

July 13, 2023

Township of Randolph
Municipal Building
Randolph, NJ
July 13, 2023

A. OPENING OF REGULAR MEETING

1. Call to Order

A regular meeting of the Randolph Township Council was called to order at 6:00 p.m. by Mayor Nisivoccia. This meeting held pursuant to the New Jersey Open Public Meeting Act. Adequate notice of the meeting has been provided by posting written notice of the time, date, location and to the extent known, the agenda of the meeting in Randolph Township. This notice was posted on the bulletin board in Town Hall, it was filed with the Township Clerk, and it was provided to those persons or entities requesting notification. Notice was also provided to the Randolph Reporter and the Morris County Daily Record on December 15, 2022, by emailing them the annual resolution adopted by the Council on December 8, 2022. The annual resolution, which included this meeting date, was advertised in the Randolph Reporter and the Daily Record on December 22, 2022. Notice was also provided to TapInto Randolph, the official Township online digital publication, on December 21, 2022.

2. Roll Call

PRESENT: Councilman Forstenhausler
Councilmember Hathaway
Councilmember Potter
Councilwoman Veech
Deputy Mayor Carey
Mayor Nisivoccia
ABSENT: Councilmember Elbaum

Also Present: Township Manager Greg Poff and Township Attorney Ed Buzak of the Surenian Edwards, Buzak & Nolan Law Group.

3. Pledge of Allegiance

Mayor Nisivoccia led the Pledge of Allegiance.

B. OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

C. MANAGER'S REPORT

Manager Poff reported the following:

Morris County Hazard Mitigation Plan (HMP) – Morris County has been awarded a grant to update its multi-jurisdictional HMP, this includes all Morris County municipalities. Participation in the HMP allows each municipality to be eligible for federal pre-disaster mitigation funding opportunities and other benefits under the program. Morris County has contracted with the consulting firm of Tidal Basin Government Consulting, LLC to assist with the update of our plan. He is working with the township’s Emergency Management Coordinator Bill Wagner and the Township Hazard Mitigation Planning Team to update the township’s section of the plan. The submission will be made to the county’s consultant tomorrow.

South Road Improvement Project – The council recently authorized a grant application to NJDOT for the resurfacing of a portion of South Road (between Yorkshire Drive and Dawson Road). As part of that application, the township will include the construction of approximately 300 feet of sidewalk between the referenced roads. This will create connectivity to approximately 40 homes from Yorkshire, Canterbury, and Patriots Way and will provide safe access to Heistein Park. The township was notified by NJDOT on June 28 that the township has been awarded \$275,000 for this project.

Stormwater Assistance Grant - The township received \$45,000 to inspect and evaluate 75 detention basins for the feasibility of green infrastructure retrofits. Randolph will be working with Ferriero Engineering to complete this project, which will entail site inspection and photo documentation, a review of original design plans, identification of feasible green infrastructure retrofits, and determination of improvement costs. The township plans to select 15 of the 75 total basins as candidates for completing a more detailed study for potential green infrastructure retrofit.

Councilwoman Veech asked if Shongum Lake would be considered for the Green Infrastructure Retrofits. Manager Poff confirmed.

“Guard Your Backyard” campaign – The NJDEP has developed a guide for local leaders, businesses, and homeowners to understand soil and fill requirements, protect against illegal dumping and protect residents against receiving tainted materials. Effective action begins at the municipal level, where local governments can take steps to prevent the problem by enacting a municipal soil and fill ordinance.

Randolph Township has had a soil conservation and protection ordinance in place since 1994. Assignment of MCCPC Contract #6, Road Resurfacing – This matter will be placed on the combined action items for council consideration at tomorrow night’s meeting subject to the furnishing of all the appropriate documentation required by the MCCPC and its counsel from Tilcon. This resolution is of significant importance to the MCCPC as this contract is one of the cooperatives’ largest.

Hold Harmless Agreement with Morris County Vocational Technical School – This matter was discussed briefly during the technical school’s soil movement hearing. This agreement arises out of a significant grant the technical school has received for the construction of a career training center and the township’s inability to issue a water permit at this time.

D. APPROVAL OF MEETING MINUTES

1. Authorizing the Approval of Regular Council Meeting Minutes for June 6, 2023

Councilman Forstenhausler made a motion to approve the Regular Meeting Minutes for June 6, 2023. Councilwoman Veech seconded the motion and the following roll call vote was taken:

AYES: Councilman Forstenhausler
Councilmember Potter
Councilwoman Veech
Deputy Mayor Carey
Mayor Nisivoccia
NAYS: None
ABSTAIN: Councilmember Hathaway
ABSENT: Councilmember Elbaum

E. COMBINED ACTION RESOLUTIONS

1. R-155-23 Refund Escrow Funds for Completed Police Detail to Downes Tree Service - \$8,672.80
2. R-156-23 Refund Overpayment of 2022 Water Account for Block 168, Lot 53, 1075 Sussex Tpke. to Heller Property Partners, LP - \$3,647.06
3. R-157-23 Redeem and Refund Tax Sale Certificate #2022-013 for Block 772, Lot 44, 210 Reservoir Road to Pro Cap 8 FBO Firstrust Bank - \$3,251.87
4. R-158-23 Redeem and Refund Tax Sale Certificate #2022-014 for Block 82, Lot 52.04, 63 Longview Avenue to Pro Cap 8 FBO Firstrust Bank - \$2,956.36
5. R-159-23 Release Escrow Funds for Cancelled Police Detail to Cedar Homes Inc, "All Affordable Tree Services" - \$1,406.40
6. R-160-23 Refund a Portion of Escrow funds for Block 119, Lot 125, 486 Millbrook Avenue to Devin Shaw - \$680.00
7. R-162-23 Authorizing Consent to the Assignment of an Agreement Between the Township of Randolph, Performing the Administrative Functions on Behalf of the MCCPC, and South State, Inc. to assign Various Categories of Contract #6 Road Resurfacing, to Tilcon New York, Inc.
8. R-163-23 Liquor License Renewal for the 2023-2024 and 2024-2025 Seasons #1432-33-001-012
9. R-164-23 Endorsing a Waiver of EPA Grant Restrictions Related to Sewer Servicing Lots with Wetlands - Retail Bld 2A West Hanover Avenue - Block 119.03, Lot 1

Councilmember Potter made a motion to approve the Combined Action Resolutions. Deputy Mayor Carey seconded the motion, and the following roll call vote was taken:

AYES: Councilman Forstenhausler
Councilmember Hathaway
Councilmember Potter
Councilwoman Veech
Deputy Mayor Carey
Mayor Nisivoccia
NAYS: None
ABSENT: Councilmember Elbaum

F. UPCOMING EVENTS

Councilmember Potter asked if all of the Township Council and the public were invited to the Randolph Athletic Hall of Fame Induction Ceremony. Mayor Nisivoccia confirmed that it was a public invitation.

1. Library Music Event: 28 Calais Road, Randolph, Monday, July 17, 2023, at 7:00 p.m. - Rosewood Band
2. Lightbridge Academy 2nd Birthday Celebration, 765 Rte. 10, Randolph, on Saturday, July 22, 2023, from 11:00 a.m. - 2:00 p.m.
3. Library Music Event: 28 Calais Road, Randolph, Monday, July 24, 2023, at 7:00 p.m. - Jack the Band
4. Recreation Event: Bullets over Broadway, Community Center, Saturday, July 29, 2023, at 6:30 p.m.
5. Library Music Event: 28 Calais Road, Randolph, Monday, July 31, 2023, at 7:00 p.m. - Country Comfort
6. Recreation Event: Kids Cabaret at the Community Center, Friday, August 4th at 7:00 p.m., Saturday, August 5th at 2:00 p.m. and 7 p.m., and Sunday, August 6th at 7:00 p.m.
7. Library Music Event: 28 Calais Road, Randolph, Monday, August 7, 2023, at 7:00 p.m. - Fab Forward Band
8. Library Music Event, 28 Calais Road, Randolph, Monday, August 14, 2023, at 7:00 p.m. - The Green Planet Band
9. Tuesday Morning Senior Softball League Barbecue, Brundage Park, Tuesday, August 15, 2023, at 12:30 p.m.
10. Recreation Event: Cat on A Hot Tin Roof, Brundage Park Playhouse, August 18th, 19th, 25th and 26th at 7:00 p.m. and August 20th and 27th at 3:00 p.m.
11. Library Music Event, 28 Calais Road, Randolph, Monday, August 21, 2023, at 7:00 p.m. - Fish Eyed Blues
12. Library Music Event, 28 Calais Road, Randolph, Monday, August 28, 2023, at 7:00 p.m. - Five Wheel Drive

13. Randolph Country Fair at Veterans Park, 100 Calais Road, Randolph, Saturday, September 23, 2023, 11:00 a.m. - 5:00 p.m.
14. Randolph Athletic Hall of Fame Induction Ceremony at the Randolph HS Commons on Saturday, October 21, 2023, at 5:00 p.m.

G. DISCUSSION

1. Morris County Vocational School, R-161-23 Authorizing Hold Harmless Agreement

Manager Poff explained that this resolution rose out of conversations with the Morris County Vocational School District and their efforts to satisfy requirements for a state multi-million-dollar grant received through the Securing Our Children's Future Bond Act. The grant will provide for the construction of a technical training center at the County College of Morris campus. He explained that the vocational school must break ground in August otherwise the grant award would be jeopardized and returned to the state. This hold harmless agreement allows the project to proceed with the school's understanding of the township's water limitations relating to affordable housing projects. He stated that both parties would be working cooperatively to try and resolve the issue, while the project contractor proceeds with construction.

Attorney Buzak explained that the agreement was negotiated to protect the township from claims of lack of water, as the project needs to proceed before the August 1 deadline. He stated that both parties have been very accommodating in their efforts to have the facility built. He explained that the agreement included a provision for both parties to work cooperatively to find useful water sources.

Councilmember Potter asked if water was needed to start the construction. Manager Poff explained that he had confirmed with the construction official that the permits are ready to be issued subject to the township and vocational school board's approval of the agreement.

Councilman Forstenhausler asked if it were possible that the site would not have access to water. Manager Poff stated that it was a possibility, but the alternative was turning the money back over to the state.

Deputy Mayor Carey ascertained that water would not be needed until the building's opening; which is estimated to be in 12-24 months. Manager Poff stated that the township would be working with the school throughout the construction process to resolve the issue.

Attorney Buzak stated that while the water capacity charge against the township's affordable housing projects could vary in availability due to economic factors, interest rates, and more, those variables would not be resolved before August 1. He stated that the facility was a resource for all segments of the population. He was confident that this was the right path forward for the township and the school.

Mayor Nisivoccia asked if the site would be served by Randolph Utilities or Dover Town Utilities. Manager Poff confirmed that it would be serviced in Randolph. He added that given the complexities of the issue and the school's timing requirements for satisfying the grant deadline discussions would continue if the vote was not favorable. He stated that there were a number of things being considered to resolve the issue the school currently has.

Deputy Mayor Carey made a motion to approve R-161-23 Hold Harmless Agreement. Councilman Forstenhausler seconded the motion and the following roll call vote was taken:

AYES: Councilman Forstenhausler
Councilmember Potter
Councilwoman Veech
Deputy Mayor Carey
Mayor Nisivoccia
NAYS: None
ABSTAIN: Councilmember Hathaway
ABSENT: Councilmember Elbaum

H. OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

I. COUNCIL COMMENTS

Councilmember Potter had nothing to report for this meeting.

Councilmember Hathaway thanked everyone who participated and volunteered at the Freedom Parade.

Councilwoman Veech reported that there has been discussion about organizing a Township Council facilities tour. She reported that many non-residents and a few residents spoke about the Skate Park at a recent Parks Advisory Committee meeting. She asked if the council would be interested in conducting a Walk and Talk during the Country Fair. She concluded her report by sharing that the Parks Advisory Committee was informed that the Trails Advisory Committee was continuing to revise the Trails Master Plan.

Councilman Forstenhausler attended a Safety Committee meeting, during which the committee discussed a few incidents relating to Police, Fire, Emergency Medical Services, and Department of Public Works (DPW). He concluded his report by sharing that the DPW acquired an educational stormwater training video about for the staff.

Deputy Mayor Carey reported that delivery of the library gazebo roof was delayed. She shared that the library concerts have been very successful. She provided an overview of library stats; the average daily circulation for the library is 800 items. The total to-date for program attendance is 8,000 vs. the prior year's total of 4,000. She reported that the patron count for the library was currently 50,000, and was significantly higher than the prior year's count of 35,000. She

concluded her report by sharing that the library purchased a slice of the liberty tree for eventual display on the property.

Councilwoman Veech informed Deputy Mayor Carey that some residents have inquired about holding the concerts at Veterans Community Park. Deputy Mayor Carey explained that the library staff preferred their location as they liked the option of moving the concert indoors in the event of inclement weather; she added that the concerts have also driven traffic into the library. She stated that she would bring the idea up again at the next Board of Trustees meeting.

Mayor Nisivoccia echoed Councilmember Hathaway's comments about the Freedom Parade. He thanked the volunteers and staff for the work they put into at the Freedom Festival. He attended a Mayors' Briefing at Picatinny Arsenal. He commended the employees, staff, and civilians working at the garrison.

Deputy Mayor Carey shared that the library has a new program which was established by Girl Scouts, Emma Nisivoccia, and Elizabeth Greenberg. The scouts have started a seven-week story time and craft program to inform the public about children with disabilities and ways to increase inclusion.

J. EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, in the County of Morris, and State of New Jersey, as follows:

1. The public shall be excluded from the Executive portion of the meeting.
2. The general nature of the subject matter to be discussed is as follows:
 - A. Litigation – MHM Rte. 46 LLC v. Township of Randolph
3. As nearly as now can be ascertained, the matter or matters to be discussed at this time will be disclosed to the public at such time and under such circumstances as are prescribed by law.
4. At the conclusion of the Executive Session, the Council may or may not reconvene in public session for the purpose of taking formal action.

Councilwoman Veech made a motion to move into Executive Session at 6:30 p.m. Councilman Forstenhausler seconded the motion, and the following roll call vote was taken:

AYES: Councilman Forstenhausler
Councilmember Hathaway

Councilmember Potter
Councilwoman Veech
Deputy Mayor Carey
Mayor Nisivoccia
NAYS: None
ABSENT: Councilmember Elbaum

Councilman Forstenhausler made a motion to close the Executive Session at 6:45 p.m.
Councilmember Hathaway seconded the motion, and the following roll call vote was taken:

AYES: Councilman Forstenhausler
Councilmember Hathaway
Councilmember Potter
Councilwoman Veech
Deputy Mayor Carey
Mayor Nisivoccia
NAYS: None
ABSENT: Councilmember Elbaum

Councilman Forstenhausler made a motion to proceed at the direction of counsel on the lawsuit which was discussed during the Executive Session. Deputy Mayor Carey seconded the motion, and the following roll call vote was taken:

AYES: Councilman Forstenhausler
Councilmember Hathaway
Councilmember Potter
Councilwoman Veech
Deputy Mayor Carey
Mayor Nisivoccia
NAYS: None
ABSENT: Councilmember Elbaum

K. ADJOURNMENT

Councilman Forstenhausler made a motion to adjourn the meeting at 6:47 p.m. Councilmember Hathaway seconded the motion and following roll vote was taken:

AYES: Councilman Forstenhausler
Councilmember Hathaway
Councilmember Potter
Councilwoman Veech
Deputy Mayor Carey
Mayor Nisivoccia
NAYS: None
ABSENT: Councilmember Elbaum