

Livingston, New Jersey
January 23, 2017
Meeting #1

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 8:10 p.m. at Town Hall, 357 Livingston Avenue, Livingston, New Jersey. The Mayor stated that all the requirements of the "Open Public Meetings Act" had been met. "Annual Notice" was faxed to the West Essex Tribune and the Star Ledger on January 4, 2017.

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

Silent Meditation and Pledge of Allegiance

Mayor Klein asked everyone to stand for a moment of silent meditation, followed by the Pledge of Allegiance.

Presentations

a) Tamara and Alexandra Hon--1st Place—Adult Prof. Category—Essex County Sustainable Homes and Habitats Gingerbread Contest—Mayor Klein presented Citations to Tamara and Alexandra Hon in recognition of their First Place finish (Adult Professional Category) in the Essex County Sustainable Homes and Habitats Gingerbread Contest.

b) Swearings-In--Livingston Police Officer Kyle Kitchin and Auxiliaries Leonard Luciano, Thomas Bartzak, Tsvike "Mike" Golan, William Mullenburg and David Schwartz were each presented with a pin by Acting Township Manager Jones, and each was administered the Oath of Office by Township Clerk Glenn Turtletaub.

Essex County Update/Questions

Eileen Fishman, Liaison to Essex County Executive Joseph D. Vincenzo, Jr., advised of upcoming County events and addressed snow removal issues which had been successfully addressed during a recent meeting of County and Township representatives.

Public Comments on Agenda Items

There were none.

Consent Agenda R-17-53 Approving Consent Agenda (Includes All Items Marked (*))

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 January 23, 2017, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

On motion duly made and seconded, and on roll call vote, all members present voted YES.

*Approval of Minutes

a) December 19, 2016

*Approval of Licenses

Final Hearing Ordinances

Proposed Ordinances

a) Ord. 1-2017 Bond Ordinance Providing An Appropriation of \$6,000,000 For Improvements to Sewer Utility System and Authorizing the Issuance of \$6,000,000 Bonds or Notes of the Township for Financing Part of the Appropriation
BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$6,000,000 FOR IMPROVEMENTS TO SEWER UTILITY SYSTEM IN AND BY THE TOWNSHIP OF LIVIGNSTON, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular Meeting of the Township Council on Monday, February 6, 2017.

b) Ord. 2-2017 Bond Ordinance Providing An Appropriation of \$27,000 for Improvements to Swimming Pool and Authorizing Issuance of \$27,000 Bonds or Notes of the Township for Financing Part of the Appropriation

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$27,000 FOR IMPROVEMENTS TO SWIMMING POOL IN AND BY THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$27,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular Meeting of the Township Council on Monday, February 6, 2017.

c) Ord. 3-2017 Bond Ordinance Providing an Appropriation of \$2,620,000 for Improvements to Water Utility System and Authorizing Issuance of \$2,620,000 Bonds or Notes of the Township for Financing Part of the Appropriation

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,620,000 FOR IMPROVEMENTS TO WATER UTILITY SYSTEM IN AND BY THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,620,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular Meeting of the Township Council on Monday, February 6, 2017.

d) Ord. 4-2017 Bond Ordinance Providing an Appropriation of \$4,819,000 for Various Improvements in and By the Township of Livingston Authorizing the Issuance of \$4,589,000 Bonds or Notes of the Township for Financing Part of the Appropriation

BOND ORDINANCE PROVIDING AN APPROPRIATION OF 44,819,000 FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF 44,589,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular Meeting of the Township Council on Monday, February 6, 2017.

e) Ord. 5-2017 Authorizing Private Sale of Township Owned Real Property to Habitat for Humanity, Inc., Grand Terrace (Block 3894, Lot 3) Burnet Street (Block 4803, Lot 12)

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) was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular Meeting of the Township Council on Monday, February 6, 2017.

f) Ord. 6-2017 Amending and Supplementing Ch. 203 Nuisance Regulating the Planting, Growing, Maintenance and/or Cultivating of Bamboo

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 203 NUISANCE REGULATING THE PLANTING, GROWING, MAINTENANCE AND/OR CULTIVATING OF BAMBOO was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular Meeting of the Township Council on Monday, February 6, 2017.

Resolutions

a) R-17-54 Temporary Capital Budget

WHEREAS, the Township of Livingston desires to constitute the 2017 Temporary Capital Budget;

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

1. The 2017 Temporary Capital Budget of the Township of Livingston is hereby constituted by the adoption of the attached schedule.
2. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

b) R-17-55 Authorizing Lease Purchase Financing for Acquisition of Six Patrol Vehicles and Related Equipment

WHEREAS, The Township of Livingston, County of Essex, New Jersey (the "Township") seeks to acquire six new patrol vehicles and related equipment; and

WHEREAS, the Township intends to finance such acquisition through a lease purchase financing (the "Lease Purchase Financing"); and

WHEREAS, the Township intends to seek proposals for such Lease Purchase Financing; and

WHEREAS, the Township upon receipt of bids, will award the Lease Purchase Financing and set forth the basic financial terms for the Lease Purchase Financing in the lease (the "Lease").

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF LIVINGSTON, COUNTY OF ESSEX, NEW JERSEY, as follows:

SECTION 1. The Township hereby approves to finance the acquisition of the six patrol vehicles and related equipment through a Lease Purchase Financing in an aggregate principal amount not to exceed \$442,000.

SECTION 2. The Township hereby authorizes the Chief Financial Officer to receive bids in connection with the Lease Purchase Financing. The Lease shall set forth, among other things, the lease payments of the Township and their respective amounts. In all respects, the Lease shall be consistent with the terms of this Resolution.

SECTION 3. In exchange for its authorization and execution of the Lease, the Township will receive proceeds, which will be used to finance the acquisition of the patrol vehicles and other related costs. Lease payments under the Lease may occur on one or more dates, provided that the final lease payment shall not exceed the fifth anniversary date of the date of the Lease.

SECTION 4. The Chief Financial Officer and the Clerk are hereby authorized and directed to take, on behalf of the Township, such other actions as shall be necessary and appropriate to accomplish the Lease Purchase Financing in accordance with the terms of the Lease and this Resolution and pursuant to the terms of the agreements and the instruments authorized to be prepared hereby and to accomplish the performance of the obligations of the Township in respect thereof.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

c) R-17-56 Increasing Reserve for Accumulated Absences

WHEREAS, the State of New Jersey, Division of Local Government Services has issued regulations permitting the establishment of a Reserve for Accumulated Absences Liability; and

WHEREAS, the Township of Livingston has established a Reserve for Accumulated Absences Liability for the purpose of funding expenditures for accumulated employee absences; and

WHEREAS, the Township of Livingston has adopted a financial policy to systematically reserve funds for the payment of contingent liabilities; and

WHEREAS, funds are available in 2016 budget appropriation accounts for salaries and wages;

NOW THEREFORE BE IT RESOLVED, that the 2016 budget appropriations listed on the attached page be reserved and transferred to the Reserve for Accumulated Absences Liability as of December 31, 2016.

d) R-17-57 Increasing Reserve for Self-Insurance

WHEREAS, the State of New Jersey, Division of Local Government Services has issued regulations permitting the establishment of a Reserve for Self-Insurance; and

WHEREAS, the Township of Livingston has established a Reserve for Self-Insurance for the purpose of funding expenditures for workers' compensation and related expenses; and

WHEREAS, the Township of Livingston has adopted a financial policy to systematically reserve funds for self-insurance; and

WHEREAS, funds remain available in the 2016 budget appropriation accounts for expenditures related to self-insurance;

NOW THEREFORE BE IT RESOLVED, that the 2016 budget appropriations listed on the attached page be reserved and transferred to the Reserve for Self-Insurance as of December 31, 2016.

e) R-17-58 Increasing Storm Recovery Fund

WHEREAS, the State of New Jersey, Division of Local Government Services has issued regulations permitting the establishment of a Storm Recovery Fund; and

WHEREAS, the Township of Livingston has established a Storm Recovery Fund for the purpose of funding expenditures for storm cleanup and related activities; and

WHEREAS, the Township of Livingston has adopted a financial policy to systematically reserve funds for Storm

Recovery; and

WHEREAS, funds remain available in the 2016 budget appropriation accounts for expenditures related to storm recovery;

NOW THEREFORE BE IT RESOLVED, that the 2016 budget appropriations listed on the attached page be reserved and transferred to the Storm Recovery Fund as of December 31, 2016.

f) R-17-59 Cancel 2016 Budget Appropriations of Water Utility Operating Fund

BE IT RESOLVED, by the Township Council of the Township of Livingston that the following 2016 budget appropriations of the Water Utility Operating Fund be canceled, effective December 31, 2016.

Other Expenses	\$ 100,000.00
Total	\$ <u>100,000.00</u>

g) R-17-60 Transfer 2016 Appropriation Reserves

WHEREAS, transfers between appropriation reserves are permitted by N.J.S. 40A: 4-59 during the first three months of the next succeeding fiscal year; and

WHEREAS, certain 2016 appropriation reserves are expected to be insufficient to meet expenditure requirements for 2016 liabilities, and certain 2016 appropriation reserves have funds available to offset these expenditure requirements;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston (not less than two-thirds thereof affirmatively concurring) that the following transfers between 2016 appropriation reserves be made.

<u>Current Fund</u> <u>Account Description</u>	<u>Transfers</u>	
	<u>From</u>	<u>To</u>
Human Resources – Other Expenses	\$ 15,000	
Legal Services – Other Expenses	10,000	
Construction Code Fees – Other Expenses	10,000	
Police Dispatch – Other Expenses	20,000	
Consolidated Police & Fire Pension	15,000	
Police – Salaries & Wages		\$ 70,000
Parks – Salaries & Wages	37,000	
Road Repairs – Salaries & Wages		37,000
Lease Purchase of Vehicles – Other Exp.	24,700	
Vehicle Maintenance – Other Expenses		24,700
Health Department – Other Expenses	13,000	
Tax Assessor – Other Expenses		13,000
Solid Waste Disposal – Other Expenses	31,000	
Contribution to First Aid Squad – Other Exp		31,000
TOTALS	\$ 175,700	\$ 175,700

h) R-17-61 Appointing Representatives—Essex County Community Development Committee

BE IT RESOLVED by the Township Council of the Township of Livingston that the following persons are hereby appointed 2017 Representatives to the Essex County Community Development Committee:

Township Council Appointment: Mayor Shawn R. Klein

Township Manager Appointment: Acting Township Manager Russell A. Jones, Jr.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Director of the Essex County Division of Housing and Community Development.

i) R-17-62 Authorizing Contract with Mott MacDonald

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for 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 has completed and submitted a business Entity Disclosure Certification which certifies that Mott MacDonald 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 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 to provide professional engineering services for the Passaic Avenue Sewage Pump Station Upgrades as required by the Township in an amount not to exceed \$166,400.00; 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 in an amount not to exceed \$166,400.00 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.

j) R-17-63 Approving Swimming Pool Fees for 2017

WHEREAS, in accordance with Ordinance No. 44-1997, the Township Council is authorized to adopt by Resolution membership fees for admission to the swimming pools owned and operated by the Township from year to year; and

WHEREAS, the Director of Senior, Youth and Leisure Services have requested the attached Schedule of Fees be enacted for the 2017 calendar year; and

1. The following new Membership Categories will be added:

- a) Half Season-Open to July 31st
- b) Half Season-August 1st to Close
- c) Weekends
- d) Weekdays

2. All new Categories will be priced at 60% of correlating membership cost.

3. Daily Guest Badges for Livingston Residents: \$25 for ages 18 and older
\$15 for ages 3-17
No cost for ages 2 and under

4. One Pool to be opened by Memorial Day Weekend. DPW will make the decision as to which pool will be open, based on needed repairs. Pool will be open on weekends until full summer schedule begins which will be based on the annual School Calendar.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, Count of Essex, State of New Jersey that effective JANUAREY 23, 2017, THE Department of Senior, Youth and Leisure Services is authorized to charge the membership fees for admission to the public swimming pools owned and operated by the Township of Livingston as set forth in this Resolution.

k) R-17-64 Appoint Russell A. Jones, Jr. to the Position of Acting Township Manager

WHEREAS, the position of Livingston Township Manager is currently vacant; and

WHEREAS, the Township Council is in the process of an extensive search to identify an individual to fill the position of Township Manager; and

WHEREAS, the Township Council has determined it is in the best interest of the Township to appoint Deputy Manager Russell A. Jones, Jr., to the position of Acting Township Manager while the search process proceeds.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey, that Russell A. Jones, Jr., is appointed Acting Township Manager of the Township of Livingston retroactive to November 8, 2016, with his salary being adjusted accordingly; and

BE IT FURTHER RESOLVED, that pursuant to Chapter 2, Article VII, Paragraph 28, of the Code of the Township of Livingston, Russell A. Jones, Jr., shall perform the duties of Manager until such time as a permanent Manager is appointed.

l) R-17-65 Submit Grant Application and Execute Grant Agreement with NJDOT re: Milling and Repaving of Falcon Rd. Sec. 5

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Livingston formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Township Manager and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Falcon Road (Section 5)-00301 to the New Jersey Department of Transportation on behalf of the Township of Livingston.

BE IT FURTHER RESOLVED, that the Township Manager and Clerk are hereby authorized to sign the grant application on behalf of the Township of Livingston and their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

m) R-17-66 Authorizing Purchase Under Morris County Cooperative Purchasing Program

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-11(5) 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 Morris 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 Morris 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, 2017 or upon the expiration of the vendors' contract, whichever event first occurs.

R-17-67 Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2014-June 2019

WHEREAS, THE Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Livingston, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, The Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Essex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Livingston, County of Essex, and State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Livingston Municipal Alliance grant for fiscal year 2018 in the amount of:

DEDR	\$60,060
Cash Match	\$15,015
In-Kind	\$45,045

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

On motion duly made and seconded, and on roll call vote to approve Resolutions R-17-54 through R-17-67, inclusive, all members present voted YES.

Public Comment

Bernard Searle, 14 Washington Court, asked for a list of projects yet to be completed, and their dollar amounts. He asked that the firm of Mott MacDonald give a presentation about their project. Mr. Searle asked whether there were dates fixed for upcoming Budget presentation, and was advised that those dates would be posted on the Township website. Mayor Klein stressed the Township's desire to conserve water, and that the Township was considering tiered water pricing. Mr. Searle questioned the reasons for delay in completing traffic light at the corner of Chestnut and Northfield, and the Mayor explained the history of the project and gave the history of the project and reasons for the delay.

Mayor Klein discussed the establishment of a Sidewalk Committee.

Walter LeVine, 345 Walnut St., advised that the upper lights at the Senior/Community Center were not working properly.

Bob Hunter, 89 Elmwood Drive, discussed snowstorms occurring one year ago, in this past December, and approximately two weeks ago, stating that the County roads were not being sufficiently salted and plowed.

Adjournment

At 8:50 p.m., the Regular Meeting adjourned.

Shawn R. Klein
Mayor

Glenn R. Turteltaub
Township Clerk