

Township of Randolph
Municipal Building
Randolph, NJ
June 20, 2024

A. OPENING OF REGULAR MEETING

1. Opening of the Regular Meeting

A regular meeting of the Randolph Township Council was called to order at 6:00 p.m. by Mayor Carey. This meeting is held pursuant to the New Jersey Open Public Meetings 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 within 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 November 30, 2023, by emailing them the annual resolution adopted by the Council on November 28, 2023. The annual resolution, which included this meeting date, was advertised in the Randolph Reporter, the official newspaper of the Township of Randolph, on December 7, 2023, and the Daily Record on December 4, 2023.

2. Roll Call

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

Also Present: Township Manager Poff, Planning and Zoning Administrator Darren Carney, and Township Attorney Edward Buzak of The Law Office of Surenian, Edwards, Buzak, & Nolan, LLC.

3. Pledge of Allegiance

Mayor Carey led the Pledge of Allegiance.

B. APPOINTMENT

1. Traffic Advisory Committee – Howard Hessel

Councilman Forstenhausler made a motion to appoint Howard Hessel to the Traffic Advisory Committee. Councilwoman Veech seconded the motion, and the following roll call vote was taken:

AYES: Councilmember Elbaum

Councilman Forstenhausler
Councilmember Nisivoccia
Councilwoman Thornton
Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey
NAYS: None

D. OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

E. MANAGER'S REPORT

Manager Poff reported the following:

Route 10 Natural Gas Installation - The contractor ULS on behalf of New Jersey Natural Gas continues the installation of a 16" steel gas main along Route 10 WB. The contractor is currently working between Center Grove Road and Dover Chester Road. The anticipated traffic impact is the right lane closure from Friday, 10 p.m. through Monday, 5 a.m.

Full Restoration of Energy Tax Receipts – The council's immediate action is needed to advocate for full funding of the Energy Tax Receipts Property Tax Relief Act in the SFY25 budget. As budget negotiations are ongoing to complete the Fiscal Year 2025 state budget by the June 30 deadline, the township's Senator and Assemblymembers need to hear directly from municipal elected officials that full funding of the Energy Tax Receipts Property Tax Relief Act in the SFY25 budget is critical to municipal fiscal health. The continued diversion of dedicated energy tax receipts to the state has jeopardized critical property tax relief funding. Municipalities have made difficult choices when funding was reduced and have been forced to reduce staff, cut or reduce services, and find other ways to keep budgets balanced. This much-needed funding can be used to support municipal budgets, providing funding for critical needs in our municipalities.

Morris County Board of Taxation – The Town of Morristown is challenging the Morris County Board of Taxation's equalization ratio for the 2024 tax year based on a claim that a property subject to a PILOT was erroneously assessed as taxable, therefore they claim their tax base was overstated. A trial date is scheduled for August 23. This challenge, even if successful, will not interrupt the tax rate calculation. The Division of Taxation has advised the Board to proceed as normal, and if Morristown is successful in challenging the ratio, then the differences will be debited or credited next year.

2023 Municipal Audit – A resolution authorizing the governing body certification of the annual audit will be up for council consideration during the Tuesday, July 2, 2024 Township Council meeting.

F. APPROVAL OF MEETING MINUTES

Councilman Forstenhausler made a motion to approve the Regular Township Council meeting minutes of May 23, 2024. Councilmember Nisivoccia seconded the motion, and the following roll call vote was taken:

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

F. COMBINED ACTION RESOLUTIONS

Item #1, R 135-24 - Authorizing Approval of Items of Revenue and Appropriation Per NJSA 40A:4-87 - Local Recreation Improvement Grant (LRIG) – Deputy Mayor Hathaway asked if the resolution related to Rosenfarb Park. Manager Poff confirmed that he was correct. There was discussion on the grant award and the anticipation that the township would be matching the awarded contribution in the next budget cycle.

1. R 135-24 Authorizing Approval of Items of Revenue and Appropriation Per NJSA 40A:4-87 - Local Recreation Improvement Grant (LRIG) - \$70,000.00
2. R 136-24 Authorizing Refund of Recreation Program Fees
3. R 137-24 Authorizing Award for Electronic Municipal Tax Lien Sales - Not to Exceed \$2,000.00

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: June 20, 2024

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 are available to award a contract in an amount not to exceed \$2,000 to Realauction.com, LLC/R.O.K. INDUSTRIES, INC. for online tax sale services, per its proposal submitted to the Township.

Deborah Bonanno
Chief Financial Officer
Budget Account: 01-201-20-145-011

4. R 138-24 Authorizing Award of Contract for a Salt Spreader Attachment for DPW Vehicle Under Education Services Commission of NJ (ESCNJ) Contract #23/24-04 Using ARPA Funds - \$49,500.00

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: June 20, 2024

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 are available for the purchase of a salt spreader attachment for truck #917 in an amount not to exceed \$49,500.

Deborah Bonanno
Chief Financial Officer
LFRF Account: 02-213-41-794-400

5. R 139-24 Authorizing Award of Contract for Roll-Off Containers for DPW Vehicle Under Education Services Commission of NJ (ESCNJ) Contract #23/24-04 Using ARPA Funds - \$15,500.00

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: June 20, 2024

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 are available for the purchase of roll-off containers for truck #917 in an amount not to exceed \$15,500.

Deborah Bonanno
Chief Financial Officer
LFRF Account: 02-213-41-794-400

6. R 140-24 Authorizing Award of Contract for Body, Snowplow and Salter for DPW Vehicle Under Education Services Commission of NJ (ESCNJ) Contract #23/24-04 Using ARPA Funds - \$121,000.00

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: June 20, 2024

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 are available for the purchase of body, snowplow, and salter for truck #928 in an amount not to exceed \$121,000.

Deborah Bonanno
Chief Financial Officer
LFRF Account: 02-213-41-794-400

7. R 141-24 Authorizing Award of Contract for MCD 5000 IP Desksets System and Related Accessories for the Police Department Under NJ State Contract #T0109 83909 Using ARPA Funds - Not to Exceed \$52,000.00

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: June 20, 2024

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 are available for the purchase of desk sets for the police department in an amount not to exceed \$52,000.

Deborah Bonanno
Chief Financial Officer
LFRF Account: 02-213-41-794-400

8. R 142-24 Authorizing the Settlement of Certain Commercial Tax Appeal, Block 195, Lot 20, 274 South Salem Street, Randolph
9. R 143-24 Authorizing Approval of Veteran Tax Exemption, Block 208.02, Lot 14, 118 Shongum Road - \$556.16
10. R 144-24 Authorizing Change of Name of Awarded Vendor for MCCPC Contract #13-B (Repair & Rebuilding of Fire Water Pumps on Motorized Fire Apparatus) from Firefighter One, LLC to FF1 Apparatus, LLC
11. R 145-24 Authorizing Release of Cash Road Opening Bond, 20 Burnet Brook Drive, Mendham, NJ - \$500.00
12. R 146-24 Authorizing Award of Contract for Cab/Chassis Under Morris County Cooperative Pricing Council ("MCCPC") Contract #15-C Using ARPA Funds - Not to Exceed \$55,169.00
13. R 147-24 Authorizing Award of Contract for Dump Body for DPW Vehicle Under ESCNJ Contract #23/24-04 Using ARPA Funds - Not to Exceed \$20,500.00
14. R 148-24 Authorizing Award of Contract for Snowplow for DPW Vehicle Under NJ State Contract #T0085 88270 Using ARPA Funds - Not to Exceed \$6,600.00
15. R 149-24 Authorizing Assignment of MCCPC Contract #20-A and #20-B (Sporting Goods) from Leezar Sporting Goods to Dragon Apparel, LLC
16. R 150-24 Authorizing Award of Contract for Cab/Chassis for DPW Vehicle Under ESCNJ Contract #23/24-04 Using ARPA Funds - Not to Exceed \$145,000.00
17. R 151-24 Authorizing Liquor License Renewals for the 2024-2025 Season
18. Raffle License - On-Premise 50/50, Stefan Strong Foundation, Saturday, August 3, 2024, 12:00 p.m. - 4:00 p.m. at Fort Nonsense Brewing Company, 220 Franklin Road, Randolph
19. Raffle License - On-Premise 50/50, RHS Cheerleading Booster Club, Saturday, August 31, 2024, Friday, September 6, 2024, Friday, September 20, 2024, Friday, October 4, 2024, and Thursday, October 10, 2024, 7:00 p.m. - 8:30 p.m., at Randolph High School
20. Raffle License - Off-Premise 50/50, Friends of Randolph Football, Friday, September 6, 2024, 7:00 p.m. - 9:00 p.m. at Randolph High School

Deputy Mayor Hathaway made a motion to approve the combined action agenda.
Councilwoman Thornton seconded the motion, and the following roll call vote was taken:

AYES:	Councilmember Elbaum
	Councilman Forstenhausler – Abstained to Item #10, R 144-24
	Councilmember Nisivoccia
	Councilwoman Thornton
	Councilwoman Veech
	Deputy Mayor Hathaway
	Mayor Carey
NAYS:	None

G. ORDINANCES: SECOND READING/PUBLIC HEARING

1. Ordinance 12-24 - An Ordinance Amending Sections 15-12.2, 15-29.2, 15-35.9 and 15.42 of the Land Development Ordinance of the Township of Randolph to Permit New Car and Truck Dealerships and Accessory Used Car and Truck Sales and Service That Are Part of a Shopping Center in the B-4 General Commercial District

BE IT RESOLVED, that an Ordinance entitled, An Ordinance Amending Sections 15-12.2, 15-29.2, 15-35.9 and 15-42 of the Land Development Ordinance of the Township of Randolph to Permit New Car and Truck Dealerships and Accessory Used Car and Truck Sales and Service that are Part of a Shopping Center in the B-4 General Commercial District, be read by title on second reading and a hearing held thereon.

Manager Poff explained that the purpose of this ordinance is to amend Sections 15-12.2, 15-29.2, 15-35.9 and 15-42 of the Land Development Ordinance of the Township of Randolph to permit new car and truck dealerships and accessory used car and truck sales and service that are part of a shopping center in the B-4 General Commercial District.

OPEN TO THE PUBLIC

Ann Cole of 189 Quaker Church Road inquired about the plans for the site. Planning and Zoning Administrator Darren Carney provided a brief summary of the ordinance and explained that notice would be provided when the property owner submits an application to the Planning Board.

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

BE IT RESOLVED, that an Ordinance entitled, An Ordinance Amending Sections 15-12.2, 15-29.2, 15-35.9 and 15-42 of the Land Development Ordinance of the Township of Randolph to Permit New Car and Truck Dealerships and Accessory Used Car and Truck Sales and Service that are Part of a Shopping Center in the B-4 General Commercial District, 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.

Councilman Forstenhausler made a motion to adopt the ordinance. Councilmember Nisivoccia seconded the motion, and the following roll call vote was taken:

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

G. ORDINANCES: INTRODUCTION

1. Ordinance 15-24 - An Ordinance Amending Ordinance No. 13-23 to Provide and Determine the Range of Compensation for Specified Officers and Employees in the Township of Randolph

Manager Poff explained that the purpose of this ordinance is to establish and set forth the salaries for the Township employees listed herein that will be in effect starting January 1, 2024.

BE IT RESOLVED, that an Ordinance entitled, “An Ordinance Amending Ordinance No. 13-23 to Provide and Determine the Range of Compensation for Specified Officers and Employees in the Township of Randolph” 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 2nd, of July, 2024 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.

Deputy Mayor Hathaway asked if this ordinance was based on the contract negotiations. Manager Poff confirmed he was correct. The ordinance puts into place the salaries that have been agreed to pursuant to the collective negotiation's agreement.

Councilmember Nisivoccia made a motion to introduce the ordinance. Councilwoman Thornton seconded the motion, and the following roll call vote was taken:

AYES: Councilmember Elbaum
Councilman Forstenhausler
Councilmember Nisivoccia
Councilwoman Thornton
Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey

NAYS: None

I. OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

J. COUNCIL COMMENTS

Councilmember Nisivoccia reported that he and Councilman Forstenhausler attended the Say Hi Day event coordinated by Clerk Luciani. He attended several community events since the previous council meeting. The events included the St. Andrew Greek Orthodox Church Festival, a ribbon-cutting ceremony for Max's Electric Bikes, a bench dedication ceremony for Beth Jones Mason, an Eagle Scout Court of Honor presentation, and the final Liberty Tree Dedication Ceremony at the Randolph Museum. He concluded his report by sharing that he attended a Morris County League of Municipalities meeting and the VFW Flag Retirement Ceremony.

Councilwoman Veech attended many of the previously mentioned events. On Friday, June 14, she participated in a New Jersey League of Municipalities Legislative Committee meeting. She informed the council that the annual league conference will include opportunities for round table discussions with other municipalities.

She reported that the Communications Workgroup met on Wednesday, June 19. Township staff have redesigned the New Residents page on the township website. A letter will be sent to new property owners to direct them to the resource and connect them to the township's various communication channels. The workgroup also discussed the recent social media campaign for the township's Fire Department and Rescue Squad. The campaign will continue to highlight the volunteer opportunities available within each organization and the benefits of their services to the community. Additionally, the workgroup discussed the Citizen Request Management (CRM) software transition. The new CRM, SeeClickFix, is anticipated to launch sometime in the winter. The workgroup also discussed the township's installation of a new office phone system through the American Rescue Plan Act funding.

Councilwoman Thornton attended the St. Andrew's Greek Orthodox Church Festival, the final Liberty Tree Dedication at the Randolph Museum, and the Randolph Reminisces program at the Randolph Museum. She reported that the library's summer programs began on Friday, June 14 for both children and adults. The library's Summer Concert Series will start on Monday, June 24. She shared that there is a new section at the library specifically for Randolph residents. Items in this section can only be checked out in person; they are not available online.

She attended the combined Parks Advisory Committee and Recreation Advisory Committee meeting. She reported that there are 35 people on the Community Garden waitlist and that sunflowers were planted at the back of the garden against the fence. She informed the council that the park facilities continue to be assessed; volunteers are going through each park and filling out sheets to identify any maintenance issues. She stated that the registration for the Country Fair was now open. She noted that the Summer Kick-Off Celebration at Randolph Beach is scheduled for Saturday, June 22, and that positive feedback was received on the distribution of earplugs at the Movie in the Park event.

She shared that a disabled juvenile who auditioned and received a part in the Brundage Playhouse's production of Honk back in the fall season was featured in an article of Good Housekeeping. The article shared the family's experience with the production and the positive reception from the community.

She reported that there was an incident during a baseball game at one of the township parks. A player was struck by a pitch during a game and had gone into cardiac arrest. A nurse was on site and provided CPR, while others ran for the nearby AED. The player's pulse returned and he was sent to the hospital. She noted that the incident highlights the importance of having AEDs accessible.

She concluded her report by sharing that the Trails Advisory Committee discussed the success of the fairy trail which will be operating through the end of November. The committee hopes to bring back the trail next year. She noted that the Friends of the Randolph Trails Facebook page has 1,300 followers; the committee will be collaborating with the Township Communication Director to obtain more followers.

Councilmember Elbaum reported that she was also present for the combined Parks and Recreation Committee meeting. She shared that the camp enrollment figures increased. The camp season officially begins on Monday, June 24, and fall registration for recreation programs is now open. She informed the council that the township would be hosting the Senior Olympics on Wednesday, September 18. There was discussion about establishing a Skatepark Subcommittee within the Recreation Advisory Committee.

She reported that the Board of Health discussed the Health Department's accreditation by the end of 2025 via a state grant to be comparable to a Board-Certified Physician. She concluded her report by sharing that single-stream recycling in Randolph has increased by 54% from the previous year.

Councilman Forstenhausler reported that he attended many of the previously mentioned events. He shared that the Traffic Advisory Committee continued efforts to assess accident reports and work with the Police Department to determine additional recommendations and obtain more information.

Deputy Mayor Hathaway had nothing to report for this meeting.

Mayor Carey reported that she was present at many of the mentioned events. In addition to those functions, she also participated in the Girl Softball Championship on Saturday, June 8. She shared that the owner of Max's Electric Bikes relayed to her that he was happy to be in a pro-business town; he appreciated the township's New Business Welcome Packet and found it to be a very useful resource. She attended the Bench Dedication Ceremony for Beth Jones Mason. She also visited Sunrise Senior Living to present one of the facility's residents with a centenarian certificate.

She shared that her Mondays with Mayor sessions have been successful. She has held two events thus far, one at the Randolph Diner, and the other at the Randolph Library. She is trying to alternate the times for these sessions and has found that the library is the more accessible location. She reported that she has officiated five wedding ceremonies thus far in June.

She concluded her report by sharing that the Economic Development Committee continued its efforts on the Business of the Year Award criteria, the Country Fair, and the November Veterans Discount Book. She noted that several new businesses are anticipated to open in the community.

Councilman Forstenhausler shared that the veterans of VFW Post #7333 wanted him to pass on their thanks to himself, Councilwoman Veech, Councilmember Nisivoccia, and Mayor Carey for their assistance at the Flag Retirement Ceremony. They appreciated the council's support.

K. 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. Litigation: Randolph Town Center Associates, L.P., Case No. 23-15274 (VFP) and In re Carl Weber Green Properties, LLC (Case No. 17-29110 (VFP)
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 will 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.

Councilman Forstenhausler made a motion to move into Executive Session at 6:42 p.m. Councilmember Nisivoccia seconded the motion and the following roll call vote was taken:

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

Councilman Forstenhausler made a motion to close the Executive Session and reopen the meeting to the public at 7:02 p.m. Deputy Mayor Hathaway seconded the motion and the following roll call vote was taken:

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

L. REOPEN TO PUBLIC SESSION/CONSIDERATION OF RESOLUTION

1. R 152-24 Authorizing Award of Professional Services Agreement to Chiesa Shahinian & Giantomasi, PC ("CSG Law") for the 2024 Calendar Year - Not to Exceed \$16,000.00

Councilmember Nisivoccia made a motion approve the resolution. Councilwoman Veech seconded the motion and the following roll call vote was taken:

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

M. ADJOURNMENT

Councilman Forstenhausler made a motion to adjourn the meeting at 7:04 p.m. Councilmember Nisivoccia seconded the motion, and the following roll call vote was taken:

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