

Township of Randolph
Municipal Building
Randolph, NJ
August 17, 2021

A. OPENING OF SPECIAL MEETING

1. Call to Order

This meeting of the Randolph Township Council was called to order at 6:00 p.m. by Mayor Forstenhausler. This special 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. 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 Township Webmaster, Randolph Reporter, Morris County Daily Record, and TapInto Randolph on August 5, 2021, 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 August 12, 2021.

2. Roll Call

PRESENT: Councilwoman Carey - (via phone)
Councilman Loveys
Councilman Nisivoccia
Councilman Tkacs - (via phone)
Councilwoman Veech - (via phone)
Deputy Mayor Potter
Mayor Forstenhausler

Also present (in person): Township Manager Mountain; Attorney Ed Buzak, and Attorney Keli Gallo from the Buzak Law Group (via phone).

3. Pledge of Allegiance

Mayor Forstenhausler led the Pledge of Allegiance.

B. OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

C. COMBINED ACTION RESOLUTIONS

Item #1, R-194-21, Authorizing Execution of Agreement for Affordable Housing Litigation – Attorney Buzak suggested that R-194-21 not be considered for action presently. He explained that he wanted to convene with the council in a closed Executive Session to provide further details on the resolution and get further direction.

Mayor Forstenhausler asked for a motion to approve Combined Action Items #2, #3, and #4.

1. R-194-21 Authorize Execution of Agreement for Affordable Housing Litigation – **Pulled for Executive Session Discussion.**
2. Raffle License, On-Premises 50/50 – Randolph High School Band Parent Association, 511 Millbrook Avenue, Randolph, NJ, October 2, 2021, 4:00 p.m. – 10:00 p.m.
3. Raffle License, On-Premises 50/50 – West Morris YMCA, 14 Dover Chester Road, Randolph, NJ, September 11, 2021, 9:00 a.m. – 3:00 p.m.
4. Raffle License, On-Premises 50/50 – Randolph High School Cheerleading Booster Club, Inc., 511 Millbrook Avenue, Randolph, NJ, November 21, 2021, 8:00 a.m. - 4:00 p.m.

Deputy Mayor Potter made a motion to approve Combined Action Resolution Items #2, #3, and #4. Councilman Loveys 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. ORDINANCE INTRODUCTION

1. **Ordinance 29-21 – Amending Ordinance Nos. 07-17, 12-19, 07-20 for the Purpose of Re-Appropriating the Funds for the Emergency Repair of the Meadowbrook Pump Station.**

Manager Mountain explained that the purpose of this ordinance is to amend ordinances Nos. 07-19, 12-19, and 07-20 to include the emergency repair of the Meadowbrook Pump Station. The ordinance broadens the scope of an existing set of ordinances to allow funds to be utilized for the pump station if it is needed.

BE IT RESOLVED, that an Ordinance entitled “An Ordinance of the Township of Randolph Amending Ordinance Nos. 07-17, 12-19, 07-20 for the Purpose of Re-Appropriating the Funds for the Emergency Repair of the Meadowbrook Pump Station” 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 9th, of September, 2021, in person at 6:00 p.m. at Town Hall, 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

R-195-21 Resolution Awarding an Emergency Contract for the Meadowbrook Road Pump Station Renovations to CFM Construction Inc.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: August 17, 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 Sewer Capital Fund, Ordinances 07-17 (pending amendment), 07-18, 21-21, 17-21, 07-20 (pending amendment), and 12-19 (pending amendment) to award a contract to CFM Contracting for improvements to Meadowbrook pump(s), per its proposal submitted to the Township.

Darren Maloney
Chief Financial Officer

Budget Accounts:

08-215-55-915-301	(not to exceed \$209,500.16)
08-215-55-917-302	(not to exceed \$50,000)
08-215-55-921-300	(not to exceed \$245,000)
08-215-55-920-302	(not to exceed \$30,000)
08-215-55-919-304	(not to exceed \$35,497.91)
08-215-55-918-302	(not to exceed \$122,746.56) – pending adoption of amendment
08-215-55-915-302	(not to exceed \$7,255.37) – pending adoption of amendment

Manager Mountain explained that this resolution provided for the award of an emergency contract to CFM Construction for renovations to the Meadowbrook Pump Station. He shared that the township plan's to go out to bid for the renovations were interrupted due to a recent significant failure occurring at the station. He explained that the responding emergency repair contractor evaluated the station's failure to be so significant that waiting for the bid process to be completed would pose an even more catastrophic failure with negative implications. He shared that the township successfully negotiated a not to exceed price limit of \$700,000 with CFM Construction for the project.

Deputy Mayor Potter asked what would happen if a catastrophic failure at the station were to occur in the next few days. Manager Mountain explained that if something were to happen, the township would have to spend the required funds to enable the station to continue to work.

Councilman Loveys asked if the \$700,000 limit included the Bypass for the station. Manager Mountain confirmed that everything was included under the sum.

Councilman Nisivoccia asked when the renovations would begin. Manager Mountain informed him that equipment for the project would be ordered immediately. He estimated that construction at the station would likely start in September.

Deputy Mayor Potter made a motion to approve R-195-21. Councilman Loveys 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

E. OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

F. COUNCIL COMMENTS

Deputy Mayor Potter commented that the township's communication efforts have been great.

G. 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. Affordable Housing Litigation
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.

Councilman Nisivoccia made a motion to move into Executive Session at 6:13 p.m. 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

Deputy Mayor Potter made a motion to close the Executive Session at 7:19 p.m. and reopen the meeting to the public. Councilman Loveys 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

R-194-21 Authorize Execution of Agreement for Affordable Housing Litigation

Deputy Mayor Potter made a motion to withdraw R-194-21. Councilman Nisivoccia seconded the motion, and the following roll call vote was taken:

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

H. ADJOURNMENT

Deputy Mayor Potter made a motion to adjourn the meeting at 7:21 pm. Councilwoman Veech 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