

Livingston, New Jersey
April 17, 2017
Meeting #4

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:30 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. "48 hr. Notice" was faxed to these same publications on April 7, 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) Horseneck Motorcycle Riding Club—In the presence of Club members, Mayor Klein presented a Citation to Club President Ira Sessler, in recognition of the civic and beneficial activities of the Horseneck Motorcycle Riding Club.

b) Livingston Travel Basketball Teams—In honor of the four Livingston Traveling Basketball Teams which reached the playoffs, Mayor Klein joined by all Council members presented Citations to players and coaches.

c) Livingston Lancers High School Boys Bowling Team--Mayor Klein read and presented a Citation to team members and to Coach Hughes in recognition of their successful season.

d) Arbor Day—Mayor Klein read a Proclamation in celebration of Arbor Day.

e) Cristian Zapata—Eagle Scout Citation Mayor Klein presented a Citation to Cristian Zapata in recognition of his becoming an Eagle Scout.

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-17-95 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 April 17, 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) March 20, 2017

*Approval of Licenses

Final Hearing Ordinances

a) Ord. 6-2017 Amending and Supplementing Ch. 203 Nuisance Regulating the Planting, Growing and/or Cultivation of Bamboo The hearing was adjourned to May 1, 2017.

b) Ord. 9-2017 Exceed Calendar Year 2017 Municipal Budget Appropriation Limits and to Establish a CAP Bank
ORDINANCE TO EXCEED THE CALENDAR YEAR 2017 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK was read by title. There being no speakers, on motion duly made and seconded and on voice vote, the hearing was closed. On motion of Councilmember Fernandez, seconded by Councilmember Silverman, and on roll call vote, all members present voted YES. The Ordinance was ordered advertised according to law.

Proposed Ordinances

a) Ord.10-2017 Amending and "Supplementing Chapter 61 Alcoholic Beverages, Article IV Public Recreation Areas

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 61 ALCOHOLIC BEVERAGES, ARTICLE IV PUBLIC RECREATION AREAS was read by title and introduced on first reading. On motion of Councilmember Silverman, seconded by Councilmember Anthony 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, May 1, 2017.

b) Ord. 11-2017 Amending Chapter 170 of the Code of the Township of Livingston To Create A New R-5K Residence District

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON TO CREATE A NEW R-5K RESIDENCE DISTRICT was read by title and introduced on first reading. On motion of Councilmember Silverman, seconded by Councilmember Anthony, 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, May 22, 2017.

11. Resolutions

a) R-17-96 2017 Road Improvements at Various Locations

WHEREAS, the Township of Livingston ("Township") has the need for the 2017 Road Improvements that cannot otherwise be performed by its regular employees; and

WHEREAS, on March 2, 2017, the Township of Livingston issued Bid No. 003-2017 to solicit bids from contractors experienced in road improvements; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune March 2, 2017 and as a result twenty-four (24) bid packages were requested; and

WHEREAS, on March 29, 2017, six (6) bids were received by the bid deadline and publicly read; and

WHEREAS, Ischia Corporation was identified as the lowest responsive and responsible bidder whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq.; and

WHEREAS, the Township Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Ischia Corporation for the base bid and alternate two; and

WHEREAS, the Acting Township Manager is recommending the award of a contract to Ischia Corporation in an amount not to exceed \$2,006,464.48; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Acting Township Manager to enter into a contract with Ischia Corporation in an amount not to exceed \$2,006,464.48.

b) R-17-97 Diversity Committee Name Change

WHEREAS, the members of the Township's Committee for Diversity have requested that the Committee's name be changed to the Livingston Committee for Diversity and Inclusion; and

WHEREAS, the Township Council supports the request as the name change would demonstrate the Township's commitment to celebrating its differences while at the same time conveying that we are all unified as residents of Livingston.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey, that the Township Council officially changes the name of the Livingston Committee for Diversity to the Livingston Committee for Diversity and Inclusion.

c) R-17-98 Award of Contract for Miracle Chemical Company

WHEREAS, the Township of Livingston ("Township") has a need for water treatment chemicals; and

WHEREAS, on February 9, 2017, the Township of Livingston issued Bid No. 002-2017 as an open-ended contract, to solicit bids from companies that provide water treatment chemicals; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on February 9, 2017 and as a result eleven (11) bid packages were requested; and

WHEREAS, on March 8, 2017, four (4) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of Miracle Chemical Company was identified as the lowest responsive and responsible bidder for items one, four, six and eight whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible; and

WHEREAS, Miracle Chemical Company's schedule of pricing is attached; and

WHEREAS, the Director of Senior, Youth and Leisure Services, Superintendent of the Water Pollution Control Facility and Junior Utility Engineer have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to Miracle Chemical Company; and

WHEREAS, the Acting Township Manager is recommending the award of a twenty-four (24) month contract to Miracle Chemical Company; and

WHEREAS, prior to incurring the liability by placing the order, the certification of availability of funds shall be made by the chief financial officer, as appropriate, per N.J.A.C. 5:30-5.5 (b) 2; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Acting Township Manager to enter into a twenty-four (24) month contract with Miracle Chemical Company.

d) R-17-99 Authorizing Contract with Univar USA, Incl. Change Order 1 and Final Payment for 2016 Water Main Improvements

WHEREAS, the Township of Livingston ("Township") has a need for water treatment chemicals; and

WHEREAS, on February 9, 2017, the Township of Livingston issued Bid No. 002-2017 as an open-ended contract, to solicit bids from companies that provide water treatment chemicals; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on February 9, 2017 and as a result eleven (11) bid packages were requested; and

WHEREAS, on March 8, 2017, four (4) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of Univar USA, Inc. was identified as the lowest responsive and responsible bidder for item five whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible; and

WHEREAS, Univar USA, Inc.'s schedule of pricing is attached; and

WHEREAS, the Superintendent of the Water Pollution Control Facility has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Univar USA, Inc.; and

WHEREAS, the Acting Township Manager is recommending the award of a twenty-four (24) month contract to Univar USA, Inc.; and

WHEREAS, prior to incurring the liability by placing the order, the certification of availability of funds shall be made by the chief financial officer, as appropriate, per N.J.A.C. 5:30-5.5 (b) 2; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Acting Township Manager to enter into a twenty-four (24) month contract with Univar USA, Inc.

e) R-17-100 Authorizing Contract with George S. Coyne Chemical, Inc.

WHEREAS, the Township of Livingston ("Township") has a need for water treatment chemicals; and

WHEREAS, on February 9, 2017, the Township of Livingston issued Bid No. 002-2017 as an open-ended contract, to solicit bids from companies that provide water treatment chemicals; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on February 9, 2017 and as a result eleven (11) bid packages were requested; and

WHEREAS, on March 8, 2017, four (4) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of George S. Coyne Chemical, Inc. was identified as the lowest responsive and responsible bidder for items two and three whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible; and

WHEREAS, George S. Coyne Chemical, Inc.'s schedule of pricing is attached; and

WHEREAS, the Junior Utility Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to George S. Coyne Chemical, Inc.; and

WHEREAS, the Acting Township Manager is recommending the award of a twenty-four (24) month contract to George S. Coyne, Inc.; and

WHEREAS, prior to incurring the liability by placing the order, the certification of availability of funds shall be made by the chief financial officer, as appropriate, per N.J.A.C. 5:30-5.5 (b) 2; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Acting Township Manager to enter into a twenty-four (24) month contract with George S. Coyne Chemical, Inc.

f) R-17-101 Authorizing Change Order 3 and Final Payment to Layne Christiansen Company (Wells 3, 4, 5, and 8)

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1300029") with Layne Christensen Company, Inc. for Livingston Well 3, 5, 4, & 8 Treatment Upgrades at Dorsa Avenue, Wahler Road & Madison Court; and

WHEREAS, the initial Contract was not to exceed Two Million, Three Hundred Thirty Six Thousand, Three Hundred Twelve Dollars and no cents (\$2,336,312.00); and

WHEREAS, due to field conditions which resulted in changed quantities, Change Order Number Three has been requested:

A.	EXTRAS	
	CO#1 - Multipart change order covering the installation of additional wells and other building upgrades (approved R-14-195)	\$378,394.66
	CO#2 - Additional piping for extended setting at Wells 15 and 16 (approved R-15-206)	\$5,100.00
	CO#3	
	Purchase of Well 8 Pump	\$30,000.34
	Additional site electrical work	\$15,800.00
	Additional air lines, tubing and wiring for Wells 15 and 16	\$700.00
	Total CO # 3	\$46,500.34
	Grand Total (CO#1, CO#2 & CO#3)	\$429,995.00

WHEREAS, the total amount for change order number three is \$46,500.34, making the new contract sum \$2,766,307.00; and

WHEREAS, change orders number one, two and three have increased the initial contract amount by 18.40%; and

WHEREAS, this Change Order has been recommended by Nathan Kiracofe, Junior Utility Engineer and Russell A. Jones, Jr., Acting Township Manager; and

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

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 3 and Final to the Contract Layne Christensen Company, Inc. for Livingston Well 3, 5, 4, & 8 Treatment Upgrades at Dorsa Avenue, Wahler Road & Madison Court; 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.

g) R-17-102 Authorizing Disposition of Surplus Property (Fire Department)

WHEREAS, the Township of Livingston is the owner of certain personal property described on the attached Schedule A and which is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40A:11-36 (7) allows for the inclusion of the sale of personal property no longer needed for public use to offset the price of a new purchase and the Township of Livingston has determined that a 2003 Ford Expedition is no longer needed for public use; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston that said property listed on the attached schedule shall be traded-in.

h) R-17-103 Professional Engineering Services for Upgrades to Well 11 and Water Treatment Plant Facility

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the upgrades to well number eleven and water treatment plant facility 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 Junior Utility Engineer and Acting Township Manager are recommending the award of a contract to Mott MacDonald to provide professional engineering services for the upgrades to well number eleven and water treatment plant facility as required by the Township in an amount not to exceed \$68,000.00; and,

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

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 \$68,000.00 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.

i) R-17-104 Authorizing Sale of Surplus Property (DPW)

WHEREAS, the Township of Livingston has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, some items are appropriate for sale and will be auctioned pursuant to N.J.S.A. 40A:12-13.

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of Livingston intends to utilize the online auction services of USGovBid located at www.usgovbid.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9; and

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 Township of Livingston is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled www.usgovbid.com.

j) R-17-105 Field Usage Fees

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

WHEREAS, the Director of Senior, Youth & Leisure Services has requested the following fees be enacted beginning July 1, 2017:

	<u>Fields Grass</u>	<u>Turf</u>	<u>w/Lights Addt'l</u>
Sponsored Organizations:			
SYLS/Recreation Activities/Programs	No Fee	No Fee	No Fee
Livingston School Sports/Activities	No Fee	No Fee	No Fee
St. Philomena's Church*	No Fee	No Fee	No Fee
Livingston Youth Sports Organizations:			
Livingston Boys LL Baseball	\$5/pp	No Fee	No Fee
Livingston Girls LL Softball	\$5/pp	No Fee	No Fee
Livingston Jr Lancers Football	\$12/pp	No Fee	No Fee
Livingston Lacrosse Club	\$12/pp	No Fee	No Fee
Livingston Sr. Little League	\$12/pp	No Fee	No Fee
Livingston Soccer Club	\$12/pp	No Fee	No Fee

Livingston Youth Sports Organizations would be allowed to conduct one (1) tournament per year with No Fee.

Recognized Baseball/Softball Sports Organizations

Church Softball League	\$25/G or P		\$30/G/P
Sr. Citizens Softball League	\$25/G or P		\$30/G/P
Temple Softball League	\$25/G or P		\$30/G/P
Thunder/Lightning Softball	\$25/G or P		\$30/G/P

	<u>Grass</u>	<u>Turf</u>	<u>w/Lights Addt'l</u>
Township Groups—Majority (50% & up) Livingston Residents:			
	\$30/G or P	\$100/G/P	\$30/G/P

	<u>Grass</u>	<u>Turf</u>	<u>w/Lights Addt'l</u>
Partly Livingston Residents: (1-49%)			
	\$55/G or P	\$125/G/P	\$30/G/P

Miscellaneous:

Livingston Businesses	\$55/G or P	\$125/G/P	\$30/G/P
Livingston Residents – groups	\$55/G or P	\$125/G/P	\$30/G/P
Livingston Non-Profits	\$55/G or P	\$125/G/P	\$30/G/P

Fees for the “per person” categories (pp) are “Season” (Spring, Summer, Fall) and not an annual charge. A copy of rosters must be submitted with payments, and are due by mid-season (i.e., May 1, July 1, and October 1).

All other fees are to be paid at the time of Field Request application with SYLS on all other groups or organizations. Credit will be given for weather cancellations or field closures—No Refunds. Credit must be used within current season.

***St. Philomena’s Church is exempt from paying field fees due to the fact they allow the Township to utilize their fields.**

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston that effective April 17, the Department of Senior, Youth & Leisure Services is authorized to charge the fees for various programs, as set forth in this resolution.

k) R-17-106 Authorizing Issuance of A Duplicate Tax Sale Certificate Pursuant to N.J.S.A. 54:5-52.1

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to **MTAG Cust Caz Creek NJ, LLC** which certificate is dated December 19,2014 covering premises commonly known and referred to as **Lot 37 in Block 4009** as set out on the municipal tax map then in use which certificate bears number **14-0075**.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax collector that they have lost the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be it resolved by the Mayor and Governing Body of the Municipality of Livingston Township that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$ 100. Per certificate, to Issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

l) R-17-107 Resolution of the Township Council Rejecting Bid (Leak Detection Survey)

WHEREAS, the Township of Livingston ("Township") has the need for on-call leak detection services; and

WHEREAS, on March 16, 2017, the Township of Livingston issued BID No. 008-2017 to solicit bids from companies experienced in on-call leak detection services; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on March 16, 2017, and as a result eight (8) bid packages were requested; and

WHEREAS, on April 4, 2017, one (1) bid was received by the deadline and publicly read; and

WHEREAS, in accordance with Section VI.D., "Award of Bid", in the bid documents, the Township of Livingston desires to exercise its right to reject the bid for the on-call leak detection services due to the fact that the apparent low bid substantially exceeds the cost estimate for these services (N.J.S.A. 40A:11-13.2 (a)) and

WHEREAS, the Acting Township Manager recommends rejecting the bid and reissuing the bid as soon as practicable.

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 bid received in connection with the issuance of Bid No. 008-2017 is hereby rejected.

m) R-17-108 Allowing Self-Review of Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Livingston has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2017 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Livingston that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth

c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

m) R-17-109 Requesting Permission for the Dedication By Rider for Donations for the Township of Livingston's First Annual Pick-It-Up Day As Required by N.J.S.A. 40A:5-29

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS FOR THE TOWNSHIP OF LIVINGSTON'S FIRST ANNUAL PICK-IT-UP DAY AS REQUIRED BY N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the "Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of funds from gifts bequests, and donations by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Township of Livingston's First Annual Pick-It-Up Day donations are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE BE IT RESOLVED, by the Governing Bod of the Township of Livingston, County of Essex, and State of New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to place gift funds received by the Township of Livingston for "Pick-It Up Day" Donations in a specified fund to be considered a dedication by rider to the budget in accordance with N.J.S.A. 40A:4-39 for Township of Livingston "Pick it Up Day" donations.

2. The Municipal Clerk of The Township of Livingston is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

3. This resolution shall not become effective until this resolution is approved by the Director of the Division of Local Government Services.

On motion duly made and seconded, and on roll call vote of Resolutions R-17-96 through R-17-109, inclusive, all members present voted YES.

Public Comment

Laurie Beacham, 37 S. Ashby Ave., spoke and presented a Petition in support of the Council's passage of a "Fair and Welcoming" Resolution.

Lewis Feldman, 10 Chelsea Drive, spoke urged the Council to pass a "Fair and Welcoming" Resolution, and responded to legal, financial and political concerns connected to such Resolution.

Dr. Satty Gill Keswani, 176 W. Mt. Pleasant Avenue, spoke in favor of Sanctuary Cities.

Michael Ipp, 101 Martin Rd., urged the Council to adopt a "Fair and Welcoming " Resolution.

Niurka Vazquez, through interpreter Rev. James DeBoar, spoke in favor of a "Fair and Welcoming" Resolution.

Fred Friedman, 1304 Pointe Gate Drive, spoke in opposition to a "Fair and Welcoming" Resolution, arguing that it would imply that the Township was not "fair and welcoming" before. He stated that "anyone who is here legally has nothing to fear."

Walt LeVine, 345 Walnut Street, addressed the suggested "Fair and Welcoming" Resolution.

Scott Galbraith, 5 Charles Street, stated such a Resolution "would enlist locals and deputize them as immigrant enforcement agents."

Dennis Duffy, 38 Bennington Road, addressed the new Madonna Field.

Robert Hunter, 89 Elmwood Drive, discussed illegal immigration.

Rev. James DeBoar, Federated Church of Livingston, spoke in favor of a "Fair and Welcoming" Resolution, and distributed supporting papers to the Council.

Adjournment

At 8:45 p.m., the Regular Meeting adjourned.

Shawn R. Klein
Mayor

Glenn R. Turteltaub
Township Clerk