

December 14, 2023

Township of Randolph  
Municipal Building  
Randolph, NJ  
December 14, 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. Notice was posted on the Bulletin Board within Town Hall, it was filed with the Township Clerk, published on the township website, 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 October 24, 2023, by emailing them the legal notice which included this meeting date. The date for this meeting was advertised in the Randolph Reporter and the Daily Record on November 2, 2023.

### **2. Roll Call**

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

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. PRESENTATION OF POLICE AWARDS**

**There was a brief break at 6:50 p.m.**

## **C. OPEN TO THE PUBLIC**

Jim McConnell of 25 Carrell Road shared that he has attended many Police Awards ceremonies in the past. He stated that he has gotten to know many officers in Randolph Township. He commended the Police Department for doing a great job and hoped that township would continue to acknowledge the Police Department, Fire Department, and EMS in the future.

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

#### **D. MANAGER'S REPORT**

Manager Poff reported the following:

Den Brook Pump Station Update – An Emergency Certification for \$50,000 has been prepared for the repair of the pump(s) or replacement of same. At this time approximately \$15,000 has been spent against that appropriation. Work continues to identify the pump station failure, which included pumping down the wet well to inspect the rails and further refine an estimate to restore the pump station. At this time, it is estimated that the pump replacements and other necessary appurtenances will cost \$250,000. The reappropriation of capital funds previously authorized will be used for the repair.

2024 Budget Preparation – The Division of Local Government Services has issued guidance which provided appropriation increases in excess of 3.5% for the following budget appropriations; garbage and trash removal and disposal, recycling, PERS and PFRS employer contributions; gasoline and diesel fuel; and worker's compensation insurance in CY2023/SFY2024. The League of Municipalities has been advocating for these items to be outside the levy cap on a permanent basis.

Morris Turnpike Grant Award – The township has been awarded \$338,819 (65% of the total estimated project cost) for the resurfacing of Morris Turnpike. The scope of this application covers the area between Dover Chester Road and Sussex Turnpike and includes about 4,200 linear feet of road milling and paving, 1,700 linear feet of granite block curb replacement/installation, catch basin repairs, and replacement of 6 ADA curb ramp and sidewalk. The total project cost is estimated at \$517,000.

Media & Communications Update – Manager Poff and Communications Director Robert Rios met with County College of Morris Dean of Liberal Arts Dr. Thomson Ling to discuss creating opportunities for students and allowing them to gain practical experience in media and communications to better prepare them for future professions. The collaboration will permit the township to grow its resources of delivering messaging and communication to residents. The township is currently working with Associate Director of Career Services Rosemary Grant in developing such an opportunity in 2024.

Summer Job Fair – The Parks & Recreation Department will be holding its annual summer job fair on Saturday, January 6, 2024, at the Community Center. Interviews will be conducted at that

time. The job fair will offer opportunities in a variety of departments. To receive an application in advance, interested applicants can contact the Recreation Office at 973-989-7081.

Manager Poff concluded his report by thanking Mayor Nisivoccia for his leadership and guidance throughout the year. He stated that he has truly enjoyed his insight into the history of the township and for his efforts in continuing to educate him about all the great things about the community. He stated that it was a pleasure working with him and that his leadership and guidance have been invaluable in helping him serve as Township Manager.

Mayor Nisivoccia thanked Manager Poff. He stated that it was a pleasure and that he had learned much from him throughout the year.

Councilmember Hathaway asked if there was a temporary setup at the Denbrook Pump Station. Manager Poff confirmed there was; he added that adjustments for a temporary alarm system were made. He was waiting to receive a report on the determinations; a plan for repairs would be developed.

Councilwoman Veech asked Manager Poff to provide an update on the Sustainability/Recycling Workgroup Energy Aggregation meeting. Manager Poff explained that the workgroup was approached by Concord Energy Services to ask for consideration in enrolling the township in the Community Energy Aggregation program. He explained that the program allowed for residential energy aggregation. If the Township Council moved forward, all residents would be signed up to purchase their energy through the energy aggregator's generator of choice. He explained that the workgroup reviewed the proposal and gave the recommendation not to proceed due to the opt-out nature of the program. He agreed with the workgroup's recommendation and explained that though there are benefits to the program, it was outside the scope of local government.

Mayor Nisivoccia explained that the program as it is worked when there was a savings; however, to his recollection in the previous two years the conditions for savings did not exist because buying energy outside of JCP&L's generation tended to cost more. He explained that opting-in would result in everyone automatically being forced on and that it was an overreach. He stated that the program goes out to bid once annually. He added that if it were to result in huge savings it could be something to consider in the future, but as it currently looks, those conditions may not come to fruition.

Mayor Nisivoccia asked Manager Poff if the Morris Turnpike Resurfacing project was slated for 2024 or further out in the future. Manager Poff confirmed that the design was underway; to his understanding, the project was anticipated to be complete in 2024. He confirmed the same for the Calais Road project.

## **E. APPROVAL OF MEETING MINUTES**

### **1. Authorizing the Approval of Regular Council Meeting Minutes for November 28, 2023**

Councilmember Potter made a motion to approve the Regular Meeting Minutes for November 28, 2023. Councilman Forstenhausler seconded the motion and the following roll call vote was taken:

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

## **F. COMBINED ACTION RESOLUTIONS**

R-276-23, Item #12, Authorizing the Acceptance and Execution of a Developer's Agreement with Toll NJ I, LLC for Preliminary and Final Site Plan Approval for Block 44, Lot 4, and More Commonly Known as 931 Route 10 East – Councilmember Potter inquired about the review process for the Developer's Agreement. Manager Poff explained that special counsel prepared the agreement and it is reviewed by the Engineering and Planning Departments.

R-278-23, Item #14, Authorizing the Mayor to Sign the Police Benevolent Association - PBA 403 - Contracts for the Term Beginning January 1, 2024, through December 31, 2027 – Manager Poff stated that he was pleased to work with PBA leadership in determining the terms and conditions of the contract. He noted that while there is some commitment of resources relative to salaries and restructuring the salary guide, the money would be well spent in allowing the department to continue to provide the quality and caliber of officers recognized during the Police Awards. He explained that the contract would be going into effect on January 1, 2024, and would run through December 31, 2027. The contract was consistent with the provisions previously shared with the Township Council.

1. R-265A-23 - Confirming Refund of Monies for an Outside Lien Redemption for Block 133, Lot 10, 27 Warren Road, to Bala Partners, LLC - \$1,803.55
2. R-266-23 - Redeem and Refund Tax Sale Certificate #2023-007 for Block 45, Lot 27, 1453 Sussex Turnpike, to FNA VIII, LLC - \$20,030.90
3. R-267-23 - Refund Fourth Quarter 2023 Taxes Due to Veteran Exemption for Block 199, Lot 18, 107 Mt. Pleasant Turnpike, to Robert Smolen - \$964.23
4. R-268-23 Refund Fourth Quarter 2023 Taxes Due to Veteran Exemption for Block 27, Lot 17, 23 Berry Lane, to Dakota J. Palmer - \$1,235.03
5. R-269-23 - Redeem and Refund Tax Sale Certificate #2023-020 for Block 137, Lot 18, 308 Route 10, to Pro Cap 8 FBO Firsttrust Bank - \$665.89

6. R-270-23 - Cancel Open Tax Amount of Randolph Township Property for Block 47, Lot 35.02, Guerin Drive - \$20.91
7. R-271-23 - Cancellation of 2023 Property Tax Overpayments or Delinquent Amounts of Less Than \$10.00
8. R-272-23 - Approval of Items of Revenue and Appropriation - MAC Grant for Fiscal Year 2024 - \$10,253.00
9. R-273-23 - Requesting Approval of Items of Revenue and Appropriations - MAC Grant Supplemental - \$2,000.00
10. R-274-23 - Authorizing Change Order #2 to Contract with Dulaine Contracting, Inc. to Increase the Contract Amount by \$86,311.66 for the County College of Morris Pump Station Replacement Project, Bringing New Total to \$1,077,127.60

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: December 14, 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 are available to approve a change order of \$86,311.66 to the contract with Dulaine Contracting, Inc. for the CCM Pump Station Project.

Deborah Bonanno

Chief Financial Officer

Budget Accounts: #08-215-55-901-301 \$86,311.66

11. R-275-23 - Authorizing Change Order #1 to Contract with Dewberry Engineers, Inc. to Increase Contract Amount by \$2,349.00 for the County College of Morris Pump Station Replacement Project, Bringing New Total to \$42,349.00

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: December 14, 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 are available to approve a change order in an amount of \$2,349.00 to Dewberry Engineering, Inc. for the CCM Pump Station Replacement Project.

Deborah Bonanno

Chief Financial Officer

Budget Accounts: #08-215-55-923-300

12. R-276-23 - Authorizing the Acceptance and Execution of a Developer's Agreement with Toll NJ I, LLC for Preliminary and Final Site Plan Approval for Block 44, Lot 4 and More Commonly Known as 931 Route 10 East
13. R-277-23 - Release Road Opening Cash Bond Posted for the Purpose of tying into the Township Storm Drain at Block 159, Lot 92, 12 Beaver Dam Rd. to Richard Sweeney - \$500.00
14. R-278-23 - Authorizing the Mayor to Sign the Police Benevolent Association - PBA 403 - Contracts for the Term Beginning January 1, 2024 through December 31, 2027
15. R-279-23 - Authorizing Change Order #2 to the Award of a Professional Services Agreement to Trimboli & Prusinowski, LLC for General Labor Counsel Services for 2023
16. R-280-23 - Authorizing Refund of Fourth Quarter 2023 Taxes for Block 93, Lot 16, 20 Old Brookside Rd., Due to Veteran Exempt Status to Russell and Febe Sieb - \$639.71
17. R-281-23 - Authorizing the Approval of Items of Revenue and Appropriation Per NJSA 40A:4-87 - Private Well Outreach Program
18. R-282-23 - Authorize Budget Transfers Between Appropriation Accounts - \$331,88
19. R-283-23 - Authorizing the Cancellation of Capital Improvements - Total \$606,403.07

Councilwoman Veech made a motion to approve the Combined Action Resolutions. Councilman Forstenhausler seconded the motion, and the following roll call vote was taken:

|       |                                                                                                                                                                     |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AYES: | Councilmember Elbaum<br>Councilman Forstenhausler<br>Councilmember Hathaway<br>Councilmember Potter<br>Councilwoman Veech<br>Deputy Mayor Carey<br>Mayor Nisivoccia |
| NAYS: | None                                                                                                                                                                |

#### **G. UPCOMING EVENTS**

1. Council Only - 2024 Randolph Rescue Squad Installation Dinner, 1380 Sussex Turnpike, NJ, Randolph on Friday, January 5, 2024; Cocktails at 6:00 p.m. and Dinner/Awards at 7:00 p.m.
2. Meet Santa and Explore Snoopy's House with Cookies and Cocoa at the Community Center, 30 Calais Road, Randolph on Friday, December 15, 2023, from 5:00 p.m.- 7:30 p.m.

3. Economic Development Committee Business Awards, Council Chambers in Town Hall, 502 Millbrook Ave., Randolph, NJ 07869, on Tuesday January 9, 2024, 7:00 p.m.

## **H. OPEN TO THE PUBLIC**

Seeing and hearing none, the public session was closed.

## **I. COUNCIL COMMENTS**

Councilmember Elbaum had nothing to report for this meeting.

Councilmember Potter reported that Harsh Magdum applied to be appointed to the Environmental Landmarks Advisory Committee as a Student Member. Mr. Magdum is the Co-President of the Randolph High School Green Club. She made a motion to appoint Harsh Magdum to the Environmental Landmarks Committee as a Student Member. Councilwoman Veech seconded the motion and the following roll call vote was taken:

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

She concluded her report by thanking Mayor Nisivoccia for serving as Mayor in 2023.

Councilmember Hathaway shared that he graduated from the Morris County Chamber of Commerce LEAD Morris Program. He explained that the year-long program introduced him to multiple entities and leaders within the county, and featured lessons about local government, understanding the ecological and economic impacts of Lake Hopatcong, visiting the Morris County Jail, and hearing from the Morris County Sheriff. He appreciated the opportunity to participate in the program as it allowed him to learn more about the role of local governing bodies, and how the county can help the council better serve Randolph residents.

He reported that the Traffic Advisory Committee reviewed recommendations and solutions for problem intersections and town roads that may be included in the updated circulation of the Master Plan; the committee hoped to share the recommendations early next year. He thanked Mayor Nisivoccia for his leadership and service to the community throughout the year. He commended Mayor Nisivoccia for leading with a great sense of inclusion, especially for him as a new member. He appreciated that Mayor Nisivoccia always listened to his point of view, in addition to his knowledge of the township as a lifelong resident. He added that it was clear that

all his decisions throughout the year were made in the best interest of the township residents. He congratulated Mayor Nisivoccia and looked forward to continuing to serve with him the next year.

Councilwoman Veech thanked Mayor Nisivoccia for his service to the township and its residents. She enjoyed working with him and talking things through. She stated that he was a great mayor and commended him for his commitment to the role.

Councilman Forstenhausler thanked Mayor Nisivoccia for all his efforts throughout the year. He had no committee reports for this meeting.

Deputy Mayor Carey thanked Mayor Nisivoccia for his leadership this past year. She thanked his family for supporting him and acknowledged his work as well. She commended Mayor Nisivoccia for being organized, thorough, and thoughtful.

Mayor Nisivoccia reported that he attended the Economic Development Committee meeting on Tuesday, December 12. He shared that the committee continued to receive positive feedback on its Coupon Book and Veterans Discount Campaign. The committee will be increasing involvement in the two programs during the upcoming year.

## **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. Attorney Client Privilege – Restrictive Covenant – 1275 Sussex Turnpike
  - B. 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.

Councilman Forstenhausler made a motion to move into Executive Session at 7:50 p.m. Councilmember Elbaum seconded the motion and the following roll call vote was taken:

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

Councilwoman Veech made a motion to close the Executive Session at 8:05 p.m. Deputy Mayor Carey seconded the motion and the following roll call vote was taken:

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

#### **L. ADJOURNMENT**

Councilmember Potter made a motion to adjourn the meeting at 8:05 p.m. Councilman Forstenhausler seconded the motion and following roll vote was taken:

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