

Livingston, New Jersey
May 22, 2017
Meeting #6

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.

Presentations

a) Presidential Awards and Excellence in Community Services Awards—Susan Ridley and Patty Arnold on behalf of LYCS spoke of the Excellence in Community Services Awards. The Mayor and Councilmembers then called their names, and distributed Certificates to the honorees. The Presidential Awards will be presented at an upcoming Council meeting.

b) LACD -- The Mayor presented plaques to graduating seniors Emma Greenberg and Lawrence Lerman, in recognition of their years of service on the Livingston Advisory Committee for Disabilities (LACD). Committee Chair Bob Gebroe spoke in honor of "two exceptional kids" who devoted "hundreds if not thousands of hours to the LACD.

c) 2017 Livingston All-Girls Robotics Team—Mayor and Councilmembers read and presented Citations to members of the Livingston All-Girls Robotics Team in recognition of their many accomplishments. Coach Lu and Team Captain Tiffany Yu spoke about the team's success and thanked the Mayor and Council for their support.

d) Preeclampsia Awareness Month—Mayor Klein presented a plaque to Dr. Richard Bloomstein in recognition of Preeclampsia Awareness Month.

e) MJ DePaola—Mayor Klein presented a Citation to LHS varsity pitcher M J DePaola, in recognition of his having thrown a No-Hitter in First Career Start as an LHS Varsity Pitcher.

f) "Pick It Up" Committee—Mayor Klein presented Citations to Chair Shira Rost and to the volunteer members of "Pick It UP", Livingston's 1st annual Town-Wide Clean Up Day, including Diana Lyell, Barbara Pinkham, Alice Stein, Hayley Prochazka and Cari Adelson.

g) Essex County Surrogate Stephens—The presentation of Surrogate Stephens was adjourned to an upcoming meeting.

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-17-117 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 22, 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) May 1, 2017

*Approval of Licenses

Final Hearing Ordinances

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

Second and final hearing of the ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON TO CREATE A NEW R-5K RESIDENTCE DISTRICT, was adjourned to the Regular Meeting of June 12, 2017.

b) Ord. 12-2017 Amended Fees Schedule

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMEDNING FEES SCHEDULE 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.

c) Ord. 13-2017 Refunding Bond Ordinance Providing for Refunding of Certain General Obligation Refunding Bonds and Appropriating \$4,600,000 Therefor and Authorizing Issuance of \$4,600,000 Bonds or Notes for Financing Second and Final reading of this Ordinance was adjourned to the Regular Meeting of June 12, 2017.

d) Ord. 14-2017 Amending and Supplementing Chapter 227 Property Maintenance Regulating the Planting, Growing, Maintenance and/or Cultivating of Bamboo was read by title. Heiner Paetzold, 2 Vanderbilt Drive, inquired as to how many persons were affected by the bamboo problem and asked "what is the issue"? The Mayor responded and explained. There being no other 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.

Proposed Ordinances

11. Resolutions

a) R-17-118 Authorizing Contract with Gioradano Company, Inc.

WHEREAS, the Township of Livingston ("Township") has a need for the collection, removal and disposal of recyclable materials from its residents and other Township locations that cannot otherwise be performed by Township employees; and

WHEREAS, on February 9, 2017, the Township of Livingston issued Bid No. 001-2017, to solicit bids from companies experienced in the collection, removal and disposal of recyclable materials; and

WHEREAS, the bid was advertised on the Township of Livingston website, West Essex Tribune and Star Ledger on February 9, 2017 and as a result thirteen (13) bid packages were requested; and

WHEREAS, on April 26, 2017, two (2) bids were received by the bid deadline and publicly read; and

WHEREAS, the firm of Giordano Company, 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 Acting Township Manager and Purchasing Manager have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to Giordano Company, Inc.; and

WHEREAS, the Acting Township Manager recommends the award of a contract for five (5) years (an initial period of three (3) years, with one (1) - two (2) year option to renew at the sole discretion of the Township) in the amount of Two Million Ninety Thousand Two Hundred Dollars (\$2,090,200.00) as follows: Year 1 - \$413,400.00; Year 2 - \$413,400.00; Year 3 - \$413,400.00; Year 4 - \$425,000.00; and Year 5 - \$425,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2017 budget and pending adoption of a transfer resolution approving the transfer of 2017 budget appropriations. Funding for years 2018 through 2022 is subject to the appropriation of sufficient funds in the 2018, 2019, 2020, 2021 and 2022 municipal budgets.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, County of Essex, State of New Jersey, that it authorizes the Acting Township Manager to enter into a five (5) year contract (an initial term of three (3) years, with a single option to renew for an additional two (2) years) with Giordano Company, Inc. in an amount not to exceed \$2,090,200.00 for the collection, removal and disposal of recyclable materials.

b) R-17-119 Authorizing Contract with DiMilia, Inc.

WHEREAS, the Township of Livingston ("Township") has a need for tennis court reconstruction at the Livingston High School (Memorial Park) Contract Number One that cannot otherwise be performed by its regular employees; and

WHEREAS, on April 6, 2017, the Township of Livingston issued Bid No. 009-2017 to solicit bids from contractors experienced in tennis court reconstruction; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on April 6, 2017 and as a result twelve (12) bid packages were requested; and

WHEREAS, on April 26, 2017, five (5) bids were received by the bid deadline and publicly read; and

WHEREAS, DiMilia, Inc. was identified as the lowest responsive and responsible bidder for contract number one 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, the Township Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to DiMilia, Inc.; and

WHEREAS, the Acting Township Manager is recommending the award of a contract to DiMilia, Inc. in an amount not to exceed \$455,600.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available; 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 contract with DiMilia, Inc. in an amount not to exceed \$455,600.00.

c) R-17-120 Authorizing Contract with O'Brien and Geer

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Water Pollution Control Facility Generator Replacement 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, the Township of Livingston solicited proposals from three companies qualified to provide professional engineering services for generator replacements; and

WHEREAS, O'Brien & Gere Engineers, Inc. submitted the lowest price proposal; and

WHEREAS, O'Brien & Gere Engineers, Inc. has completed and submitted a business Entity Disclosure Certification which certifies that O'Brien & Gere Engineers, Inc. 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 O'Brien & Gere Engineers, Inc. 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 O'Brien & Gere Engineers, Inc. to provide professional engineering services for the Water Pollution Control Facility Generator Replacement as required by the Township in an amount not to exceed \$63,500.00; 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 O'Brien & Gere Engineers, Inc. in an amount not to exceed \$63,500.00 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.

d) R-17-121 Authorizing Contract with M2 Associates, Inc.

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Wells 17 & 18 Preliminary Design and Test Well Construction 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, M² Associates, Inc. has completed and submitted a business Entity Disclosure Certification which certifies that M² Associates, Inc. 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 M² Associates, Inc. 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 M² Associates, Inc. to provide professional engineering services for the Wells 17 & 18 Preliminary Design and Test Well Construction as required by the Township in an amount not to exceed \$212,560.00; 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 M² Associates, Inc. in an amount not to exceed \$212,560.00 as described herein; and

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.

e) R-17-122 Authorizing Contract with Mott MacDonald

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Well Facility and Interconnection SCADA 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 Junior Utility Engineer and Acting Township Manager are recommending the award of a contract to Mott MacDonald, LLC to provide professional engineering services for the Well Facility and Interconnection SCADA Upgrades as required by the Township in an amount not to exceed \$63,000.00; 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 \$63,000.00 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.

f) R-17-123 Authorizing Contract with Seminaro Construction Company, Inc.

WHEREAS, the Township of Livingston ("Township") has a need for a leak detection survey and on-call leak detection services that cannot otherwise be performed by its regular employees; and

WHEREAS, on April 20, 2017, the Township of Livingston issued Bid No. 008R-2017 as an open ended contract to solicit bids from contractors experienced in leak detection surveys and on-call leak detection services; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on April 20, 2017 and as a result eleven (11) bid packages were requested; and

WHEREAS, on May 10, 2017, two (2) bids were received by the bid deadline and publicly read; and

WHEREAS, Frank Semeraro Construction Company, 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., is responsive and responsible; and

WHEREAS, Frank Semeraro Construction Company, Inc. submitted a unit price of \$185.00 per mile for a leak detection survey and \$750.00 per hour for on-call leak detection services; and

WHEREAS, the Junior Utility Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Frank Semeraro Construction Company, Inc.; and

WHEREAS, the Acting Township Manager is recommending the award of a twenty-four (24) month contract to Frank Semeraro Construction Company, 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 Frank Semeraro Construction Company, Inc.

g) R-17-124 Authorizing Change Order Number 2 with Mott MacDonald

WHEREAS, the Township Council of the Township of Livingston entered into a contract ("Contract C1400004") with Mott MacDonald for the water system planning and water system improvements; and

WHEREAS, the initial Contract was not to exceed Two Hundred Ten Thousand Seven Hundred Fifty Dollars and no cents (\$210,750.00); and

WHEREAS, due to field conditions and contract changes, Change Order Number Two has been requested:

A.	EXTRAS	
	CO#1 – Alternatives analysis for water treatment alternatives (approved R-15-60)	\$4,500.00
	CO#2	
	Engineering fees for re-bid	\$3,000.00
	Permit fee reimbursement	\$10,650.00
	Total CO # 2	\$13,650.00
	Grand Total (CO#1 & CO#2)	\$18,150.00

WHEREAS, the total amount for change order number two is \$13,650.00, making the new contract sum \$228,900.00; and

WHEREAS, change orders number one and two have increased the initial contract amount by 8.61%; 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 2 to the Contract with Mott MacDonald for water system planning and water system improvements; 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.

h) R-17-125 Authorizing Contract with Marucci Eng. Assoc.LLC

WHEREAS, the Township of Livingston has a need to for professional engineering services for an interim water operator 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, Marucci Engineering Associates, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Marucci Engineering Associates, 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 Marucci Engineering Associates, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Acting Township Manager is recommending the award of a contract to Marucci Engineering Associates, LLC to serve as interim water operator as required by the Township at a cost of \$3,300.00 per month; 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 Marucci Engineering Associates, LLC through December 31, 2017 in an amount not to exceed \$23,100.00 as described herein; and,

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-17-126 Approving SYLS Updated Program Fees

WHEREAS, in accordance with ordinance No. 44-1997, the Township Council is authorized to adopt by resolution program fees; and

WHEREAS, the Director of Senior, Youth & Leisure Services has requested the attached fees be enacted effective May 22, 2017;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston that effective May 22, 2017 the Department of Senior, Youth & Leisure Services is authorized to charge fees as set forth in this resolution.

j) R-17-127 Authorizing Entering Into Water Main Easement Agreement

WHEREAS, the Township of Livingston had obtained a 10-foot water main easement on Block 700, Lot 45, 230 West Mount Pleasant Avenue ("easement"); and,

WHEREAS, the Township has determined that the easement needs to be expanded from 10 feet to 15 feet; and

WHEREAS, the homeowner has consented to granting the increased easement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that it enter into a 15-foot water main easement agreement to establish a water main easement on Block 700, Lot 45; and

BE IT FURTHER RESOLVED that the Township Attorney is authorized to prepare the necessary documents to effectuate the granting of the easement

k) R-17-128 Enter Into an Amending Agreement With Congregation B'Nai Jeshurun

WHEREAS, in 1962 there was created an agreement between Congregation B'Nai Jeshurun and the Township of Livingston which grants and imposes upon the Township certain rights and responsibilities with respect to the access area described in the 1962 agreement; and

WHEREAS, there was litigation involving Wilshire Drive, LLC and the Township of Millburn which was resolved by Court Order bearing the date of May 11, 2016; and

WHEREAS, pursuant to the Court Order there is to be recorded an amendment to the 1962 agreement to enlarge the described access area for the new cul-de-sac as depicted on Casey & Keller's plat dated April 17, 2014, revised December 24, 2014; and

WHEREAS, this agreement is intended to be and is the amendment to enlarge the described access area for the new cul-de-sac.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Mayor is authorized to sign an amending agreement with Congregation B'Nai Jeshurun pursuant to the Court Order described above.

l) R-17-129 Setting Forth Reasons for Passing Zoning Ordinance Inconsistent With Master Plan

WHEREAS, Livingston Planning Board has recommended the enactment of Ordinance 11-2017 rezoning Lots 19, 20, 21 in Tax Block 1900 from the R-4 Residence District to the R-5K Residence District even though it is inconsistent with the Township of Livingston's Master Plan; and,

WHEREAS, pursuant to N.J.S.A. 40:50D-62(a), governing body may adopt a zoning ordinance inconsistent with the Master Plan by placing by an affirmative vote of the majority of the full authorized membership of the governing body a Resolution setting forth appropriate reasons for the adoption of the zoning ordinance; and

WHEREAS, the Township Council's appropriate reasons for the adoption of the zoning ordinance 11-2017 though inconsistent with the Master Plan are as follows:

1. The Master Plan recommended and the Council enacted Ordinance No. 21-2005 to create the BN Neighborhood Business District from mixed use zoning that included two-family residences, and development approval for such residences within affordable component has been granted.

2. The housing element and fair share plan of the Master Plan recommends that small Township-owned parcels and single family residential districts be made available for two-family affordable residences.

3. Making inclusionary development of the single-family dwellings and option available to private property owners at appropriate residence district locations will provide more affordable housing while reducing the burden of larger multi-family development may place upon community infrastructure and services.

4. The properties that would be rezoned by this ordinance are on the opposite side of East McClellan Avenue from the BN District where two-family housing within affordable component has already been approved.

5. The fact that the housing element and fair share plan (adopted and endorsed in January, 2016) has a provision, at page 46, that Township owned lots be available construction of affordable single-family and two-family homes recognizes that two-family homes are not themselves inherently inconsistent with the Master Plan.

6. The rezoning reduces lot sizes and required setbacks and provides an increase in permitted density that improves the economic liability of providing affordable units.

7. Providing inclusionary single-family and two-family affordable housing at this location other than large multi-family residential development conserves market demand that is consistent with the promotion of the general welfare.

8. Despite the inconsistency with the Master Plan, the Township Council agrees with the Planning Board that the proposed rezoning of the three lots reflect sound planning in that it would end an anomalous situation and would allow efficient development of the property that would be similar to most other land uses in the area and would provide a new retail environment, with direct access from a major highway for the Livingston community and transient motorists.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that for the appropriate reasons stated above it supports the recommendation of the Livingston Planning Board to adopt Ordinance 11-2017 though it is inconsistent with the Township's Master Plan.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40:55D-62(a), a copy of this Resolution will be filed with the Essex County Planning Board.

m) R-17-130 Expressing Livingston's Commitment to Remaining a Welcoming Community

WHEREAS, the Township of Livingston has long embraced and welcomed individuals of diverse racial ethnic, religious and national background; and

WHEREAS, Livingston has been a welcoming community to immigrants including many current residents who are foreign born.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Council expresses Livingston's continued commitment to equal, respectful and dignified treatment of all people, regardless of their immigration status and to remain a welcoming community.

n) R-17-131 SYLS Updated Snack Bar Fees

WHEREAS, the Director of Senior, Youth & Leisure Services has requested the attached proposed 2017 pool concession stand prices be enacted effective May 22, 2017;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that effective May 22, 2017, the Department of Senior, Youth & Leisure Services, is authorized to charge the 2017 pool concession stand prices as set forth in this resolution at the pool concession stands.

<u>Item</u>	<u>Price</u>	<u>Proposed Price (New Item)</u>
Airheads	\$1.00	
BBQ Chips	\$1.00	
Blow Pop	\$0.50	

Cheetos	\$1.00	
Chicken Tenders	\$4.00	
Chicken w/ Fries & Drink	\$7.00	
Churros	\$3.00	
Coca Cola	\$2.00	
Coca Cola, Diet	\$2.00	
Sprite	\$2.00	
Cookie--Chocolate Brownie	\$2.00	
Cookie--Chocolate Chip	\$2.00	
Cookie—Oatmeal	\$2.00	
Cookie—Peanut Butter	\$2.00	
Cookie—Vanilla Sandwich Crème	\$2.00	
Doritos, Nacho	\$1.00	
Extra Cheese (Nachos)	\$1.00	
Extra Salsa		\$1.00
Extra Hummis		\$1.00
Extra Marinara Sauce		\$1.00
French Fries	\$2.00	
Fresh Squeezed Lemonade		\$3.00
Fritos	\$1.00	
Gatorade	\$2.00	
Hershey Bar	\$1.50	
Hummis & Pretzel Thins		\$4.00
Hoho	\$2.00	
Ice Cream—Avalanche Cup	\$3.00	
Ice Cream—Bomb Pop	\$2.00	
Ice Cream—Cherry Screwball	\$2.00	
Ice Cream—Chip Galore Sandwich	\$3.00	
Ice Cream—Chocolate Crunch	\$2.00	
Ice Cream—Cookies & Cream Sandwich	\$3.00	
Ice Cream—Frozen Fruit (Mango)	\$2.00	
Ice Cream—Frozen Fruit (Strawberry)	\$2.00	
Ice Cream—Frozen Fruit (Giant Vanilla Sandwich)	\$2.00	
Ice Cream---Ice Cup	\$3.00	
Ice Cream—Lil Bratz	\$2.00	
Ice Cream—M&M Cookie Sandwich	\$3.00	
Ice Cream—Ninja Turtle	\$2.00	
Ice Cream—Snickers Big Bar	\$3.00	
Ice Cream—Strawberry Crunch	\$2.00	
Kit Kat	\$1.50	
M&M's Plain	\$1.50	
Mac & Cheese Bites		\$4.00
Mac & Cheese Bites w/Fries and Drink		\$7.00
Mozerella Sticks		\$4.00
Muffins	\$1.00	
Nachos	\$4.00	
Philly Pretzel	\$2.00	
Pizza	\$7.00	
Popcorn	\$1.00	
Potato Chips	\$1.00	
Pretzel Hot Dog w/ Fries & Drink	\$7.00	
Pretzel Hot Dog	\$4.00	
Rice Krispie Treats	\$1.00	
Ring Pop		\$0.50
Skittles	\$1.50	
Snapple	\$2.00	
Snapple, Diet	\$2.00	
Snickers	\$1.50	
Sour Patch Kids	\$1.00	
Starburst	\$1.50	
Sun Chips	\$1.00	
Tostitos & Salsa		\$4.00
Twinkie	\$2.00	
Twix	\$1.50	

Water	\$1.50
Sun Screen 1 oz.	\$2.00
Swim Diaper	\$2.00

o) R-17-132 Authorizing Purchases 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.

p) R-17-133 Appointing O'Toole Scrivo as Special Labor Counsel

BE IT RESOLVED, by the Township Council of the Township of Livingston, County of Essex, State of New Jersey, that:

1. O'Toole Scrivo is appointed Special Labor Counsel for the purposes of representing the Township of Livingston in connection with such matters as the Township Council may determine.
2. Compensation for Special Labor Counsel shall be at a rate of \$185.00 per hour.
3. This appointment of Special Labor Counsel shall expire on December 31, 2017.

g) R-17-134 Authorizing Entering Into an Litigation Settlement Agreement with Livingston Corporate Park Associates

WHEREAS, Livingston Corporate Park Associates ("LCPA") is an intervenor in a declaratory action filed by the Township of Livingston that is pending in the Superior Court of New Jersey, Law Division, Essex County, Docket No. ESX-L-9126-07 ("DJ Action"); and

WHEREAS, the DJ Action seeks a judicial determination of compliance by the Township with its obligation to provide realistic opportunity for a fair share of housing affordable to lower income households as set forth in decisions of the New Jersey Supreme Court; and

WHEREAS, LCPA previously was permitted to intervene in the DJ Action based on its stated interest in developing for exclusionary develop of property owned by LCPA consisting of approximately 13.847 acres designated as Block 6101, Lot 45 on the Township Tax Map and located near the intersection of Eisenhower Parkway and South Orange Avenue that is currently improved with an office building, surface parking and related site improvements; and

WHEREAS, following a series of meetings and communications, representatives of LCPA, Township and Planning Board reached an agreement for an overlays rezoning of the LCPA property for multifamily development subject to an affordable housing set aside requirement as described in this agreement, conditioned upon adoption of an implementing zoning ordinance amendment to be negotiated in good faith by the parties that would be the subject of public hearing conducted in accordance with applicable statutory procedural requirements and compliant with all other requirements; and

WHEREAS, this agreement is also contingent upon Court approval in the DJ Action of this agreement, Court approval of a separate agreement with intervenor Fair Share Housing Council, Court approval of the 2016 Housing Element and Fair Share Plan and entry of a new compliance judgment including a ten-year period of repose from builders remedy litigation following a duly noticed judicial fairness/compliance hearing in accordance with applicable legal requirements.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that this agreement reached after deliberation by all parties and upon the considered judgment of all parties that it is in the best interest of the public good and welfare to enter into this agreement; and, it is

THEREFORE FURTHER RESOLVED that the Mayor is authorized on behalf of the Township of Livingston to enter into this Litigation Settlement Agreement in a form acceptable to the Township Attorney with Livingston Corporate Park Associates.

Public Comment

Heiner Paetzold, 2 Vanderbilt Drive, urged the Council adopt an Ordinance such as a Maplewood Ordinance which prohibits engine, blowers, calling it a "quality of life issue".

Lori Beacham, 37, read a statement from Linda Gold Levine, and spoke on her own thanking the Council "for seriously considering " the matter and "passing something" but that she was disappointed the Council had not gone further.

Walter LeVine, 345 Walnut Street, thanked on behalf of the Livingston Environmental Commission for passing a Bamboo ordinance. He stated the next assignment for the Commission was to reviewing the Township Noise Ordinance. He also stated that other towns do require gardener registration.

Bob Hunter, 89 Elmwood Drive, discussed immigration and enforcement of immigration laws.

Fred Friedman, 1304 Pointe Gate Drive discussed immigration and addressed the "Fair and Welcoming" Resolution the Council had passed this evening was "I guess it is Okay." He claimed the government was not enforcing the existing immigration laws.

Adjournment

At 9:20 p.m., the Regular Meeting adjourned.

Shawn R. Klein
Mayor

Glenn R. Turteltaub
Township Clerk