

Livingston, New Jersey
November 20, 2017
Meeting #13

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) 9 and 10 Year Olds—Livingston Little League Williamsport Team—Mayor Klein and the Councilmembers honored the Livingston Little League Williamsport Team in recognition of their successful 2017 season, and presented Citations to players and coaches.

b) 8-9-10 Year Olds—Girls Summer Williamsport Softball Team—Mayor Klein recited the accomplishments of the 2017 8, 9 and 10-Year-old Summer Williamsport Softball Team, Livingston's first Softball Team to compete in the Little League Softball World Series, and distributed Citations to all of the team's players and coaches.

Essex County Update/Questions

Public Comments on Agenda Items

Consent Agenda R-17-205 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 20, 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) November 6, 2017

*Approval of Licenses

Final Hearing Ordinances

Proposed Ordinances

a) Ord. 26-2017 Amend Salary Ordinance #10-24 Establishing Salary Ranges for the Public Works Employees Represented by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 469

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON TO AMEND SALARY ORDINANCE #10-24 ESTABLISHING SALARY RANGES FOR THE PUBLIC WORKS EMPLOYEES REPRESENTED BY THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL 469 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, December 4, 2017.

11. Resolutions

a) R-17-206 Senior, Youth and Leisure Services Updated Program Fees

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

WHEREAS, the Director of Senior, Youth & Leisure Services has requested the attached fees be enacted effective November 20, 2017;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston that effective November 20, 2017, the Department of Senior, Youth & Leisure Services is authorized to charge fees as set forth in this resolution.

b) R-17-207 Renewal of Sludge Disposal

WHEREAS, the Township of Livingston has a need to have the sludge generated at the Water Pollution Control Facility treated and disposed; and

WHEREAS, the Passaic Valley Sewerage Commissioners ("PVSC") has waste disposal facilities and the capacity to treat and dispose of municipal sludge; and

WHEREAS, the PVSC has made a proposal for the disposal of 100% of the Township's municipal sludge (for a term of five years at the rate of \$48.00 per 1,000 gallons); and

WHEREAS, that pursuant to N.J.S.A 40A: 11-5(2), this contract is exempt from public bidding as the agreement is being entered into with an agency of the State of New Jersey; 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, County of Essex, State of New Jersey, accept the PVSC Proposal and enter into an agreement with PVSC effective January 1, 2018 through December 31, 2022 for the disposal and treatment of the Township's municipal sludge.

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

c) R-17-208 Furnish One (1) Valve Maintenance Trailer

WHEREAS, the Township of Livingston ("Township") has a need to purchase a valve maintenance trailer for the Water Department; and

WHEREAS, on October 5, 2017, the Township of Livingston issued Bid No. 28-2017 to solicit bids from contractors experienced in furnishing valve maintenance trailers; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on October 5, 2017 and as a result seven (7) bid packages were requested; and

WHEREAS, on November 1, 2017, one (1) bid was received by the bid deadline and publicly read; and

WHEREAS, Water Works Supply Company, Inc. was identified as the lowest responsive and responsible bidder whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible; and

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

WHEREAS, the Acting Township Manager is recommending the award of a contract to Water Works Supply Company, Inc. in an amount not to exceed \$76,853.12; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account C-06-55-017-003-006.

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 Water Works Supply Company, Inc. in an amount not to exceed \$76,853.12.

d) R-17-209 Authorizing Entering into Developers Agreement with TMB Partners, LLC and 18 Corp.(deleted)

WHEREAS, TMB Partners, LLC and 18 Corp. have made an Application No. 2017-1-MS and Amendment to 2011-58-PFSP to the Livingston Planning Board to create two separate lots and request amendments to the site plan approved by the Planning Board on June 19, 2012, on Block 7001, Lot 1.01 and Lot 1.02 and having a street address of 650 South Orange Avenue, Livingston, New Jersey; and

WHEREAS, the Livingston Planning Board passed a Resolution approving the application on April 4, 2017; and

WHEREAS, the Board's Model Condition of Approval #17 states: "Prior to the issuance of any permits the Applicant shall have entered into a Developer's Agreement negotiated with the Township Attorney in conjunction with the Township Engineer."; and

WHEREAS, the Township Attorney has negotiated the terms of the Developer's Agreement which has been approved by the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes the Mayor on behalf of the Township Council, to execute the Developer's Agreement with TMB Partners, LLC and 18 Corp.

e) R-17-210 Place-to-Place Transfer—Liquor License—Wine Depot

WHEREAS, *Wine Depot of Livingston, Inc.* has applied for a *Place-to-Place* Transfer of Alcoholic Beverage Control Plenary Retail Distribution License No. 0710-44-017-005 for transfer of its license from its premises located at 487 So. Livingston Ave. to 603 So. Livingston Ave.;

AND, WHEREAS, the pending transfer was advertised in the West Essex Tribune on November 2 and 9, 2017, and no complaints have been filed with the Township Clerk;

AND, WHEREAS, the Tax Collector has ascertained that all taxes and water charges have been paid;

NOW, THEREFORE, BE IT RESOLVED that the above mentioned Place-to-Place Transfer is to become effective upon adoption of this resolution.

Be it further resolved that a certified copy of this resolution be forwarded to the Director of the New Jersey Division of Alcoholic Beverage Control.

On motion duly made and seconded, and on roll call vote of Resolutions R-17-206 through R-17-210, all members present voted YES.

Public Comment

Bob Hunter, 89 Elmwood Drive, commented on the perspective gained by the Township's use of metal detectors, and that he was "glad we did it but it's a sad day". Mr. Hunter also highlighted the Homecoming Light ceremony arranged by Bunnie Ratner and praised her "for all she has done for Veterans." Mr. Hunter suggested that the Township recognize Bill Pollak and the Livingston Dodgers. Mayor Klein agreed, and thanked Mr. Hunter for bringing up the subject.

Walter LeVine, 345 Walnut St., complimented the Council on the evening's "great meeting."

Mahtri on behalf of Sanskriti thanked the council and stated he had met with SYLS Director Jenn Walker regarding his proposal for a Township cricket team.

Jillian Meinhardt, 22 Cherry Hill Road, inquired as to the town's efforts to eliminate structural barriers to incorporation of transgender individuals and coed sports teams. Mayor Klein pointed out how the Township was actively encouraging diversity, referring to the Township's Diversity Committee, and the Township's desire and efforts to be inclusive and diverse. Councilmember Fernandez pointed out the raising of the Pride Flag as another example, and SYLS Director Walker also noted the Township's willingness to have such programs.

Adjournment

At 8:30 p.m., the Regular Meeting adjourned.

SHAWN R. KLEIN, Mayor

GLENN R. TURTLETAUB, Township Clerk

