

Livingston, New Jersey
May 1, 2017
Meeting #5

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.

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.

Mayor Klein reported on the recent success of "Pick It Up Livingston," and thanked the volunteer workers for their efforts and time.

Presentations

a) Preeclampsia Awareness Month—This presentation was adjourned to the Regular Meeting of May 22, 2017.

b) Public Service Recognition Week—Mayor Klein read a Proclamation commemorating Public Service Recognition Week, and thanked the Township's employees for their work.

c) Livingston Philanthropies---Mayor Klein presented Jeff "The Coat Guy" Friedman with a Citation in recognition of his and the organization's humanitarian efforts.

Essex County Update/Questions

Eileen Fishman, Liaison to Essex County Executive Joe DiVincenzo, and discussed recent and upcoming County events.

Public Hearing on 2017 Municipal Budget

a) R-17-110a To Read Budget by Title

WHEREAS, N.J.S.A. 40A 4-8 as amended provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Budget

(a) shall be made available for public inspection in the free public library, if any, of the municipality and in the free county libraries or regional libraries located in the municipality or, if no county libraries or regional libraries are located in the municipality, the county or regional library of the county in which the municipality is located, and the public officer delegated responsibility for delivering copies of the approved budget to such library shall forward to the governing body an attestation that each such delivery was made, and

(b) is made available to each person requesting the same, during said week and during the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Livingston that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended set forth in subsections 1(a) and 1(b), have been met and therefore the Budget shall be read by title only.

b) R-17-110b To Adopt Budget

Be it Resolved by the Township Council of the Township of Livingston, County of Essex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$31,289,325.75 (Item 2 below) for municipal purposes, and

(b) \$0.00 (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,

(c) \$0.00 (Item 4 below) to be added to the certificate of amount to be raise by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County board of Taxation of the following summary of general revenues and appropriations.

(d) \$362,035.00 (Sheet 43) OpenSpace, Recreation, Farmland and Historic Preservation Trust Fund Levy

(e) \$2,589,009.80 Minimum Library Levy

Paul Bini, 166 W Hobart Gap Rd., discussed budgeting for Animal Control items; Acting Township Manager Jones responded.

Bernard Searle, 14 Washington Court, stated that nothing was listed in the 2017 Proposed Budget to go forward with the DPW building once a site was selected.

On motion duly made and seconded, and on roll call vote, all members present voted YES. Councilmember Anthony thanked Acting Township Manager Jones and Chief Financial Officer Kim Keintz, and commended them for "a great job".

Councilmember Silverman thanked Mr. Jones and Ms. Keintz for "stepping in". He noted that the Budget was a twelve month process, and asked that a six month Budget review be conducted and that the Department Heads be brought back in July 2017, and suggested that the Board of Education do the same. Councilmember Fernandez and Councilmember Meinhardt each thanked Mr. Jones and Ms. Keintz. Mr. Meinhardt thanked the Department Heads and Township employees as well as volunteers.

Public Comments on Agenda Items

Consent Agenda R-17-111 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 May 1, 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) April 17, 2017

*Approval of Licenses

Final Hearing Ordinances

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

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 61 ALCOHOLIC BEVERAGES, ARTICLE IV PUBLIC RECREATING AREAS, was read by title. There being no speakers, on motion duly made and seconded and on voice vote, the hearing was closed. On motion duly made and seconded, and on roll call vote, all members present voted YES. The Ordinance was ordered advertised according to law.

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

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 227 PROPERTY MAINTENANCE REGULATING THE PLANTING, GROWING, MAINTENANCE AND/OR CULTIVATING OF BAMBOO was read by title. This Ordinance was withdrawn and replaced by Proposed Ordinance 14-2017 to be introduced later in the evening.

Proposed Ordinances

a) Ord.12-2017 Amended Fees Schedule

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING FEES SCHEDULE was read by title and introduced on first reading. On motion duly made and seconded, and on voice 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.

b) Ord. 13-2017 Refunding Bond Ordinance

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY, APPROPRIATING \$4,600,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$4,600,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF was read by title and introduced on first reading. On motion duly made and seconded, and on voice 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.

c) Ord.14-2017 Amending and Supplementing Chapter 227 Property Maintenance Regulating the Planting, Growing, Maintenance and/or Cultivating of Bamboo

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON was read by title and introduced on first reading. On motion of Councilmember Fernandez, 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-17-112 Authorizing Contract with Iron Hills Construction, Inc.

WHEREAS, the Township of enter into to exceed \$2,006,464.48.

WHEREAS, the Township of Livingston ("Township") has the need for the Headworks Modifications at the Water Pollution Control Facility that cannot otherwise be performed by its regular employees; and

WHEREAS, on March 9, 2017, the Township of Livingston issued Bid No. 005-2017 to solicit bids from contractors experienced in headworks modifications; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on March 9, 2017 and as a result twenty-three (23) bid packages were requested; and

WHEREAS, on April 5, 2017, five (5) bids were received by the bid deadline and publicly read; and

WHEREAS, Iron Hills Construction, Inc. 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 Consulting Engineer and Superintendent of the Water Pollution Control Facility have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to Iron Hills Construction, Inc.; and

WHEREAS, the Acting Township Manager is recommending the award of a contract to Iron Hills Construction, Inc. in an amount not to exceed \$398,908.00; 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 Iron Hills Construction, Inc. in an amount not to exceed \$398,908.00.

b) R-17-113 Authorizing a Contract with Ischia Corp.

WHEREAS, the Township of Livingston ("Township") has the need for the Milling and Paving of Falcon Road Section 4 that cannot otherwise be performed by its regular employees; and

WHEREAS, on March 9, 2017, the Township of Livingston issued Bid No. 004-2017 to solicit bids from contractors experienced in milling and paving; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on March 9, 2017 and as a result eighteen (18) bid packages were requested; and

WHEREAS, on April 5, 2017, nine (9) 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; and

WHEREAS, the Acting Township Manager is recommending the award of a contract to Ischia Corporation in an amount not to exceed \$262,944.71; 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 \$262,944.71.

c) R-17-114 Authorizing Contract with Fullerton Grounds Maintenance

WHEREAS, the Township of Livingston ("Township") has a need for the purchase, delivery and installation of trees; and

WHEREAS, on March 16, 2017, the Township of Livingston issued Bid No. 007-2017 as an open-ended contract, to solicit bids from companies that furnish, deliver and install trees; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on March 16, 2017 and as a result six (6) bid packages were requested; and

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

WHEREAS, the company of Fullerton Grounds Maintenance 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., is responsive and responsible; and

WHEREAS, Fullerton Grounds Maintenance's schedule of pricing is attached; and

WHEREAS, the Superintendent of Public Works has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Fullerton Grounds Maintenance; and

WHEREAS, the Acting Township Manager is recommending the award of a twenty-four (24) month contract to Fullerton Grounds Maintenance; 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 Fullerton Grounds Maintenance.

d) R-17-115 Authorizing Purchases Under State of New Jersey Cooperative Purchasing Program

THIS RESOLUTION WAS WITHDRAWN.

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and,

WHEREAS, the Township of Livingston has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced State contract vendors through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current State contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the purchase of certain goods and services from those approved New Jersey State contract vendors on the attached list, pursuant to all the conditions of the individual State contracts; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds shall be certified at such time as the goods or services are called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2017 or upon the expiration of the vendors' contract, whichever event first occurs.

e) R-17-116 Authorizing 2016 Municipal Recycling Tonnage Grant Application (Memorialization)

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2016 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council of the Township of Livingston to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Livingston that the Township of Livingston hereby endorses the submission of the Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, and designates Russell A. Jones, Jr., Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

On motion duly made and seconded, and on roll call vote of Resolutions R-17-112, 113, 115 and 116, all members present voted YES.

Public Comment

Karen Politi, 40 Washington Court, discussed whether the clearing of her property is her responsibility. Walter LeVine, Chair of the Livingston Environmental Commission, indicated that the answer to her questions was unfortunately yes, but that existing bamboo was grandfathered under the proposed new Ordinance.

Barbara Eisler, W. Oak Ridge Drive, showed photographs of her fence which had been broken through by bamboo plantings.

Adjournment

At 9:10 p.m., the Regular Meeting adjourned.

Shawn R. Klein
Mayor

Glenn R. Turteltaub
Township Clerk