

Livingston, New Jersey  
August 7, 2017  
Meeting #9

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 8:15 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; Township Manager Bonin; Deputy 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) Panevino's—Anniversary—30 Years in Livingston---Mayor Klein presented a Citation to Panevino's in recognition of its thirty years in Livingston.

b) Eastman Properties -- Paul Bini on behalf of Friends of the Livingston Animal Shelter presented a Citation to Michael, Peter Schofel and Kathy Mooney of Eastman Properties in gratitude for their support of Animal Shelter. The members of the Animal Shelter Committee participated in the presentation.

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-17-153 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 August 7, 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) July 10, 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.

John Collins, 264 W. Hobart Gap Rd., discussed concerns with the proposed Ordinance and objected to the Ordinance as altering the character of the neighborhood. He stated that there was "no reason" why the property should not remain zoned R-1, as a developer could apply for a subdivision and that all properties were mostly R-2 lots. Mr. Collins stated the resulting buildings would affect his view, and diminish the value of his property with no value to anyone. Township Attorney Weiner responded, noting that in order to do zoning maps that the Township would have to eliminate split lots. It was agreed that Mr. Collins would meet with Township Planner, and the Mayor noted the Township would check with the Planner to ascertain the validity of Mr. Collins's claims.

Bernard Searle, 14 Washington Court, addressed the proposed Ordinance.

The hearing was adjourned to the Regular Meeting of September 5, 2017.

b) Ord. 16-2017 Rezoning Split-Zoned Lots in Business and Residence Districts (Area Near CVS)

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON 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. 17-2017 Amending R-5J Residence District (Chapter 170 of the Code of the Township of Livingston)

Councilmember Meinhardt recused himself and left the room.

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. Attorney Stephen Geffner requested postponement of this second hearing. He asserted that the Council had not had a chance to consider all information, that there were legal and statutory issues, and asserted that offers and the issue of historic value were "on the table." He asked what was the "pressure to push this ordinance", and suggested that the hearing of this Ordinance should be postponed until after the Planning Board has had a chance to deal with the administrative issues. He stated that consideration of the Ordinance at this time was "premature and unnecessary". 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.

Councilmember Meinhardt rejoined the meeting.

Proposed Ordinances

a) Ord. 18-2017 An Ordinance to Amend Salary Ordinance #17-2015 as Amended Entitled "An Ordinance to Amend Salary Ordinance #17-2013"

ORDINANCE TO AMEND SALARY ORDINANCE #17-2015 AS AMENDED ENTITLED "AN ORDINANCE TO AMEND SALARY ORDINANCE #17-2013" 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 Tuesday, September 5, 2017.

b) Ord. 19-2017 Authorizing the Establishment of a Government Energy Aggregation Program

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AM) 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 Tuesday, September 5, 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-17-154 Approving Acceptance of Cops in Shops Fall Incentive Grant (Memorialized)

**WHEREAS**, the Bureau of Alcohol Control of the NJ Department of Law and Public Safety administers the federal grant entitled Cops in Shops Fall Incentive, Subaward Number. AL17-45-05-01; and

**WHEREAS**, this grant program was established to prevent young people from obtaining alcohol and possibly becoming a danger to themselves and others; and

**WHEREAS**, the Township of Livingston was approved for a grant of \$1,600.00 for the Subaward Period year 2016- 2017.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that it does accept the Cops in Shops Fall Incentive grant in the amount of \$1,600.00 to aid in preventing young people from obtaining alcohol.

b) R-17-155 Authorizing a Contract Extension with Reivax Contracting Corp.

**WHEREAS**, on October 12, 2015 the Township Council of the Township of Livingston authorized the Township Manager to enter into a twenty-four (24) month contract with Reivax Contracting Corp. for the on-call sanitary sewer repairs as an open ended contract; and

**WHEREAS**, pursuant to 40A: 11-15 (45), the Township will extend its existing contract for an additional two years with Reivax Contracting Corp. at the same prices bid; and

**WHEREAS**, Reivax Contracting Corp.'s schedule of pricing is attached; and

**WHEREAS**, the Superintendent of the Water Pollution Control Facility and Acting Township Manager are recommending a two year extension of the contract with Reivax Contracting Corp. at the same prices bid; 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 extend the contract with Reivax Contracting Corp. for two years effective October 28, 2017.

c) R-17-156 Authorizing a Contract with USALCO Baltimore Plant, LLC

**WHEREAS**, the Township of Livingston ("Township") has a need to purchase polyaluminum chloride for the Water Pollution Control Facility; and

**WHEREAS**, on May 18, 2017, the Township of Livingston issued Bid No. 11-2017 as an open-ended contract, to solicit bids from companies that provide polyaluminum chloride; and

**WHEREAS**, the bid was advertised on the Township of Livingston website and West Essex Tribune on May 18, 2017 and as a seven (7) bid packages were requested; and

**WHEREAS**, on June 14, 2017, three (3) bids were received by the bid deadline and publicly read; and

**WHEREAS**, the company of USALCO Baltimore Plant, LLC 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**, USALCO Baltimore Plant, LLC submitted a price of \$1.4526 per gallon for a twenty-four (24) month contract; 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 USALCO Baltimore Plant, LLC; and

**WHEREAS**, the Acting Township Manager is recommending the award of a twenty-four (24) month contract to USALCO Baltimore Plant, LLC; 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 USALCO Baltimore Plant, LLC.

e) R-17-157 Refunding of Township General Obligation Refunding Bonds 2007

**RESOLUTION PROVIDING FOR THE FORM, MATURITIES AND OTHER  
DETAILS OF THE REFUNDING BONDS OF THE TOWNSHIP OF  
LIVINGSTON.**

August 7, 2017

**WHEREAS**, the Township Council of the Township of Livingston, in the County of Essex, New Jersey (the "Township"), has heretofore issued its General Obligation Refunding Bonds, Series 2007, in the aggregate amount of \$5,675,000, dated February 22, 2007, which bonds are subject to redemption (on or after August 1, 2017) prior to their stated dates of maturity, maturing on August 1, 2018 to 2025, inclusive, 2028 and 2031, in an aggregate amount of \$4,190,000 (the "Refunded Bonds"); and

**WHEREAS**, the Township desires to redeem the (a) Refunded Bonds on or after August 1, 2017 at a redemption price of 100% of the principal amount of the Refunded Bonds, and has adopted

a bond ordinance entitled "Refunding Bond Ordinance Providing for the Refunding of Certain General Obligation Refunding Bonds of the Township of Livingston, New Jersey, Appropriating \$4,600,000 Therefor and Authorizing the Issuance of \$4,600,000 Bonds or Notes of the Township for Financing the Cost Thereof," which authorized refunding bonds to be issued to refund the Refunded Bonds;

BE IT RESOLVED BY TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON IN THE COUNTY OF ESSEX, NEW JERSEY that:

Section 1. There shall be issued bonds of the Township in an amount not to exceed \$4,600,000 pursuant to the following bond ordinance (#13-2017):

“REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF LIVINGSTON, NEW JERSEY, APPROPRIATING \$4,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,600,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.”

Section 2. The bonds referred to in Section 1 hereof are sometimes hereinafter collectively referred to as the "Bonds." The Bonds will be issued in one series as "General Obligation Refunding Bonds, Series 2017." The Bonds of said issue (i) shall be dated the date of delivery of the Bonds, (ii) shall mature in the years 2017 through 2031, or such other years as may be determined by the Chief Financial Officer, (iii) shall bear interest at the interest rates per annum as determined by the Chief Financial Officer, (iv) shall be sold at such price or prices as determined by the Chief Financial Officer, and (v) may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer, as shall be set forth in the proposal for the purchase of the Bonds acceptance of which is authorized pursuant to Section 10 hereof. The Bonds shall be numbered one consecutively upward, and will be issued in fully registered form. When issued, the Bonds will be registered in the name of and held by Cede & Co., as the owner thereof and nominee for The Depository Trust Company, New York, New York ("DTC"), an automated depository for securities and clearinghouse for securities transactions. Upon issuance, the Bonds will be delivered to DTC in single denominations for each maturity of the Bonds. Individual purchases of beneficial interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$1,000 each or any integral multiple thereof.

Section 3. The Bonds shall bear interest from their date based on their outstanding principal amount at the rate to be set forth in Section 2 hereof, shall be payable as to principal in lawful money of the United States of America at the administration office of the Township in Livingston, New Jersey, payable semi-annually on the first day of February and August in each year until maturity or prior optional redemption, commencing on February 1, 2018, or such other commencement date as may be determined by the Chief Financial Officer, by check or draft mailed on such interest payment date to the owners thereof registered as such as of each next preceding January 15 and July 15. Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day calendar months.

Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations to be executed by the Township and DTC. Disbursal of such

payments to the DTC participants is the responsibility of DTC, and disbursement of such payments to the beneficial owners of the bonds is the responsibility of the DTC participants.

Section 4. The Bonds shall be signed by the Mayor and the Township Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Township.

Section 5. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

(FORM OF BOND)

No. 2017

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY

TOWNSHIP OF LIVINGSTON,  
IN THE COUNTY OF ESSEX

GENERAL OBLIGATION REFUNDING BOND, SERIES 2017

Date of Bond: August \_\_, 2017

Principal Amount: \$

Date of Maturity: August 1, 20\_\_

CUSIP: \_\_\_\_\_

The TOWNSHIP OF LIVINGSTON, a municipal corporation of the State of New Jersey, (the "Township") hereby acknowledges itself indebted and for value received promises to pay to Cede & Co. or registered assigns, the sum specified above as the Principal Amount on the date specified above as the Date of Maturity, upon presentation and surrender of this Bond, and to pay to the registered owner hereof interest on such sum, from the Date of Bond specified above until the Date of Maturity specified above, at the rate of \_\_\_\_\_ per centum (\_\_\_%) per annum payable on February 1, 2018 and thereafter semi-annually on the first day of August and February in each year. Principal of this Bond will be paid in lawful money of the United States of America, at the administration office of the Township in Livingston, New Jersey. Interest on this Bond will be payable in lawful money of the United States of America by check or draft mailed on such interest payment date to the registered owner hereof as shown on the books of the Township kept for such purpose by the Chief Financial Officer of the Township (the "Bond Registrar") as of the fifteenth day of the month preceding the month in which the payment of interest is to be made.

All of the Bonds, of which this Bond is one, shall be initially issued as one fully registered bond for each maturity in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company ("DTC"). Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations executed by the Township and DTC relating to the Bonds. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the Bonds is the responsibility of the DTC participants.

The Bonds maturing on or prior to August 1, 2027 shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after August 1, 2028 shall be subject to redemption prior to their respective maturity dates, on or after August 1, 2027 at the option of the Township, either in whole or in part at any time in any order of maturity at one hundred percent (100%) of the principal amount of the Bonds being redeemed (the "Redemption Price"), plus in each case accrued interest thereon to the date fixed for redemption.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last

appear on the registration books kept for that purpose by the Township, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. However, so long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds, and will be done in accordance with DTC procedures. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by lot. If Notice of Redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

This Bond is transferable only upon the books of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Township duly executed by the registered owner or such duly authorized attorney, and thereupon the Township shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount, series, designation, maturity and interest rate as the surrendered bond. The Township and any paying agent of the Township may treat and consider the person in whose name this Bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This Bond is one of an authorized issue of bonds of the Township and is issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey, a resolution of the governing body of the Township adopted August 7, 2017 and by virtue of a certain bond ordinance referred to therein.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and interest on this Bond according to its terms. This Bond shall not be or be deemed to be a debt or liability of the State of New Jersey or a pledge of the faith and credit of the State of New Jersey.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

In the event the Township determines that the beneficial owners of the Bonds (the actual purchasers of the Bonds) shall be able to obtain certificated bonds, the Township shall notify DTC of the availability of bond certificates. In such event, the Township will appoint a paying agent and the Township will issue, transfer and exchange bond certificates in appropriate amounts as required by DTC and others. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving a reasonable amount of notice in writing to the Township. In the event of such determination, if the Township fails to identify another qualified securities depository as successor to DTC, the Township will appoint a paying agent and the Township will issue and deliver replacement bonds in the form of fully registered certificates. Whenever DTC requests the Township to do so, the Township will cooperate with DTC in taking appropriate action (a) to make available one or more

separate certificates evidencing the bonds to any DTC participant (participants of DTC) having bonds credited to its DTC account or (b) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.



IN WITNESS WHEREOF, THE TOWNSHIP OF LIVINGSTON has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Township Chief Financial Officer, and its corporate seal (or facsimile thereof) to be affixed, imprinted or reproduced hereon, and this Bond and said seal to be attested by the manual or facsimile signature of the Township Clerk, and this Bond to be dated the \_\_\_th day of August, 2017.

ATTEST:

TOWNSHIP OF LIVINGSTON

\_\_\_\_\_  
Glenn R. Turteltaub  
Township Clerk

\_\_\_\_\_  
Shawn R. Klein  
Mayor

\_\_\_\_\_  
Kimberly Kientz  
Chief Financial Officer

The following abbreviations, when used in the inscription on this bond, shall be construed as though they were written out in full according to applicable laws or regulations (additional abbreviations may also be used though not in the following list):

TEN COM      as tenants in common  
TEN ENT      as tenants by the  
                  entireties  
JT TEN        as joint tenants with  
                  right of survivorship  
                  and not as tenants  
                  in common

UNIF GIFT MIN ACT  
\_\_\_\_Custodian\_\_\_\_  
(Cust)      (Minor)  
under Uniform Gifts  
to Minors Act  
  
(State)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE (FOR COMPUTER RECORD ONLY)

\_\_\_\_\_

(Please Print or Typewrite Name and Address of Transferee)

\_\_\_\_\_

the within bond, and all rights thereunder, and hereby irrevocably constitutes and appoints

\_\_\_\_\_

Attorney, to transfer the within bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name as it appears upon the first page of the within bond in every particular, without alteration or enlargement or any change whatever.

CERTIFICATE AS TO LEGAL OPINION

The undersigned Clerk of the Township of Livingston, New Jersey hereby certifies that a true and correct copy of the original legal opinion of the law firm of Gibbons P.C., Newark, New Jersey as to the validity of the issue of Bonds of which the within bond is one is available for inspection at the Office of the Clerk of the Township of Livingston, New Jersey and a copy thereof may be obtained by the registered or beneficial owner hereof upon request.

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Township Clerk

Section 6. The Township Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Township Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by CUSIP Global Services, which is managed on behalf of the American Bankers Association by S&P Global Market Intelligence, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 7. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to DTC on behalf of the purchaser and the payment of the purchase price thereof in accordance with the Bond Purchase Agreement (as hereinafter defined), the Township Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said purchaser (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons P.C. as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 8. The proceeds of the Bonds shall be applied in the amounts and for the purpose provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

Section 9. The Mayor and Township Chief Financial Officer are hereby authorized and directed to approve the Preliminary Official Statement of the Township issued in connection with the Bonds, the Official Statement of the Township issued in connection with the Bonds, the DTC Letter of Representation, the Escrow Deposit Agreement and the Continuing Disclosure Certificate and their use in connection with the sale of the Bonds and are further authorized, as is the Township Clerk, to execute all documents, including, but not limited to, the Preliminary Official Statement, the Official Statement, the DTC Letter of Representation, and Continuing Disclosure Certificate necessary for the sale and delivery of said Bonds.

Section 10. The Bonds are hereby authorized to be sold to Roosevelt & Cross, Incorporated (the "Underwriter") pursuant to the terms of a Bond Purchase Agreement between the Township and the Underwriter (the "Bond Purchase Agreement"). The Mayor and the Township Chief Financial Officer are hereby authorized to award the Bonds and directed to execute, and the Clerk to attest to the Bond Purchase Agreement.

Section 11. The Township Chief Financial Officer is hereby authorized to purchase securities in an amount necessary to effectuate the refunding of the outstanding amount of the Refunded Bonds and to execute all documents necessary in connection therewith.

Section 12. Roosevelt & Cross, Incorporated is hereby appointed as the underwriter for the Bonds.

Section 13. NW Financial Group, LLC is hereby appointed as financial advisor to the Township in connection with issuance of the Bonds and other debt/financial matters of the Township.

Section 14. This resolution shall take effect immediately.

AYES:

NAYS:

ABSTAIN:

ABSENT:

g) R-17-158 Authorizing Award of Contract to Community Grants, Planning & Housing, LLC

**WHEREAS**, the Township of Livingston has a need to acquire professional affordable housing services and rehabilitation services 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**, Community Grants, Planning & Housing, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Community Grants, Planning & Housing, 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 Community Grants, Planning & Housing, LLC from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Land Use Administrator and Acting Township Manager are recommending the award of a contract to Community Grants, Planning & Housing, LLC to provide professional affordable housing services and rehabilitation services as required by the Township in an amount not to exceed \$49,000.00; and,

**WHEREAS**, the Chief Financial Officer has certified that funding is available in account T-15-55-850-001-501.

**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 Community, Grants, Planning & Housing, LLC in an amount not to exceed \$49,000.00 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.

h) R-17-159 Award of Contract for Repointing & Reconstruction of Stairs, Railing, & Ramps

**WHEREAS**, the Township of Livingston ("Township") has a need for the repointing and reconstruction of stairs and railings at the Library that cannot otherwise be performed by its regular employees; and

**WHEREAS**, on June 29, 2017, the Township of Livingston issued Bid No. 17-2017 to solicit bids from contractors experienced in repointing and reconstruction of stairs and railings; and

**WHEREAS**, the bid was advertised on the Township of Livingston website and West Essex Tribune on June 29, 2017 and as a result thirty (30) bid packages were requested; and

**WHEREAS**, on July 28, 2017, eight (8) bids were received by the bid deadline and publicly read; and

**WHEREAS**, M & N Construction Services, 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**, the Architect and Library Director have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommend the award of a contract to M & N Construction Services, Inc.; and

**WHEREAS**, the Acting Township Manager is recommending the award of a contract M & N Construction Services, Inc. in an amount not to exceed \$119,900.00; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in accounts C-04-55-017-004-010 & C-04-55-017-004-011.

**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 M & N Construction Services, Inc. in an amount not to exceed \$119,900.00.

i) R-17-160 Resolution of the Township Council Rejecting Bids

**WHEREAS**, the Township of Livingston ("Township") has the need for the rehabilitation of the Chetwynd water storage tank; and

**WHEREAS**, on June 29, 2017, the Township of Livingston issued Bid No. 13-2017 to solicit bids from companies experienced in water tank rehabilitations; and

**WHEREAS**, the bid was advertised on the Township of Livingston website and West Essex Tribune on June 29, 2017, and as a result nine (9) bid packages were requested; and

**WHEREAS**, on July 26, 2017, five (5) bids 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 bids for the rehabilitation of the Chetwynd water storage tank 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 bids received in connection with the issuance of Bid No. 13-2017 are hereby rejected.

i) R-17-161 Auth. Contract with JTG Construction, Inc. (Storm Water, Water Main, Road Improv. To East Drive, West Drive and North Drive)

**WHEREAS**, the Township of Livingston ("Township") has a need for storm water, water main and road improvements to East Drive, West Drive and North Drive that cannot otherwise be performed by its regular employees; and

**WHEREAS**, on June 29, 2017, the Township of Livingston issued Bid No. 18-2017 to solicit bids from contractors experienced in storm water, water main and road improvements; and

**WHEREAS**, the bid was advertised on the Township of Livingston website and West Essex Tribune on June 29, 2017 and as a result twenty-five (25) bid packages were requested; and

**WHEREAS**, on July 26, 2017, eight (8) bids were received by the bid deadline and publicly read; and

**WHEREAS**, JTG 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., 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 JTG Construction, Inc.; and

**WHEREAS**, the Acting Township Manager is recommending the award of a contract to JTG Construction, Inc. in an amount not to exceed \$752,475.00; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in accounts C-06-55-017-003-005 & C-04-55-015-006-01A.

**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 JTG Contracting, Inc. in an amount not to exceed \$752,475.00.

i) R-17-162 Auth. Contract with JTG Construction, Inc. (Water Main Improvement—Surrey Lane)

**WHEREAS**, the Township of Livingston ("Township") has a need for water main improvements on Surrey Lane that cannot otherwise be performed by its regular employees; and

**WHEREAS**, on June 29, 2017, the Township of Livingston issued Bid No.19-2017 to solicit bids from contractors experienced in water main improvements; and

**WHEREAS**, the bid was advertised on the Township of Livingston website and West Essex Tribune on June 29, 2017 and as a result seventeen (17) bid packages were requested; and

**WHEREAS**, on July 28, 2017, seven (7) bids were received by the bid deadline and publicly read; and

**WHEREAS**, JTG 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., 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 JTG Construction, Inc.; and

**WHEREAS**, the Acting Township Manager is recommending the award of a contract to JTG Construction, Inc. in an amount not to exceed \$199,480.00; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in accounts C-06-55-017-003-005, C-06-55-012-006-001, C-06-55-016-003-001, C-06-55-014-008-011, C-06-55-016-003-008 and C-06-55-017-003-001.

**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 JTG Contracting, Inc. in an amount not to exceed \$199,480.00.

k) R-17-163 Authorizing a Contract with Ischia Corporation

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

**WHEREAS**, on June 15, 2017, the Township of Livingston issued Bid No. 14-2017 to solicit bids from contractors experienced road improvements; and

**WHEREAS**, the bid was advertised on the Township of Livingston website and West Essex Tribune on June 15, 2017 and as a result twenty-three (23) bid packages were requested; and

**WHEREAS**, on July 7, 2017, four (4) 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 \$47,500.00; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in account C-04-55-015-006-01A.

**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 \$47,500.00.

l) R-17-164 Awarding the Bid of a New Hotel Liquor License

**WHEREAS**, Livingston Township Council had determined it would be issuing a new liquor license as a hotel exception using the public sale option; and

**WHEREAS**, on June 12, 2017, the Livingston Township Council passed Resolution No. R-17-142 authorized the issuance of a new liquor license by public sale; and

**WHEREAS**, an application has been filed for a new hotel exception liquor license by Westminster Hotel Liquor Associates, LLC, for the premises located at 550 West Mount Pleasant Avenue; and

**WHEREAS**, Westminster Hotel Liquor Associates, LLC, was the successful bidder at a public sale held on July 24, 2017; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder as well as pertinent local ordinances and conditions consistent with Title 33.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that a new hotel liquor license be awarded to Westminster Hotel Liquor Associates, LLC, for premises located at 550 West Mount Pleasant Avenue, Livingston, New Jersey. The ultimate issuance of the license is subject to the payment of the balance of the bid price, payment of the annual state and municipal licensing fees and the satisfactory outcome of an investigation of

the source of funds and criminal background checks as well as compliance with all regulations concerning issuance of a license in N.J.A.C. 13:2-2.1 et seq.

m) R-17-166 Amend Adopted 2017 Municipal Budget to Include Special Items of Revenue and Appropriation Not determined at the Time of Budget Adoption

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the municipal budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township will receive the revenues specified below and wishes to amend its 2017 Municipal Budget to include these amounts as revenues;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Livingston does hereby request the Director of the Division of Local Government Services to approve the insertion of the following items of revenues in the 2017 Municipal Budget:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with prior written consent of Director of Local Government Services

Public and Private Programs Offset by Revenues:

State of N.J. Clean Communities Grant

\$ 57,646.57

\$ 57,646.57

**BE IT FURTHER RESOLVED** that a like sum be and the same is hereby appropriated under the captions of:

General Appropriations

(A) Operations Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Clean Communities Grant – Other Expenses

\$ 57,646.57

\$ 57,646.57

**BE IT FURTHER RESOLVED** that two certified copies of this resolution be forwarded to the Director, Division of Local Government Services.

n) R-17-167 Authorizing Entering Into an Encroachment Agreement

**WHEREAS**, the Township of Livingston holds a drainage easement which runs along the rear of the property located at 7 Stratford Drive; and

**WHEREAS**, the owner of the property wishes to encroach upon the Township's property by locating certain improvements; and

**WHEREAS**, the Township generally prohibits encroachment onto Township's easements but recognizes extenuating circumstances occasionally make such an encroachment appropriate; and

**WHEREAS**, the Township has in this case determined to consent to the encroachment upon the terms and conditions contained in the Encroachment Agreement approved by the Township Engineer and Township Attorney.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Township of Livingston will enter into an Encroachment Agreement with the owner of 7 Stratford Drive. The Encroachment Agreement shall be recorded with the Office of the Essex County Clerk.

o) R-17-168 Authorizing Filing of County Community Development Block Grant

**WHEREAS**, the Township of Livingston has been a participating member of the Essex County Community Development Program since its inception in 1976; and

**WHEREAS**, the Essex County Division of Housing and Community Development, through its Director, is preparing a PY 2014-2016 Reprogramming application for funding; and

WHEREAS, the Township of Livingston has been requested to submit Community Development Block Grant Program project proposals for inclusion in the 2014-2016 Reprogramming Plan to the Director of the Division of Housing and Community Development by July 26, 2017;

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

A. The proposed project designated and prioritized herewith is submitted to the Director of the Essex County Division of Housing and Community Development for inclusion in the Essex County PY 2014-2016 Reprogramming application:

Priority      Description of Project  
**1. ADA Improvements—Accessible Bus**

B. That the Deputy Township Manager is hereby authorized and directed to execute and file such proposed projects with the Director of the Essex County Division of Housing and Community Development and to provide additional application information and furnish such documents as may be required and to act as the authorized correspondent of the Township of Livingston.

C. The Mayor and Members of the Township Council endorse the proposed Community Development Block Grant Program project described herewith for inclusion in the Essex County PY 2014-2016 Reprogramming Application.

p) R-17-169 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.

On motion of Councilmember Silverman, seconded by Councilmember Anthony, and on roll call vote of Resolutions R-154 through R-17-169, inclusive, all members present voted YES.

Public Comment

Walter Levine, 345 Walnut Street, discussed the proposed Energy Aggregation Ordinance, commenting on Section 4 of the proposed Ordinance, providing for an "opt-out". Mayor Klein responded that the benefits would not accrue if an "opt-in" provision were to be used. Councilmember Silverman noted that the Council did not need to make the decision on that issue now.

Bernard Searle, 14 Washington Court, praised the Township DPW Department, and also commended James Salvadore of the Animal Control Department.

Sampath Jain, 11 Schindler Way, asked the Township to request the landlord at location near to his home to lower the brightness of the light, and addressed the two driveways being utilized by his neighbor.

Joshua Lipschitz, 19 Schindler Way, addressed the noise loud noise caused by riding bikes, and discussed concerns with the actions of his neighbor at 29 Swan Rd.

Ramadurai Seshadri, 18 Schindler Way discussed the use of dirt bikes, and a neighbor's use of access to Schindler without paying Schindler prices to purchase his property. Councilmember Fernandez noted that the residents' concerns fell into three categories,



including the use of the driveway (the Township Construction Official had said the acts were okay); the use of the Garage (which the Construction official had said it was okay), and the noise, which issue Councilmember Fernandez stressed should be addressed.

Roberta Blitz, 14 Hickory Place, urged that plans for the two township pools not be made without input from residents, noting that pools were an "important amenity" for her, as her kids were out at the school system. Mayor Klein assured her that the process would be an open one.

Bob Hunter, 89 Elmwood Drive, welcomed new Township Manager Greg Bonin, discussed the paving of North Livingston Avenue, discussed the campaign against gun violence, and applauded the "gun buyback" program currently in use in cities including Newark and Camden.

John Burgasi, Amelia Avenue, addressed the "overuse of the strip mall" located near CVS; a six foot fence, and urged that asserted that the Town Garage should be located next to the police station.

Adjournment

At 9:23 p.m., the Regular Meeting adjourned.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk