

**AGENDA**

**Town Hall --357 South Livingston Avenue - 8:00 P.M.**

Notice of this meeting has been given in accordance with the "Open Public Meetings Law."  
"Annual Notice" was faxed to the West Essex Tribune and the Star-Ledger on January 4, 2016.

**Statement of Decorum**

*Pursuant to Township Code Section 2-15, while the Township Council is in session, any person who desires to address the Council must first be recognized by the presiding officer. Recognized speakers must make their statements within six cumulative minutes, unless such time is extended by the Council. Appropriate decorum is to be observed at all times.*

1. Roll Call
2. Silent Meditation and Pledge of Allegiance
3. Presentations
  - a) Township Recycling Day Volunteers-- Livingston High School Science National Honor Society Packet
  - b) 2017 Girls Travel Volleyball Team Packet
  - c) T3CFAN Robotics Team Packet
4. Essex County Update/Questions
5. Public Comments on Agenda Items
- 6\*. Resolution - Consent Agenda [Includes All Items Marked "\*" R-17-198 Packet
- 7\*. Approval of Minutes
  - a) October 9, 2017 Packet
- 8.\* Approval of Licenses
9. Final Hearing Ordinances
  - a) Ord.25-2017 Amending Chapter 170 of the Township Code (Split Zone Lots)—Arden Road—Lots 25 and 26 Tax Block 3700) Packet  
*Purpose: Self-explanatory*
10. Proposed Ordinances
11. Resolutions
  - a) R-17-199 Appointments to Planning Board Packet
  - b) R-17-200 Authorizing Contract with Essex Design Contractors Packet
  - c) R-17-201 Professional Engineering Services: WPCF Generator Replacement Change Order 1 Packet
  - d) R-17-202 (deleted)
  - e) R-17-203 Appointments to Bipartisan Advisory Committee On Committee Appointments Packet
  - f) R-17-204 Appointment to Open Space Trust Committee Packet
12. Public Comment
13. Recess

GLENN R. TURTLETAUB  
Township Clerk

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R-17-198

**RESOLUTION**

**Accepting, Approving and/or Adopting the  
Consent Agenda of November 6, 2017**

**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 November 6, 2017, attached hereto, which are preceded by an "\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approved as to form:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Sharon L. Weiner  
Township Attorney

\_\_\_\_\_  
Glenn R. Turtleaub Township Clerk

Adopted: November 6, 2017

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**ORDINANCE NO. 25-2017**

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170 OF  
THE CODE OF THE TOWNSHIP OF LIVINGSTON**

**WHEREAS**, the Master Plan notes that zone district lines sometimes run through a lot with the result that the lot is a split-zoned lot that straddles two or more districts, thus necessitating variances in order that the lot can be developed, and the Master Plan recommends adjusting district boundary lines to reduce or eliminate split-zoned lots; and

**WHEREAS**, the Master Plan also recommends that discrete areas with significant disparities between permitted uses and actual uses, due to variances or non-conforming uses, should be re-zoned to bring the actual use to permitted status when consistent with good planning; and

**WHEREAS**, a review by the Planning Board has identified Lots 25 and 26 in Tax Block 3700, fronting the northerly side of Arden Road and serving as the off-street parking area of a bank on Lot 27 in Block 3700, are lots to which the Master Plan recommendations apply; and

**WHEREAS**, Lot 25 is entirely in the R-4 Residence District and Lot 26 is partially in that district and partially in the B-1 General Business District in which Lot 27 is located; and

**WHEREAS**, the recommendations in the 2007 Master Plan can be accomplished by rezoning Lots 25 and 26;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, as follows:

Section 1. The Zoning Map referenced in § 170-86 of the Code of the Township of Livingston, as heretofore amended, is further amended to achieve the rezoning and designation of specific lots as follows:

- A. Rezone and designate Lot 25 in Tax Block 3700, presently in the R-4 Residence District, to the B-1 General Business District; and
- B. Rezone and designate Lot 26 in Tax Block 3700, presently a split-zoned lot in the B-1 General Business District and the R-4 Residence District, to the B-1 General Business District.

Section 2. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.



Section 3. This ordinance shall take effect upon final passage and twenty days from the date of publication in accordance with law.

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Shawn R. Klein, Mayor

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Glenn R. Turteltaub,  
Township Clerk

Approved as to form:

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Sharon L. Weiner, Esq.  
Township Attorney

Introduced: October 9, 2017

Adopted:

11/6/17 R  
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R-17-199

**RESOLUTION**

Appointments to Planning Board

**BE IT RESOLVED** by the Council of the Township of Livingston in the County of Essex, in accordance with the provisions of Section 16-4 et seq. of the Revised Ordinances of the Township of Livingston, that:

1. Michael Rieber is appointed as a Class IV member of the Planning Board filling an unexpired term ending December 31, 2017.
2. Sanjay Nambiar is appointed as Alternate #1 filling an unexpired term, ending December 31, 2018.
3. Nathan Kiricofe is appointed as a Class II member of the Planning Board with a term ending December 31, 2017.

Approved as to form:

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

Mayor

\_\_\_\_\_  
Sharon L. Weiner  
Township Attorney

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Glenn R. Turteltaub

Township Clerk

Adopted: November 6, 2017

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R-17-200

**RESOLUTION AUTHORIZING A CONTRACT WITH ESSEX DESIGN CONTRACTORS**

**WHEREAS**, the Township of Livingston (“Township”) has the need for a contractor to furnish, deliver and install trees that cannot be performed by its regular employees; and

**WHEREAS**, the Township of Livingston issued Bid No. 007-2017 on August 17, 2017 and did not receive any bids on September 13, 2017; and

**WHEREAS**, the Township of Livingston re-issued Bid No. 007-2017 on September 21, 2017 and did not receive any bids on October 6, 2017; and

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40A:11-5 (3), the Township is permitted to negotiate a contract for a contractor to furnish, deliver and install trees; and

**WHEREAS**, Essex Design Contractors submitted a proposal in the amount of \$40,875.00; and

**WHEREAS**, the Superintendent of Public Works has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Essex Design Contractors; and

**WHEREAS**, the Acting Township Manager is recommending the award of a contract to Essex Design Contractors in an amount not to exceed \$40,875.00; and

**WHEREAS**, the Chief Financial Officer has certified that funding is available in account T-14-55-850-025-402.

**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 Essex Design Contractors to furnish, deliver and install trees in an amount not to exceed \$40,875.00.

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Shawn R. Klein, Mayor

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Glenn R. Turtletaub, Township Clerk

Approved as to form:

\_\_\_\_\_  
Sharon L. Weiner, Township Attorney

Adopted: November 6, 2017

Certification Of Availability of Funds

This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

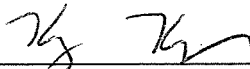
Resolution Date: 11/06/17  
Resolution Number: R-17-200

Vendor: ESX1 C. FUSARI & SON LANDSCAPE &  
DESIGN, INC. D/B/A ESSEX DESIG  
26 EISENHOWER PARKWAY  
ROSELAND, NJ 07068

Contract: C1700033 Bid 007N-2017: Furnish,  
Deliver & Install Trees

Account Number	Amount	Account Description
T-14-55-850-025-402	40,875.00	PSE&G CONTRIBUTIONS
Total	40,875.00	

Only amounts for the 2017 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

  
\_\_\_\_\_  
Chief Financial Officer

11/6/17 R  
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**RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER  
NUMBER ONE WITH O'BRIEN & GERE ENGINEERS, INC.**

**WHEREAS**, the Township Council of the Township of Livingston entered into a Contract ("Contract #C1700015") with O'Brien & Gere Engineers, Inc. for professional engineering services for the Water Pollution Control Facility Generator Replacement; and

**WHEREAS**, the initial Contract was not to exceed Sixty-Three Thousand Five Hundred Dollars and zero cents (\$63,500.00); and

**WHEREAS**, due to the need to provide additional engineering services for the utility transformer replacement, a Change Order has been requested for the following:

A. SUPPLEMENTAL	
Preliminary and Final Design	\$6,700.00
Construction Phase	\$1,200.00
NJDEP Requirements	\$11,700.00
<b>Total</b>	<b>\$19,600.00</b>

**WHEREAS**, the total change order increases the contract amount by 30.9% or \$19,600.00 making the new contract sum \$83,100.00; and

**WHEREAS**, this Change Order has been recommended by the Superintendent of Sewer Operations and Acting Township Manager; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in account C-09-55-017-001-005.

**NOW, THEREFORE, BE IT RESOLVED**, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number One to the Contract with O'Brien & Gere; 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.

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

\_\_\_\_\_  
Glenn R. Turtletaub, Township Clerk

Approved as to form:

\_\_\_\_\_  
Sharon L. Weiner, Township Attorney

Adopted: November 6, 2017



Certification Of Availability of Funds

This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

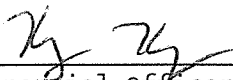
Resolution Date: 11/06/17  
Resolution Number: R-17-201

Vendor: OBRIEN O'BRIEN & GERE ENGINEERS, INC.  
333 W. WASHINGTON STREET  
SYRACUSE, NY 13202

Contract: C1700015 Professional Engineering  
Services: WPCF Generator  
Replacement

Account Number	Amount	Account Description
C-09-55-017-001-005	19,600.00	GENERATOR & DIESEL TANK CLOSURE
Total	19,600.00	

Only amounts for the 2017 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

  
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Chief Financial Officer

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**RESOLUTION**

**APPOINTMENTS TO BI-PARTISAN ADVISORY COMMITTEE**  
**ON COMMITTEE APPOINTMENTS**

**BE IT RESOLVED** by the Township Council of the Township of Livingston in the County of Essex, that the following persons are hereby appointed as members of the Bi-Partisan Advisory Committee on Committee Appointments for the term ending May 31, 2018.

Pat Sebold (Chair, Democratic Party) and her two designees

and

Lee Holtzman (Chair, Republican Party) and his two designees

Approved as to form:

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Shawn. R. Klein                      Mayor

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Sharon L. Weiner  
Township Attorney

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Glenn R. Turteltaub    Township Clerk

Adopted: November 6, 2017

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R-17-204

**RESOLUTION**

Appointment to Open Space Trust Committee

**BE IT RESOLVED** that:

1. Sam Patel is appointed as a member of the Open Space Trust Committee filling an unexpired term ending December 31, 2017.

Approved as to form:

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

Mayor

\_\_\_\_\_  
Sharon L. Weiner  
Township Attorney

\_\_\_\_\_  
Glenn R. Turtleaub

Township Clerk

Adopted: November 6, 2017