

September 21, 2023

Township of Randolph
Municipal Building
Randolph, NJ
September 21, 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 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:

2023 Tax Sale – Tax Collector Linda Roth held a tax sale for unpaid 2022 charges on September 13, 2023. A total of 24 certificates of sale were issued; 4 for unpaid taxes, 2 for taxes and utility charges, and 18 for utility charges. A total of \$277,167.30 was collected with \$203,300 in premiums.

WeatherWorks 2023-24 Winter Preview – This preview focuses on the notable trends, temperature analysis, and snowfall analysis for the upcoming year. As noted in the report, this season's trends are the opposite of last year. The mid-Atlantic cities have a higher risk for above normal snowfall. He will be meeting with the Department of Public Works in preparation of this year's winter season.

2023 County Fair - Due to the weather forecast for the weekend of September 23 & 24 the difficult decision was made to cancel the Country Fair from this weekend and to re-schedule it to Saturday, October 7 from 11am-5pm at Veterans Community Park.

D. COMBINED ACTION RESOLUTIONS

Item #11, R-195-23, Authorizing the Transfer of Forfeited Tree Bond Funds, As Well As Accrued Interest to the Tree Bank – Councilmember Potter asked if the resolution was a result of trees not being planted or money being left in the bank. Manager Poff explained that there could be a variety circumstances for not fulfilling the required planting. He stated that the Engineering Department reviewed the conditions for compliance.

1. R-185-23 Refunding an Automatic Payment Applied to the Incorrect Account for a Water Payment at Block 26, Lot 11, 10 Alcor Rd to Eugene and Geneva Campbell - \$130.66
2. R-186-23 Authorizing the Disposal/Destruction of Surplus Personal Property No Longer Needed By the Fire Department for Public Use
3. R-187-23 Authorizing the Award of MCCPC Contract #3 - Rock Salt & Liquid Calcium Chloride to Various Bidders
4. R-188-23 Authorizing the Award to Extech Building Materials and Rejection of the bid from RMAC Supplies Company for MCCPC Contract #31 - Calcium Chloride Bags
5. R-189-23 Authorizing the Award to Nielsen Ford of Morristown and Rejection of the bid from Pellegrino Auto Group for MCCPC Contract #15-A - Police Pursuit Vehicles, 2024 Models

6. R-190-23 Authorizing Rejection of Bid by Pellegrino Auto Group for MCCPC Contract #15-B - Administrative Passenger Vehicles, 2024 Models
7. R-191-23 Authorizing Award and Rejection of Bids for MCCPC Contract #15-C - Utility Vehicles, 2024 Models
8. R-192-23 Authorizing Award to Various Bidders for the MCCPC Contract #15-D - Service Truck Bodies
9. R-193-23 Authorizing Rejection of Bid from Route 232 Automall of MCCPC Contract #15-E - Hybrid Vehicles, 2024 Models
10. R-194-23 Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction Website
11. R-195-23 Authorizing the Transfer of Forfeited Tree Bond Funds, As Well As Accrued Interest to the Tree Bank
12. R-196-23 Adopting the Trails Master Plan Update
13. R-197-23 Extending a Contract for Computer Networking/Maintenance and IT Services for the Period of November 14,2023, Through November 13, 2024, With the Option to Extend for One Final Year Through November 13, 2025

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: September 21, 2023

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-5.3-5.5, and any other applicable requirement, I, Deborah Bonanno, Director of Finance for the Township of Randolph, have ascertained that funds will be available, subject to annual appropriation and adoption in the 2024 municipal budget, to extend the contract to Pascack Data Services, Inc. in an amount not to exceed \$85,000 for cybersecurity and IT support services.

Deborah Bonanno
Chief Financial Officer

Budget Accounts:	01-201-20-140-304	2023	(not to exceed \$15,000)
	01-201-20-140-304	2024	(not to exceed \$20,000)
	01-201-20-140-314	2024	(not to exceed \$41,667)
	02-213-41-794-400		(not to exceed \$ 8,333)

14. R-198-23 Authorizing the Release of a Performance Bond in the amount of \$700,000.00 and the Final Payment in the amount of \$139,556.40 to DVM Construction, Inc. and the Acceptance of the Maintenance Bond issued by Lexington National Insurance Co. for \$69,210.00 for Meadowbrook Road Pump Station Renovations

15. Raffle License: On-Premise 50/50, RHS Cheerleading Booster Club, Inc., Randolph High School, 511 Millbrook Avenue, Randolph, November 19, 2023, 8:00 a.m. – 4:00 p.m.
16. Raffle License/Calendar Raffle - St. Matthew the Apostle Parish, 335 Dover Chester Road, Randolph, NJ; December 2, 2023; December 9, 2023; December 16, 2023; December 23, 2023, at 6:00 p.m.
17. Raffle License: Off-Premise Merchandise, Mendham High School Football Boosters, Inc., The Meadow Wood, 461 NJ-10, Randolph, on November 29, 2023, from 7:00 p.m. – 10:00 p.m.

Councilman Forstenhausler made a motion to approve the Combined Action Resolutions. Councilwoman Veech 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

E. UPCOMING EVENTS

1. Clean Communities Day, Saturday, September 23 2023, - participants will meet at their assigned site
2. Confidential Paper Shredding, Saturday, September 23, 2023, from 9:00 a.m. - 12 noon in the Municipal Building parking lot at 502 Millbrook Avenue, Randolph, NJ 07869
3. Randolph Country Fair at Veterans Park, 100 Calais Road, Randolph, Saturday, September 23, 2023, 11:00 a.m. - 5:00 p.m.
4. Groundbreaking Ceremony for the Morris County Career Training Center at the County College of Morris on Wednesday, September 27, 2023, at 10:00 a.m.
5. Randolph Athletic Hall of Fame Induction Ceremony at the Randolph HS Commons on Saturday, October 21, 2023, at 5:00 p.m.
6. Randolph Halloween Food Truck Or Treat Festival to Benefit the Randolph Rescue Squad, at the Morris County College, 214 Center Grove Rd., Lot 1 on Saturday, October 28, 2023, from 11:00 a.m. - 6:00 p.m.

F. ORDINANCE: SECOND READING/PUBLIC HEARING

1. Ordinance No. 18-23 Amending Division 2, Individual and Semipublic Water Supply Code of Article 11, Water, of Chapter 50, Water and Sewers of the Revised Ordinances of the Township of Randolph

BE IT RESOLVED, that an Ordinance entitled, An Ordinance Amending Division 2, Individual and Semipublic Water Supply Code, of Article II, Water, of Chapter 50, Water and Sewers, of the Revised Ordinances of the Township of Randolph, be read by title on second reading and a hearing held thereon.

Manager Poff explained that the purposed of this ordinance is to amend Division 2, Individual and Semipublic Water Supply Code, of Article II, Water, of Chapter 50, Water and Sewers, of the Revised Ordinances of the Township of Randolph, which regulates the location, construction and alteration of individual and semipublic water supplies, to incorporate revisions required as the result of changes in the law.

OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

BE IT RESOLVED, that an Ordinance entitled, An Ordinance Amending Division 2, Individual and Semipublic Water Supply Code, of Article II, Water, of Chapter 50, Water and Sewers, of the Revised Ordinances of the Township of Randolph, be passed on final reading and that a Notice of Final Passage of said Ordinance be published in the official designated newspaper according to law.

Councilmember Potter made a motion to adopt the ordinance. 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

G. ORDINANCE: INTRODUCTION

1. Ordinance No. 19-23 Repealing Section 15-6, Appeals to Governing Body of Article II, Planning Organization and Procedures of the Land Development Ordinance

Manager Poff thanked the Ordinance Workgroup for their efforts in reviewing various items and working to prepare these items for council consideration. He explained that the purpose of this ordinance is to repeal Section 15-6, Appeals to Governing Body, of Article II, Planning Organization and Procedures, of the Land Development Ordinance of the Township of Randolph, which authorizes interested parties to appeal final decisions of the Board of Adjustment approving, among other things, a use variance, to the Township Council.

Township Attorney Buzak explained that the original 1996 MLUL had a mandatory provision that allowed the governing body to hear the appeals of approved grants and variance uses. He stated that the thought behind the provision was to allow the governing body to hear the appeals and make judgments because they are the issuing entity for Zoning Ordinances. He informed the council that the process for hearing and reviewing these appeals was an added step as the resulting decision is challenged by objectors of either party, and ultimately ends up being taken to court. He suggested that if the council has confidence in their appointments to the Board of Adjustment, they should allow the board to make their determinations, and if someone is aggrieved, they may take their appeal directly to court. He added that many municipalities do not have this provision and that the township would no longer be in the minority if adopting this ordinance.

BE IT RESOLVED, that an Ordinance entitled, “An Ordinance Amending Appendix A, Fee Schedule, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey,” be introduced, read by title by the Township Clerk and passed on first reading.

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Randolph on the 19th, of October, 2023 at 6 o'clock in the evening, prevailing time, at the Town Hall in said Township, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the Township Clerk be authorized and directed to advertise said Ordinance in full or by summary with the notice of introduction thereof, in the official designated newspaper according to law.

Councilman Forstenhausler made a motion to introduce the ordinance. Councilmember Potter 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

2. Ordinance No. 20-23 Amending Appendix A, Fee Schedule, of the Revised Ordinances of the Township of Randolph

Manager Poff explained that the purpose of this ordinance is to amend the fees set forth in the Permit Fees Subsection of the Building/Construction Section of Appendix A, Fee Schedule, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey.

BE IT RESOLVED, that an Ordinance entitled, “An Ordinance Amending Appendix A, Fee Schedule, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey,” be introduced, read by title by the Township Clerk and passed on first reading.

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Randolph on the 19th, of October, 2023 at 6 o’clock in the evening, prevailing time, at the Town Hall in said Township, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the Township Clerk be authorized and directed to advertise said Ordinance in full or by summary with the notice of introduction thereof, in the official designated newspaper according to law.

Councilwoman Veech made a motion to introduce the ordinance. 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

3. Ordinance No. 21-23 Amending Section 10-1, 10-91, 10-112, 10-222 and 10-341 of Chapter 10, Boards, Commissions, Committees and Agencies of the Revised Ordinances of the Township of Randolph

Manager Poff explained that the purpose of this ordinance is to amend Chapter 10, Boards, Commissions, Committees and Agencies, of the Revised Ordinances of the Township of Randolph to provide for the appointment to any and all agencies, boards, commissions and committees, except as otherwise provided by law or in the Revised Ordinances of the Township of Randolph, of up to four student members each for a term of one year.

BE IT RESOLVED, that an Ordinance entitled, “An Ordinance Amending Sections 10-1, 10-91, 10-112, 10-222 and 10-341 of Chapter 10, Boards, Commissions, Committees, and Agencies, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey, Regarding

the Appointment of Student Members,” be introduced, read by title by the Township Clerk and passed on first reading.

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Randolph on the 19th, of October, 2023 at 6 o’clock in the evening, prevailing time, at the Town Hall in said Township, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the Township Clerk be authorized and directed to advertise said Ordinance in full or by summary with the notice of introduction thereof, in the official designated newspaper according to law.

Councilmember Potter made a motion to introduce the ordinance. 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

H. OPEN TO THE PUBLIC

Seeing and hearing no one, the public session was closed.

I. COUNCIL COMMENTS

Councilmember Hathaway attended a Recreation Advisory Committee meeting. He reported that the Sports Program Ethics Committee advised that there were a handful of sportsmanship issues raised over the past few weeks. He commended the committee for devoting their time to maintaining good sportsmanship between players, coaches, and parents. He praised the committee for evaluating incidents and taking corrective action.

He reported that Randolph Lake had an estimated 20,000 visitors this summer, nearly 1,000 more than the previous year. He shared that the Wibit System saw about 3,500 users over the season. The Recreation Department and Recreation Committee would be exploring ways to expand the system’s use.

Councilmember Potter reported that the Environmental Guidebook Public Outreach Session would be held on Tuesday, September 26, during the Environmental Landmarks Advisory Committee meeting. She shared that a second session would be held on Thursday, October 5, during a Township Council meeting.

Councilwoman Veech reported that the Community Garden Committee met on Tuesday, September 12. She shared that 41 people were currently on the garden waitlist. She informed the council that a few of the registered gardeners were notified that their beds were being neglected. Those neglected beds have resulted in an estimated 200 pounds of food being donated to the food pantry, food bank, and transitional home. She stated that the garden season would be ending on Tuesday, October 31.

She reported that the Parks Advisory Committee met on Tuesday, September 12. During the meeting, Parks and Recreation Director Russ Newman spoke about potentially bringing in skating programs to be held in parking lots in the fall. She shared that the subcommittee working on the skate park ideas had yet to find a date to meet due to scheduling conflicts.

She reported that the Planning Board met on Monday, September 18. During the meeting, the board reviewed a circulation plan resolution for Harbor Consultants in preparation for the consultant element of the Master Plan. Additionally, the board allowed a few extensions and issued a warning for a subdivision project that had yet to occur.

Councilmember Forstenhausler thanked VFW Post #7333 for hosting the 9/11 Memorial Service. He thanked the Recreation Department for hosting another successful Senior Picnic. He shared that along with Councilmember Hathaway, and Mayor Nisivoccia, he attended the Rosh Hashanah celebration at the Brundage Preserve.

Deputy Mayor Carey reported that the Library Audit was presented by Kathi Mantell during the Library Board of Trustees meeting. The audit resulted in no recommendations. Additionally, the Library Director presented a five-year capital plan. She informed the council that Clerk Luciani was assisting the library with resolving issues regarding the gazebo installation.

She reported that during the Board of Health meeting, public visitors shared concerns about the middle school. The group left and shortly returned to inform the board that they smelled gas coming from the middle school. The board called 911 and the Fire Department and Gas Company responded. It was determined that there was no gas leak or gas smell.

She continued to report that the board discussed the receipt of a \$35,000 grant from the Opioid Settlement. Health Officer Mark Caputo asked the board for recommendations on how the funds should be used. Councilwoman Veech asked what the grant fund parameters were. Deputy Mayor Carey clarified that the use had to be related to opioid abuse, Narcan training, and public health education.

Mayor Nisivoccia stated for the record that the township was still waiting for the official report from New Jersey Natural Gas regarding the incidents at the middle school.

He thanked VFW Post #7333 for hosting the 9/11 Memorial Ceremony. He shared that he met with a group of Morris Habitat for Humanity volunteers working on the Bennett Avenue project. He attended the Movie in the Park event with his children. He attended the Rosh Hashanah

celebration at Brundage Reserve and the Prasada Center for Well-Being grand opening event organized by the Economic Development Committee.

He reported that the Liberty Tree Preservation Project was moving along. The wood sealing process was nearly complete and sanding would start in about three weeks. He concluded his report by referring to the closure of the municipal skate park due to JIF safety concerns. With the council's consensus, he would ask Morris County to review county replacement options for the park, as many of its users were from surrounding communities. The council was in favor of the idea.

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 in the State of New Jersey as follows:

1. The public shall be excluded from the remaining portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
 - A. Lease or Acquisition of property
 - B. Attorney-Client Privilege: State Licensed Housing – CSLR
 - C. Attorney- Client Privilege: Mine Hill - Jackson Brook Interceptor
 - D. Attorney-Client Privilege – Communication
 - E. Personnel
3. As nearly as can now 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 on matters discussed in closed session or on any matter as permitted by law.

Councilmember Potter made a motion to move into Executive Session at 6:30 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 close the Executive Session at 7:30 p.m.
Councilmember Potter 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

Councilwoman Veech made a motion to adjourn the meeting at 7:30 p.m. Councilmember Potter 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