

Livingston, New Jersey  
November 6, 2017  
Meeting #12

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 8:07 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) Livingston Recycling and Reclamation Committee Chair Renee Resky recognized and distributed certificates to Project Directors and members of the Livingston High School Science National Honor Society who assisted in conducting the Electronics Recycling and Paper Shredding Day held on October 7. The Mayor extended the gratitude on behalf of the entire township to the volunteers, and thanked Ms. Resky for her dedication to the project.

b) 2017 Girls Travel Volleyball Team—Coach Bob Cece introduced and thanked team members of the Girls Travel Volleyball Team and recognized their accomplishments including completion of an undefeated season.

c) T3CFAN Robotics Team—The team members gave a presentation of their Automatic Filter and Delivery system, for filtration and delivery of water during a natural disaster. The Mayor thanked these fifth and sixth graders and gave input on their presentation which will be given on November 19, 2017 at the First Lego League Competition.

Essex County Update/Questions

Eileen Fishman, Livingston Liaison to Essex County Executive Joseph DiVincenzo, discussed the opioid epidemic, and highlighted upcoming County events including the Holiday Lights Spectacular.

Public Comments on Agenda Items

Consent Agenda R-17-198 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 November 6, 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) October 9, 2017

\*Approval of Licenses

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  
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.

Proposed Ordinances

11. Resolutions

a) R-17-199 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.

**b) R-17-200 Authorizing 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.

**c) R-17-201 Professional Engineering Services: WPCF Generator Replacement Change Order 1**

**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:

<b>A. SUPPLEMENTAL</b>	
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.

d) R-17-202 (deleted)

e) R-17-203 Appointments to Bipartisan 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

e) R-17-204 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.

On motion duly made and seconded, and on roll call vote of Resolutions R-17-191 through R-17-196, inclusive, all members present voted YES.

Public Comment

Regina Okafor, Walnut Street, discussed her complaints, concerns, and disputes with the Township.

Bob Wild, 13 E. Harrison Place, addressed parking on residential street by employees of commercial enterprises, because those businesses did not have enough parking spaces. Mr. Wild suggested restricting parking to two hours from 2 am to 6 p.m., and that he had discussed this with Lt. Drumm. The Mayor stated the matter would be looked into.

Bernard Searle, 14 Washington Court, related his discussion with the County Engineer.

Adjournment

At 8:58 p.m., the Regular Meeting adjourned.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk