

Township of Randolph
Municipal Building
Randolph, NJ
July 8, 2021

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 Forstenhausler. This meeting is held pursuant to the New Jersey Open Public Meetings Act. Adequate and electronic 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 December 2, 2020, by emailing them the annual resolution adopted by the Council on November 12, 2020. The annual resolution, which included this meeting date, was advertised in the Randolph Reporter, the official newspaper of the Township of Randolph and the Daily Record on December 10, 2020. The amended annual resolution was adopted by the Council on January 21, 2021 and notice was provided by email to the Randolph Reporter, the Morris County Daily Record and TapInto Randolph on January 22, 2021. The amended annual resolution which included this meeting date was advertised in the Randolph Reporter, the official newspaper of Randolph Township and the Morris County Daily Record on January 28, 2021. The time change for this meeting was posted on the Bulletin Board within Town Hall and on the Township website on May 17, 2021.

2. Roll Call

PRESENT: Councilwoman Carey
Councilman Loveys
Councilman Nisivoccia
Councilman Tkacs
Councilwoman Veech
Deputy Mayor Potter
Mayor Forstenhausler

Also present: Township Manager Mountain, Township Chief Financial Officer Darren Maloney, and Township Attorney Edward J. Buzak

3. Pledge of Allegiance

Mayor Forstenhausler led the Pledge of Allegiance.

Mayor Forstenhausler suggested that Fire Chief Moschella be allowed to speak and provide background on Combined Action Item #6, R-180-21, before moving ahead with other items to allow the members of the Fire Department to be excused from the meeting.

R-180-21 Authorizing the purchase of a new Fire Service Apparatus from Firematic Supply Co., Inc. - \$217,473.00

Fire Chief Moschella explained that the Fire Department is seeking to replace a fire service apparatus. He provided a brief background on the vehicle's use and informed the council that the apparatus currently being used by the department was from 1992.

Manager Mountain informed the council that this resolution is required for the purchase of Firematic Supply Co. Inc.'s FS19MB01 Rally B.R.A.T. ® Ford F550 vehicle for the contract award amount of \$217,473.00 to be in accordance with the H-GAC contract. He stated that the department had gone through all of the necessary background activities and that this resolution memorializes that the township has been consistent with purchasing and co-op requirements.

Councilman Loveys inquired if the township used this co-op before. Manager Mountain confirmed that he was correct. Councilman Loveys asked if the resolution had already been approved. Mayor Forstenhausler informed him that this resolution was for a second vehicle. Manager Mountain added that this was a completely separate purchase.

Fire Chief Moschella informed Councilman Loveys that the vehicle purchased in the past was a support utility vehicle. He explained how the vehicle differed from the fire service apparatus. Mayor Forstenhausler added that the apparatus was a replacement, not an additional vehicle.

Councilman Loveys asked how long it would take for the vehicle to arrive. Chief Moschella informed him that the vehicle is custom fabricated; he estimated that it would take eight months.

B. PRESENTATION OF AUDIT

1. Presentation of 2020 Audit

Kathy Mantel of Nisivoccia Accounting, LLP, presented the 2020 Audit Fund Balance for Randolph Township. She explained that the township experienced a revenue shortfall of roughly \$400,000. The revenue loss was due to the decrease in recreation revenue throughout the pandemic year. Mrs. Mantel commended the council for their foresight, communication, and efforts in managing and rebounding from the shortfall.

She stated that the capital projects were all under control and explained that this was the first year where no findings or comments were made; this was due to the fiscal management in 2020 addressing previous accounting recommendations.

Councilman Loveys inquired about how that was accomplished. Darren Maloney explained that the state had established three directives for municipalities. These directives require the establishment of an encumbered system, a general ledger, and a fixed system. He briefly explained how the township had met the required threshold to establish a fixed asset system. The system will be maintained and updated in-house.

2. R-174-21 Governing Body Certification of the 2020 Annual Audit

Deputy Mayor Potter made a motion to approve the resolution. Councilwoman Carey seconded the motion, and the following roll call vote was taken:

AYES: Councilwoman Carey
Councilman Loveys
Councilman Nisivoccia - Abstained
Councilman Tkacs
Councilwoman Veech
Deputy Mayor Potter
Mayor Forstenhausler

NAYS: None

C. APPOINTMENTS

1. Student Appointments to the Board of Health, Economic Development Committee, Recreation Committee and Trails Committee

Councilman Loveys made a motion to appoint students to various Township Boards and Committees:

Board of Health	○ Kaviya Saravanan Sundaram
Student Appointments:	○ Samantha Niewiarowski
(Two year terms ending 6/30/21)	○ Seraphine Lam
	○ Sasha Saltus – Appointed to the unexpired term of N. Agostin ending 6/30/22
Economic Development Committee	
Student Appointment:	○ Jonah Perelman
(Two year term ending 6/30/23)	
Recreation Advisory Committee	
Student Appointment:	○ Jesse Glauberg
(Two year term ending 6/30/23)	
Trails Advisory Committee	
Student Appointment:	○ Elle Nathan
(Two year terms ending 6/30/23)	○ Juliana Puttre

Councilman Nisivoccia seconded the motion, and the following roll call vote was taken:

AYES: Councilwoman Carey
Councilman Loveys
Councilman Nisivoccia
Councilman Tkacs
Councilwoman Veech
Deputy Mayor Potter
Mayor Forstenhausler

NAYS: None

D. OPEN TO THE PUBLIC

James McConnell of 45 Carrell Road stated that it was a pleasure to see the council in person as he has participated in a few meetings via Zoom. He commented that he was familiar with a few of the students who had been appointed.

E. MANAGER'S REPORT

Manager Mountain reported the following:

Gerry Condit Retirement – Fleet Maintenance DPW Foreman Gerry Condit retired on June 30. Mr. Condit served for over 25 years as a mechanic in the township's Public Works Department; for the last six years, he has served as Foreman. Mr. Condit managed the DPW fleet division with a tremendous work ethic and great passion for vehicle maintenance.

Manager Mountain stated that his knowledge and leadership would be missed. He announced that Rob Gomez has been promoted to fulfill Mr. Condit's position. Mr. Gomez has been with the Public Works Department for over eight years. He was appointed to the Foreman position and assumed the division's leadership on July 1. Mr. Gomez comes to the position with an excellent background in the field, knowledge of township operations, and a similar work ethic to Mr. Condit's.

Trails Update/Aggressive Coyote Incidents – This past weekend, the township has had multiple reports of incidents involving an aggressive coyote on the township trails behind the municipal building going out towards Shongum and Everdale Roads. The incidents were reported to the New Jersey Division of Fish & Wildlife. The trails where the incidents occurred were closed to allow Conservation Officers, Parks Department Staff, and Township Police to set up a trapping operation.

The operation resulted in one coyote being trapped and removed from the area. At the direction of Fish and Game, the trails will be reopened this weekend. Residents using township trails should continue to use caution when on the trails. Interactions with a coyote should be reported to either County Dispatch or the Fish and Wildlife directly.

Police Swearing-In/Award Ceremony – A special Council Meeting has been scheduled for next Wednesday, July 14 at 5 p.m. for the Police Swearing-In/Award Ceremony. The meeting will be held at the County College of Morris Auditorium. During the meeting, a public swearing-in ceremony will be conducted for several of the patrol officers hired during the past year whose public ceremonies were not possible due to COVID-19. The ceremony will also include recognition for newly appointed Police Chief Harzula, Lieutenant Goral, and Sergeant Edelman.

Mayor Forstenhausler asked if anyone was injured by the coyote. Manager Mountain stated that he believed injuries were sustained as a result of people trying to get away from the coyote; he did not receive a full report on the injuries. Mayor Forstenhausler shared that there has been a lot

of speculation about the incident. Manager Mountain informed him that a coyote attack did occur; he was just unsure of whether the injuries sustained were a result of the coyote attacking.

Deputy Mayor Potter asked if the captured coyote was tested for rabies. Manager Mountain informed her that the coyote tested positive for rabies.

F. COMBINED ACTION RESOLUTIONS

Item 10, R-183-21, Endorsing the Treatment Works Approval (TWA) Application for the Sanitary Sewer Improvements on Farm Road and Arnold Drive – Councilwoman Veech asked if the residents in the area had been contacted and inquired about the project's time frame and purpose. Manager Mountain informed her that the neighboring residents were aware of the project. He explained that the project was not at the construction stage as of yet. He did not think the project would take an extended amount of time as it involves existing infrastructure already in place. He will update the council as the construction of the project nears.

1. R-175-21 Refund Tax Sale Certificate for Block 160, Lot 47, 47 Lake Shore Drive South to C&E Tax Lien Fund I - \$19,837.08
2. R-176-21 Release Police Detail Escrow to D. Panetta Contracting, LLC - \$237.66
3. R-177-21 Refund registration for child to attend Summer Teen Camp due to medical reasons - \$1,125.00
4. R-178-21 Refund registration for Summer Day Camp Before and After Care Program as it is no longer needed to Marisa Mustilli - \$350.00
5. R-179-21 Release road opening cash bonds for resurfacing driveways at Block 154, Lot 23 - 37 Meadowbrook Rd. to Pawlowski - \$500.00 and Block 165, Lot 1, 7 Lincoln Rd. to Centalanza - \$500.00
6. R-180-21 Authorizing the purchase of a new Fire Service Apparatus from Firematic Supply Co., Inc. - \$217,473.00

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: July 8, 2021

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Darren Maloney, Director of Finance for the Township of Randolph, have ascertained that funds will be available in the Capital Fund, Ordinance 09-19, Purchase Brush Truck, to award a contract to Firematic Supply Company for the delivery of a brush truck, per its response to a bid solicitation by the Township.

Darren Maloney

Chief Financial Officer

Budget Accounts: 04-215-55-997-302 (not to exceed \$217,473)

7. R-181-21 Authorizing Change Order #4 to extend by one year the Professional Services Agreement with Harbor Consultants, In. for Planning Services for the Affordable Housing Program (COAH)
8. R-182-21 Authorizing the Award of MCCPC Contract #43 to AmeriGas Propane, L.P. for Propane Gas - Rebid#2
9. R-183-21 Endorsing the Treatment Works Approval (TWA) application for the Sanitary Sewer Improvements on Farm Road and Arnold Drive
10. Raffle License, On-Premise Tricky Tray, Friends of Randolph Animal Pound, Veterans' Community Park, Calais Road, Randolph, September 25, 2021, 10:00 a.m. - 4:00 p.m.
11. Raffle License, Off-Premise Merchandise, St. Andrew Greek Orthodox Church/Daughters of Penelope, The Meadow Wood, 461 Route 10, Randolph, October 16, 2021 at 1:00 p.m.

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

AYES:	Councilwoman Carey Councilman Loveys Councilman Nisivoccia Councilman Tkacs Councilwoman Veech Deputy Mayor Potter Mayor Forstenhausler – Abstained from #6, R-179-21
NAYS:	None

G. UPCOMING EVENTS

1. Special Council Meeting - Swearing-In Ceremony for Police Department, County College of Morris, Center Grove Road, Randolph, Wednesday, July 14, 2021, 5:00 p.m. - 7:00 p.m.

H. ORDINANCES: SECOND READING/PUBLIC HEARING

1. **Ordinance No. 22-21 Appropriating \$200,000 from the American Rescue Plan's Local Fiscal Recovery Fund for Improvements to Real Property Located at 42 Bennett Avenue**

BE IT RESOLVED, that an Ordinance entitled, "An Ordinance of the Township of Randolph Appropriating \$200,000 from the American Rescue Plan's Local Fiscal Recovery Fund for Improvements to Real Property Located at 42 Bennett Avenue", be read by title on second reading and a hearing held thereon.

Manager Mountain explained that this ordinance provides the supplemental funding required for completing the various improvements to EA Porter site, 42 Bennett Avenue. The funding will be submitted for reimbursement under the American Rescue Plan Act.

OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

BE IT RESOLVED, that an Ordinance entitled, “An Ordinance of the Township of Randolph Appropriating \$200,000 from the American Rescue Plan’s Local Fiscal Recovery Fund for Improvements to Real Property Located at 42 Bennett Avenue”, 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.

Mayor Forstenhausler commented that he was glad to see good uses for the money that has been allocated to the township by the Federal Government through American Rescue Plan.

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

AYES:	Councilwoman Carey
	Councilman Loveys
	Councilman Nisivoccia
	Councilman Tkacs
	Councilwoman Veech
	Deputy Mayor Potter
	Mayor Forstenhausler
NAYS:	None

I. ORDINANCES: INTRODUCTION

1. Ordinance 23-21 – An Ordinance of the Township of Randolph Prohibiting the Operation of Any Class of Cannabis Business within the Geographical Boundaries of the Township of Randolph

Manager Mountain explained that this ordinance memorializes the township’s decision to opt-out of allowing local cannabis business operation at the present time. The opt-out action was recommended by the cannabis committee. They studied the issue for the past six months, spoke to experts in the field, spoke with neighboring communities, and looked at key details related to the law. The cannabis committee’s recommendation was based primarily on the fact that there is still much to be known about the new laws. The regulations associated with the new laws have not yet been enacted by the State of New Jersey and there is not yet a final time table on when that will be. The other key driver in the decision making process was that the township can opt-in at any time for any or all of the businesses if they feel it would be a good fit for the township at that time.

BE IT RESOLVED, that an Ordinance entitled “An Ordinance of the Township of Randolph Prohibiting the Operation of Any Class of Cannabis Business within the Geographical

Boundaries of 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 22nd, of July, 2021, at 6:00 p.m. 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 Carey made a motion to introduce the ordinance. Deputy Mayor Potter seconded the motion, and the following roll call vote was taken:

AYES:	Councilwoman Carey
	Councilman Loveys
	Councilman Nisivoccia
	Councilman Tkacs
	Councilwoman Veech
	Deputy Mayor Potter
	Mayor Forstenhausler
NAYS:	None

2. Ordinance 24-21 – An Ordinance of the Township of Randolph Appropriating \$84,901.50 from the Township's Insurance Fund for Refurbishing One Ambulance

Manager Mountain explained that the purpose of this ordinance is to appropriate the funding for the township to purchase a refurbished ambulance. He stated that a township ambulance was totaled in an accident the previous year; insurance covered the cost of the damage and the township is now in the process of replacing the vehicle.

BE IT RESOLVED, that an Ordinance entitled “An Ordinance of the Township of Randolph Appropriating \$84,901.50 from the Township's Insurance Fund for Refurbishing One Ambulance” 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 22nd, of July, 2021, at 6:00 p.m. 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 Nisivoccia made a motion to introduce the ordinance. Deputy Mayor Potter seconded the motion, and the following roll call vote was taken:

AYES: Councilwoman Carey
Councilman Loveys
Councilman Nisivoccia
Councilman Tkacs
Councilwoman Veech
Deputy Mayor Potter
Mayor Forstenhausler
NAYS: None

3. Ordinance 25-21 – An Ordinance of the Township of Randolph Amending Sections 15-2.2 and 15-11.13 of the Land Development Ordinance of the Township of Randolph

Manager Mountain explained that the purpose of this ordinance is to amend sections 15-2.2 and 15-11.13 of the Land Development Ordinance consistent with certain revisions recommended by the Township of Randolph Board of Adjustment regarding decks.

BE IT RESOLVED, that an Ordinance entitled “An Ordinance of the Township of Randolph Amending Sections 15-2.2 and 15-11.13 of the Land Development Ordinance of 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 22nd, of July, 2021, at 6:00 p.m. 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 asked for clarification on section 2. Councilman Loveys informed her that the portion she was referring to discussed the setbacks a deck can have in relation to a property line. He explained the formula for determining the setback; he was unsure of how the formula related to side yard regulations. Manager Mountain stated that if she was referring to how the formula was determined he would get her additional information on it. Mayor Forstenhausler commented that the formula accounts for deck heights. There was a brief discussion about the wording of the sections. Mayor Forstenhausler informed Councilwoman Veech that an explanation would be provided for her prior to the ordinance’s second reading.

Deputy Mayor Potter made a motion to introduce the ordinance. Councilwoman Carey seconded the motion, and the following roll call vote was taken:

AYES: Councilwoman Carey
Councilman Loveys

Councilman Nisivoccia
Councilman Tkacs
Councilwoman Veech
Deputy Mayor Potter
Mayor Forstenhausler
NAYS: None

J. OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

K. COUNCIL COMMENTS

Councilwoman Veech had no report for this evening.

Councilman Tkacs reported that he participated in the Freedom Festival parade. He commented that the turn out for the event was great.

Councilman Nisivoccia reported that he attended the Municipal Alliance Committee meeting. He shared that he participated in the Freedom Festival Parade and thanked the Randolph Kiwanis Club and the festival staff for putting together a great event. He was happy to see that this year's festival was reminiscent of the festivals held in the past.

Councilman Loveys echoed Councilman Nisivoccia's comments on the Freedom Festival. He thanked all the Kiwanis members and the township staff for their efforts.

Councilwoman Carey echoed the council comments on the Freedom Festival. She commented that the event was a great success.

Deputy Mayor Potter commented that she enjoyed the Freedom Festival parade.

Mayor Forstenhausler echoed the council's comments on the Freedom Festival. He recognized the passing of Raymond Stromberg and shared his sympathies with Mr. Stromberg's family.

L. EXECUTIVE SESSION

No Executive Session was held for this meeting.

M. ADJOURNMENT

Councilman Loveys made a motion to adjourn the meeting at 6:45 pm. Deputy Mayor Potter seconded the motion, and the following roll call vote was taken:

AYES: Councilwoman Carey
Councilman Loveys
Councilman Nisivoccia
Councilman Tkacs

July 8, 2021

Councilwoman Veech
Deputy Mayor Potter
Mayor Forstenhausler
NAYS: None