason to believe any violation of these articles has taken or is taking place, and upon probable cause shown, the Municipal Court Judge may issue such a warrant, and the information obtained pursuant thereto shall be admissible as evidence in any court of competent jurisdiction for the purpose of proving any case brought for violation of this chapter.

SECTION 2. Chapter 217, Article IV, Charitable Clothing Bins of the Code of the Township of Livingston is amended as follows:

§ 217-38- Complaints and investigation.

A. The Zoning Officer, (or his designee) upon receipt of any complaint concerning the donation clothing bin, shall perform an investigation within 14 days of receipt of the complaint.

B. Any person who places a clothing bin in violation of this article or N.J.S.A. 40:48-2.61 shall be given a warning stating that if the violation is not rectified or a hearing with the Zoning Official is not requested within 45 days, then the bin will be seized and removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin shall be sold at public auction. This notice shall be placed on the donation clothing bin and forwarded to the last known address of the person who placed the bin at the location according to the Township's records.

C. If the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, then the Township shall remove the bin or have it removed at the expense of the person who placed the bin and sell at public auction or otherwise dispose of the clothing or donations. All proceeds from the sale of the donations collected via the bin shall be paid to the Chief Financial Officer of the Township.

SECTION 3. Chapter 227, Property Maintenance of the Code of the Township of Livingston is amended as follows:

§ 227-20- Enforcement procedure.

Whenever an enforcement officer (Zoning/Property Maintenance Inspector or his designee) determines that there is or has been a violation of any provision of this chapter or a petition has been filed by a public authority, he shall give notice of such violation to the person, persons or entities responsible therefor under this chapter. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by registered or certified mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax lists of the Township, or if a copy thereof is handed to such person or persons or a copy thereof left at the usual place of abode or office of such persons or entities. Notice shall be given as aforesaid within or without the Township. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted from within 10 days of the date of service of such notice except 10 days for overgrown grass (exclusive of the date of service), in the case of nonresidential premises, or 30 days of the date of service of such notice (exclusive of the date of

service), in the case of residential premises, a summons shall issue for such violation. The enforcement officer may, at the time he issues the notice, extend the period for compliance with the requirements stated in the notice for a period in excess of the aforesaid 10 days or 30 days, as the case may be, if, in his judgment, compliance cannot reasonably be effected within the applicable period; and in such cases the enforcement officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid 10 days or 30 days as the case may be. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within the applicable period or within such extended period as set forth in the notice pursuant to the foregoing, a summons and complaint shall then be issued against the person, persons, entity or entities so notified.

SECTION 4. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

SECTION 5. This Ordinance shall take effect twenty days from final passage and publication in accordance with the law.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

SHARON L. WEINER, Township Attorney

Introduced: March 6, 2017

Adopted:

3/7/17 R

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RESOLUTION NO. R-17-73

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH HABITAT FOR HUMANITY, NEWARK, INC. FOR THE DEVELOPMENT, ADMINISTRATION AND SALE OF AFFORDABLE HOUSING

WHEREAS, the Township of Livingston has an obligation to provide low and moderate income housing; and

WHEREAS, pursuant to N.J.A.C. 5:97-65 et seq., the Township of Livingston may elect to provide affordable housing through a market to affordability program; and

WHEREAS, the Township of Livingston has chosen to satisfy a portion of its affordable housing obligation by entering into an agreement with Habitat for Humanity, Newark for the purchase and development of two (2) single family homes on two (2) vacant parcels owned by the Township; and

WHEREAS, the Township will include the two (2) Habitat homes within its affordable housing plan as permitted by COAH's rules as a compliance mechanism for meeting a portion of the Township's fair housing obligation as determined by COAH.

NOW, THEREFORE, BE IT RESOLVED that the Township of Livingston agrees to enter into an agreement between the Township and the Habitat for Humanity, Newark, Inc. subject to certain conditions and terms including grants from the Township of Livingston's Affordable Housing Trust Fund: \$360,000.00 for the purchase of the properties, and \$200,000.00 for development of the homes, and approximately \$32,490.00 (the exact amount to be calculated at time of construction) for a payment to the Trees Trust Fund in satisfaction of the requirements of Chapter 306 Trees of the Code of the Township of Livingston, in a form of agreement acceptable to the Township Attorney and authorizes the Mayor to execute such agreement on behalf of the Township of Livingston.

Shawn R. Klein, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney
Adopted:

3/7/17 R

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R-17-78

RESOLUTION

Appointing Chris Bickel to Open Space Trust Committee

BE IT RESOLVED that Chris Bickel is appointed as Alternate Member #1 of the Open Space Trust Committee for a term ending December 31, 2018.

Approved as to form:

Shawn R. Klein

Mayor

Sharon L. Weiner
Township Attorney

Glenn R. Turtletaub

Township Clerk

Adopted: March 6, 2017 (Memorialized)

3/7/17R
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R-17-79

RESOLUTION

APPOINTING FUND COMMISSIONER AND
ALTERNATE FUND COMMISSIONER FOR
THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND

WHEREAS, Township of Livingston is a member of the Garden State Municipal Joint Insurance Fund; and

WHEREAS, it is required for Township of Livingston to have representation on the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED on this 6th day of March, 2006 by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that:

1. Russell A. Jones, Jr. is hereby appointed as Fund Commissioner representing Township of Livingston on the Garden State Municipal Joint Insurance Fund Board of Commissioners.
2. Kathy Boffa is hereby appointed as Alternate Fund Commissioner representing Township of Livingston on the Garden State Municipal Joint Insurance Fund Board of Commissioners.

I do hereby certify that the foregoing is a true copy of a resolution passed by the Township Council of Township of Livingston at a meeting held on the 6th day of March 2017.

Approved as to form:

Shawn R. Klein

Mayor

Sharon L. Weiner
Township Attorney

Glenn R. Turteltaub Township Clerk

Adopted: March 6, 2017

3/7/17R

11d

RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER NUMBER 1 AND FINAL WITH REIVAX CONTRACTING CORPORATION (2016 WATER MAIN IMPROVEMENTS)

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1600022") with Reivax Contracting Corporation for the 2016 Water Main Improvements at Blackstone Drive, Rockhill Drive, and Devonshire Road; and

WHEREAS, the initial Contract was not to exceed Five Hundred Seventeen Thousand, Seventy-Nine Dollars and no cents (\$517,079.00);

WHEREAS, due to field conditions which resulted in changed quantities, a Change Order has been requested for the following:

A. SUPPLEMENTAL	
8" Water Main and Fittings	\$422.50
6" Water Main And Fittings	\$390.00
8" Gate Valve	\$5,000.00
6" Gate Valve	\$2,400.00
Fire Hydrant Assembly	\$6,000.00
1" Copper Service	\$9,600.00
Water Main Disinfection & Dechlorination	\$12.50
Pressure Testing of Water Main	\$12.50
Total	\$23,837.50
B. EXTRAS	
Reinstallation of Hydrant on Blackstone Drive	\$3,000.00
1 FT Hydrant Riser at 50 Blackstone Drive	\$850.00
Additional Milling	\$3,750.00
Additional Paving	\$13,098.00
#46 Blackstone Storz Connector	\$750.00
Total	\$21,448.00
C. REDUCTIONS	
Rock Excavation (If and Where Directed)	-\$37,800.00
Test Pit (If and Where Directed)	-\$6,000.00
1-1/2" Copper Service	-\$9,000.00
2" Copper Service (If and Where Directed)	-\$9,000.00
8" Tapping Sleeve and Valve	-\$13,400.00
6" Insertion Valve (If and Where Directed)	-\$7,800.00
8" Insertion Valve (If and Where Directed)	-\$25,200.00
Police Traffic Directors (Allowance)	-\$19,482.80
Total	-\$127,682.80

WHEREAS, the total change order decreased the contract amount by 15.94% or \$82,397.30 making the new contract sum \$434,681.70; and

WHEREAS, this Change Order has been recommended by the Junior Utility Engineer and the Acting Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract Reivax Contracting Corporation for the 2016 Water main Improvements at Blackstone Drive, Rockhill Drive, and Devonshire Road; and that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

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

Shawn R. Klein, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Adopted: March 6, 2017

Sharon L. Weiner, Township Attorney

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**RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER NUMBER 1 AND FINAL WITH
AQUA INFRASTRUCTURE REHABILITATION Co., LLC**

WHEREAS, the Township Council of the Township of Livingston entered into a contract (“Contract C1600018”) with Aqua Infrastructure Rehabilitation Co., LLC for the Sanitary Sewer Rehabilitation on West Northfield Road; and

WHEREAS, the initial Contract was not to exceed One Hundred Fifty One Thousand, Six Hundred Ten Dollars and no cents (\$151,610.00);

WHEREAS, due to a change in field conditions which resulted changed quantities, a Change Order has been requested for the following:

A. SUPPLEMENTAL		
	15 –Inch Sanitary Sewer Main Lining , Water Cure	\$40,848.00
	Total	\$40,848.00
B. REDUCTIONS		
	24-Inch Sanitary Sewer Main Lining, Water Cure	-\$68,250.00
	Joint/Hole Chemical Grouting	-\$100.00
	Total	-\$68,350.00

WHEREAS, the total change order decreased the contract amount by 18.14% or \$27,502.00 making the new contract sum \$124,108.00; and

WHEREAS, this Change Order has been recommended by the Township Engineer and the Acting Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract with Aqua Infrastructure Rehabilitation Co., LLC for the Sanitary Sewer Pipe Rehabilitation on West Northfield Road, and that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

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

Shawn R. Klein, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: March 6, 2017

3/7/17R

11f

RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER NUMBER 1 AND FINAL WITH REIVAX CONTRACTING CORPORATION (BID #1 AND BID #3 WATER MAIN IMPROVEMENTS)

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1500016") with Reivax Contracting Corporation for Bid #1 and Bid #3 Water Main Improvements at West Lawn Road, Bear Brook Lane, Marberne Terrace, Timber Hill Drive, North Baums Court, Belvedere Drive, West Drive, and East Drive; and

WHEREAS, the initial Contract was not to exceed One Million, Seven Hundred Fifty Nine Thousand, Seven Hundred Twenty Four Dollars and no cents (\$1,759,724.00);

WHEREAS, due to field conditions which resulted in changed quantities, a Change Order has been requested for the following:

A. SUPPLEMENTAL – Bid #1	
Excavation Rock (If and Where Directed)	\$3,466.00
Excavation, Test Pit (If and Where Directed)	\$1,680.00
Hot Mix Asphalt 25M64, Base Course, Variable Thickness	\$23,869.70
Hot Mix Asphalt 9.5M64, Surface Course, 2" Thick	\$27,548.50
Hot Mix Asphalt Driveway Repair, 4" Min.	\$3,137.60
Granite Block Curb	\$3,090.00
6" DIP CL 52 Water Main & Fittings	\$1,920.00
1" Water Service Connection	\$2,600.00
8" Gate Valve	\$5,800.00
6" X 6" Tapping Sleeve and Valve	\$5,800.00
Total	\$78,911.80

SUPPLEMENTAL – Bid #3	
Excavation, Test Pit (If and Where Directed)	\$11,988.00
6" DIP CL 52 Water Main & Fittings	\$2,480.00
Fire Hydrant Assembly	\$10,800.00
8" Gate Valve	\$8,700.00
10" X 8" Tapping Sleeve and Valve	\$8,700.00
Total	\$42,668.00

Bid #1 and Bid #3 Total \$121,579.80

B. EXTRAS – Bid #1	
10x10 Wet Tap Upcharge	\$3,500.00
Total	\$3,500.00

EXTRAS – Bid #3	
12" X 8" Wet Tap Upcharge	\$4,500.00
6" Gate Valve and Water Main Repair	\$4,500.00
Credit for EZ Valve	-\$250.00
Fire Hydrant (37 West Lawn Road)	\$3,000.00
Additional Restoration (Trees and Shrubbery)	\$2,000.00
Storz Adapter 37 West Lawn Road	\$750.00
Total	\$14,500.00

Bid #1 and Bid #3 Total \$18,000.00

C. REDUCTIONS – Bid #1	
Police Traffic Directors (Allowance \$45,000)	-\$45,000.00
8" DIP CL 52 Water Main & Fittings	-\$4,320.00
Water Main Disinfecting & Dechlorination	-\$74.00

Utility Crossing, Concrete Encasement (If and Where Directed)	-\$28.00
Utility Relocation (\$5,000 Allowance)	-\$5,000.00
8" x 8" Tapping Sleeve and Valve	-\$6,700.00
6" Insert Valve	-\$11,000.00
8" Insert Valve	-\$26,000.00
10" Insert Valve	-\$17,400.00
Total	-\$115,522.00
REDUCTIONS – Bid #3	
Police Traffic Directors (Allowance \$40,000)	-\$10,003.00
Excavation, Rock (If and Where Directed)	-\$13,200.00
Hot Mix Asphalt 25M64, Base Course, Variable Thickness	-\$3,082.00
Asphalt Sidewalk, 3" Thick	-\$750.00
Hot Mix Asphalt Driveway Repair 4" Min.	-\$3,200.00
Granite Block Curb	-\$240.00
8" DIP CL 52 Water Main & Fittings	-\$14,640.00
Water Main Disinfection & Dechlorination	-\$262.00
1" Water Service Connection	-\$6,500.00
Utility Crossing, Concrete Encasement (If and Where Directed)	-\$25.00
Utility Relocation(\$5,000 Allowance)	-\$5,000.00
Water Main Abandonment (Per Location)	-\$9.00
6" X 6" Tapping Sleeve and Valve	-\$23,200.00
8" X 8" Tapping Sleeve and Valve	-\$13,400.00
6" Insert Valve	-\$11,000.00
8" Insert Valve	-\$52,000.00
Total	-\$156,511.10
Bid #1 and Bid #3 Total	-\$272,033.10

WHEREAS, the total change order decreased the contract amount by 7.53% or \$132,453.30 making the new contract sum \$1,627,270.70 and

WHEREAS, this Change Order has been recommended by the Junior Utility Engineer and the Acting Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract Reivax Contracting Corporation for Bid #1 and Bid #3 Water Main Improvements at West Lawn Road, Bear Brook Lane, Marberne Terrace, Timber Hill Drive, North Baums Court, Belvedere Drive, West Drive, and East Drive; and that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

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

Shawn R. Klein, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: March 6, 2017

3/7/17R

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RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER NUMBER 1 AND FINAL WITH EM ELECTRICAL CONTRACTORS, LLC

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1600006") with EM Electrical Contractors, LLC for the North Hillside Booster Station Generator Replacement; and

WHEREAS, the initial Contract was not to exceed Eighty Eight Thousand, Four Hundred Sixty Dollars and no cents (\$88,460.00);

WHEREAS, due to field conditions which resulted in changed quantities, a Change Order has been requested for the following:

A. REDUCTIONS	
Allowance	-\$18,800.00
Total	-\$18,800.00

WHEREAS, the total change order decreased the contract amount by 21.25% or \$18,800.00 making the new contract sum \$69,660.00; and

WHEREAS, this Change Order has been recommended by the Junior Utility Engineer and the Acting Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract EM Electrical Contractors, LLC for North Hillside Booster Station Generator Replacement; and that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

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

Shawn R. Klein, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: March 6, 2017

3/7/17R
11h

**RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER
NUMBER ONE WITH JACOBS ENGINEERING GROUP, INC.**

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1600039") with Jacobs Engineering Group, Inc. for professional engineering services for the design and development of construction documents for the 2017 water main replacements; and

WHEREAS, the initial Contract was not to exceed Eighty Thousand One Hundred Seventy-Five Dollars and no cents (\$80,175.00); and

WHEREAS, due to the need for more advanced surveying techniques, the following Change Order is requested:

A.	CHANGE ORDER NUMBER ONE Advanced Surveying Techniques	<u>\$3,500.00</u>
	Total	\$3,500.00

WHEREAS, the total amount for change order number one increases the contract amount by \$3,500.00 or 4.37% making the new contract sum \$83,675.00; and

WHEREAS, this Change Order has been recommended by the Junior Utility Engineer and the Acting Township Manager; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution of Change Order Number One to the contract with Jacobs Engineering Group, Inc. to cover the cost of advanced surveying techniques.

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

Shawn R. Klein, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: March 6, 2017

Certification Of Availability of Funds

This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

Resolution Date: 03/06/17
Resolution Number: R-17-84

Vendor: JACOB010 JACOBS ENGINEERING GROUP, INC.
299 MADISON AVENUE
PO BOX 1936;ATTN:K.BIENKOWSKI
MORRISTOWN, NJ 07962

Contract: C1600039 Professional Engineering
Services: 2017 Water Main
Replacements

Account Number	Amount	Account Description
C-06-55-016-003-007	3,500.00	WATER MAIN PIPE REPLACEMENT
Total	3,500.00	

Only amounts for the 2017 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.



Chief Financial Officer

3/7/17 R
11i

R-17-85

**RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER
NUMBER ONE WITH MOTT MACDONALD, LLC**

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1600038") with Mott MacDonald, LLC for professional engineering services for the Chetwynd Water Tank Rehabilitation; and

WHEREAS, the initial Contract was not to exceed Seventy Three Thousand Dollars and no cents (\$73,000.00); and

WHEREAS, due to the need for the cost of performing electrical design calculations and drawings, the following Change Order is requested:

A. CHANGE ORDER NUMBER ONE	
Cost of performing electrical design calculations and drawings	<u>\$13,500.00</u>
Total	\$13,500.00

WHEREAS, the total amount for change order number one increases the contract amount by \$13,500.00 or 18.49% making the new contract sum \$86,500.00; and

WHEREAS, this Change Order has been recommended by the Junior Utility Engineer and the Acting Township Manager; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution of Change Order Number One to the contract with Mott MacDonald, LLC to cover the cost of performing electrical design calculations and drawings.

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

Shawn R. Klein, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: March 6, 2017

Certification Of Availability of Funds

This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

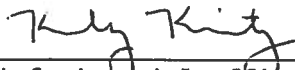
Resolution Date: 03/06/17
Resolution Number: R-17-85

Vendor: HATCH MOTT MACDONALD, LLC.
111 WOOD AVENUE SOUTH
ISELIN, NJ 088304112

Contract: C1600038 Professional Engineering
Services: Chetwynd Water Tank
Rehabilitation

Account Number	Amount	Account Description
C-06-55-016-003-004	13,500.00	IMPR TO CHETWYND WATER TANK
Total	13,500.00	

Only amounts for the 2017 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.



Chief Financial Officer

3/6/17 R
11j

RESOLUTION AUTHORIZING A CONTRACT WITH MOTT MACDONALD, LLC

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Final Phases of the Passaic Avenue Sewage Pump Station Upgrades pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

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

WHEREAS, Mott MacDonald, LLC has completed and submitted a business Entity Disclosure Certification which certifies that Mott MacDonald, 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 Mott MacDonald, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Superintendent of Sewer Operations and Acting Township Manager are recommending the award of a contract to Mott MacDonald, LLC to provide professional engineering services for the Final Phases of the Passaic Avenue Sewage Pump Station Upgrades as required by the Township in an amount not to exceed \$522,500.00; and,

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Acting Township Manager to enter into a contract with Mott MacDonald, LLC in an amount not to exceed \$522,500.00 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.

Shawn R. Klein, Mayor

Glenn R. Turteltaub, Township Clerk

Approved as to form:

Adopted: March 6, 2017

Sharon L. Weiner, Township Attorney

Certification Of Availability of Funds

This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

Resolution Date: 03/06/17
Resolution Number: R-17-86

Vendor: HATCH MOTT MACDONALD, LLC.
111 WOOD AVENUE SOUTH
ISELIN, NJ 088304112

Contract: C1700006 Professional Eng. Services:
Final Phases of Passaic Ave.
Sewage Pump Station Upgrades

Account Number	Amount	Account Description
C-09-55-017-001-004	522,500.00	PASSAIC PUMP STATION UPGRADES
Total	522,500.00	

Only amounts for the 2017 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.



Chief Financial Officer