

Livingston, New Jersey
July 10, 2017
Meeting #8

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) Surrogate Stephens—Essex County Surrogate Theodore Stephens explained the Surrogate's role, his office procedures and hours, and highlighted the availability of information on-line.

b) Judi Nudelman—The presentation was adjourned to an upcoming meeting.

c) Ira Drucks, President, Livingston Area Chamber of Commerce---Ira Drucks advised of the Chamber's activities, highlighted upcoming Chamber events, and asked to address the Council again in the future "periodically with your invitation".

d) Police Department Swearing –in Ceremonies—In the presence of family and friends, Acting Township Manager Jones presented pins and Township Clerk Turtletaub administered oaths to the following:

Lieutenants John Drumm and Reese Riley
Sergeants Russell Mueller, Joseph D'Andrea and Michael Herbert
Officers Jaleesa Wreh and Sheena Maldonado
Auxiliary Officer Richard Vasquez
Chaplains Daniel Martin and Orlando Soto

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-17-143 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 July 10, 2017, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

On motion of Councilmember Silverman, seconded by Councilmember Meinhardt, and on roll call vote, all members present voted YES.

*Approval of Minutes

a) June 12, 2017

*Approval of Licenses

Final Hearing Ordinances

a) Ord. 15-2017 Rezoning Split-Zoned Lots in Residential Districts (Hobart Gap)

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON was read by title.

Bob Zimmerman, 8 Apple Tree Court, discussed plowing problems, the Wetlands area, and Mayor Klein responded to his questions.

John Collins, 264 W. Hobart Gap Rd., discussed concerns with the proposed Ordinance.

The Council will review the issues raised this evening, and the Second Reading of the Ordinance was adjourned to the Regular Meeting of August 7, 2017.

Proposed Ordinances

a) Ord. 16-2017 Rezoning Split-zoned Lots in Business and Residential Districts (Near CVS)

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON 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, August 7, 2017.

b) Ord. 17-2017 Amending R-5J Residence District (Chapter 10 of the Code of the Township of Livingston)

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON (R-5J RESIDENCE DISTRICT) 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, August 7, 2017.

11. Resolutions

d) R-17-147 Appointing Gregory J. Bonin to the Position of Township Manager

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

WHEREAS, the Township Council has conducted an extensive search and interviewed numerous candidates 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 Livingston to appoint Gregory J. Bonin to the position.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that Gregory J. Bonin is appointed Township Manager of the Township of Livingston effective August 7, 2017.

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

a) R-17-144 Enter Into Contract with Delta Dental to Provide a Dental Plan for Township Employees (Memorialization)

WHEREAS, the dental plan the Township offers to its employees expires on May 31, 2017.

WHEREAS, Delta Dental is providing a 12-month flat renewal to our current rates.

WHEREAS, based upon the flat increase, the Township insurance consultant Fairview Insurance did not solicit proposals for a renewal contract.

WHEREAS, based upon the recommendation of Fairview Insurance and the Acting Township Manager, the Township Council had determined that the cost of the Delta Dental plan proposal is at no increase while matching the benefit level and network of the current plan; and

WHEREAS, the Chief Financial Officer has certified that funds are available in budget account 7-01-23-220-002-525;

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 accept the Delta Dental proposal and awards the contract to it for a term of one year; and

BE IT FURTHER RESOLVED THAT a copy of this Resolution shall be published in the West Essex Tribune as required by law within ten days of its passage.

b) R-17-145 Urban County Requalification (Memorialization)

WHEREAS, certain Federal funds are potentially available to the County of Essex under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the Township of Livingston desires to participate in the Essex County Urban County for conducting certain community development activities for Program Years 2018-2020; and

WHEREAS, a letter has been drafted by the Mayor to the Essex County Division of Housing and Community Development notifying them of the Township's desire to participate in this process; and

WHEREAS, the Grantee or a unit of general local government that directly or indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the Emergency Shelter Grants program (“ESG”) provided through Subtitle B of [Title IV](#) of the McKinney-Vento Homeless Assistance Act permits for substantial federal funds allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living.

WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by May 5, 2017 each municipality must notify the Essex County Division of Housing & Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Township of Livingston and its residents to participate in said programs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Livingston that it hereby authorizes the Mayor to execute the attached Cooperation Agreement and notifies the Essex County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and Home Investment Partnership Act Program for the Program Years 2018, 2019 and 2020 (June 1, 2018- May 31, 2020); and

BE IT FURTHER RESOLVED, that a copy to this resolution be forwarded to the Essex County Division of Housing & Community Development no later than June 28, 2017.

c) R-17-146 Authorizing a Contract with Reivax Contracting Corporation

WHEREAS, the Township of Livingston (“Township”) has a need for water main replacements on West Northfield Road, Harvest Land and Disney Place that cannot otherwise be performed by its regular employees; and

WHEREAS, on May 25, 2017, the Township of Livingston issued Bid No. 10-2017 to solicit bids from contractors experienced in water main replacements; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on May 25, 2017 and as a result twenty-five (25) bid packages were requested; and

WHEREAS, on June 13, 2017, six (6) bids were received by the bid deadline and publicly read; and

WHEREAS, Reivax Contracting 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., is responsive and responsible; and

WHEREAS, the Consulting Engineer and Junior Utility Engineer have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to Reivax Contracting Corporation; and

WHEREAS, the Acting Township Manager is recommending the award of a contract to Reivax Contracting Corporation in an amount not to exceed \$1,090,149.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in accounts C-06-55-014-008-01D, C-06-55-014-008-01H, C-06-55-015-007-01A, C-06-55-015-007-01H, C-06-55-016-003-007 & C-06-55-017-003-005.

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 Reivax Contracting Corporation in an amount not to exceed \$1,090,149.00.

e) R-17-148 Authorizing Approval of Change Order Number One with North Star Destination Strategies

WHEREAS, the Township Council of the Township of Livingston entered into a contract (“Contract C1500030”) with North Star Destination Strategies to provide a community marketing and branding plan; and

WHEREAS, the initial Contract was not to exceed Sixty Five Thousand Dollars (\$65,000.00); and

WHEREAS, due to the need for additional work, the following Change Order is requested:

A. CHANGE ORDER NUMBER ONE

1. Revisions to logo	\$5,000.00
2. Graphic standards guide	\$1,200.00
Total	\$6,200.00

WHEREAS, the total amount for change order number increases the contract amount by \$6,200.00 or 9.54% making the new contract sum \$71, 200.00; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in account 7-01-20-102-001-208.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution of Change Order Number One to the contract with North Star Destination Strategies.

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

g) R-17-149 Authorizing State of New Jersey Cooperative Purchasing Program

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.

h) R-17-150 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.

i) R-17-151 Declaration of Official Intent to Reimburse Prior Expenditures Related to Acquisition of Six Patrol Vehicles
RESOLUTION PROVIDING FOR THE DECLARATION

OF OFFICIAL INTENT UNDER TREASURY REGULATION SECTION 1.150-2
TO REIMBURSE PRIOR EXPENDITURES RELATED TO THE ACQUISITION OF
SIX PATROL VEHICLES AND RELATED EQUIPMENT

WHEREAS, the Township of Livingston (the "Township") intends to issue debt obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and that will be used to finance the acquisition of six patrol vehicles and related equipment (the debt obligations herein referred to as "Project Debt Obligations" herein referred to as the "Project");

WHEREAS, the Township intends to finance the Project, in part, with the Project Debt Obligations but may pay for certain costs of the Project ("Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Township which are not borrowed funds;

WHEREAS, the Township desires to preserve its rights to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid by the Township prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141-150 of the Code.

NOW THEREFORE, BE IT RESOLVED by the governing body of the Township as follows:

Section 1. The Township reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Township's official intent to reimburse the Township for expenditure of Project Costs by the Township paid prior to the issuance of the Project Debt Obligations with the proceeds of the Project Debt Obligations, in accordance with Treasury Regulation Section 150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$442,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulation Section 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147 of the Code. The proceeds of the Project Debt Obligations used to reimburse the Township for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds", or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulation Section 1.148-1) of the Project Debt Obligations or another issue of debt obligations of the Township, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulation Section 1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of: (i) the date the expenditure from a source other than the Project Debt Obligations is paid; or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulation Section 1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution will take effect immediately.

RECORDED VOTE

AYE

NO

ABSTAIN

ABSENT

The foregoing is a true and complete copy of a resolution adopted by the governing body of Township of Livingston at a meeting thereof duly called and held on July 10, 2017.

Secretary

[SEAL]

i) R-217-152 Awarding a Lease Purchase Agreement for Acquisition of Six Patrol Vehicles and Related Equipment

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

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

WHEREAS, the Township has sought proposals for such Lease Purchase Financing and received a bid from U.S. Bancorp Government Leasing and Finance, Inc., and

WHEREAS, the Township desires to award the Lease Purchase Financing and to set forth the basic financial terms to be incorporated into the Lease Purchase Financing and authorize the preparation, the execution and the delivery of the Master Lease Purchase Agreement (the "Lease"), the Escrow Agreement (the "Escrow Agreement"), and certain other agreements necessary or incidental to the transactions contemplated thereby.

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 Property through a Lease Purchase Financing. The Township hereby awards the Lease Purchase Financing to U.S. Bancorp Government Leasing and Finance, Inc. at an interest rate of 2.366% in accordance with its proposal.

SECTION 2. The Township hereby authorizes (i) the execution and the delivery of the Lease and other related documents, including an Escrow Agreement, and (ii) the performance by the Township of its obligations under the Lease and the Escrow Agreement, both to be dated the date of closing. The Township further authorizes and directs the Township Manager, Chief Financial Officer and the Township Clerk to approve the Lease and the Escrow Agreement, in consultation with Bond Counsel. 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 an amount not to exceed \$442,000, which will be used to finance the acquisition of the Property 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 Township Manager, the Chief Financial Officer and the Township Clerk are hereby authorized and directed to execute and to deliver on behalf of the Township each of the agreements referred to in Section 2 of this Resolution and such other agreements and certificates as may be necessary to complete the transaction contemplated by the Lease. The Township Manager, the Chief Financial Officer and the Township 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. The Township's obligations under the Lease shall be subject to annual appropriation by the Township Council as set forth in the Lease and the Township's obligations under the Lease shall not constitute general obligations of the Lessee.

SECTION 6. The Township hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Lease, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Lease.

SECTION 7. This Resolution shall take effect immediately upon its adoption.

On motion duly made and seconded, and on roll call vote of Resolutions R-144 through R-17-146 and R-148 through R-17-152, all members present voted YES.

Public Comment

Bernard Searle, 14 Washington Court, inquired as to the location of the property referred to in Ordinance 17-2017.

Adjournment

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

Shawn R. Klein
Mayor

Glenn R. Turteltaub
Township Clerk

