

Township of Randolph
Municipal Building
Randolph, NJ
February 3, 2011

A regular meeting of the Randolph Township Council was called to order at 8:00 p.m. by Mayor Mitsch. 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 December 8, 2010, by emailing them the annual resolution adopted by the Council on December 7, 2010. The annual resolution, which included this meeting date, was advertised in the Randolph Reporter, the official newspaper of the Township of Randolph, and in the Morris County Daily Record on December 16, 2010.

PRESENT: Councilman Algeier
Councilman Loveys
Councilman MacArthur
Councilman Napoliello
Councilman Obremski
Deputy Mayor Guadagno
Mayor Mitsch

Also Present: Township Manager John Lovell and Township Attorney Edward Buzak

Mayor Mitsch led the Pledge of Allegiance.

APPROVAL OF COUNCIL MEETING MINUTES

(1) November 30, 2010 and December 7, 2010

Councilman Algeier made a motion to approve the minutes as presented. Councilman Napoliello seconded the motion, and the following roll call vote was taken:

AYES: Councilman Algeier
Councilman Loveys
Councilman Napoliello
Councilman Obremski
Mayor Mitsch
NAYS: None
ABSTAIN: Councilman MacArthur
Deputy Mayor Guadagno

(2) January 1, January 13, and January 18, 2011

Councilman Algeier made a motion to approve the minutes as presented. Deputy Mayor Guadagno seconded the motion, and the following roll call vote was taken:

AYES: Councilman Algeier
 Councilman Loveys
 Councilman MacArthur
 Councilman Napoliello
 Councilman Obremski (abstained on January 18 minutes)
 Deputy Mayor Guadagno
 Mayor Mitsch

NAYS: None

OPEN TO PUBLIC

Judith Stewart, 114 Everdale Road, noted that New York City is proposing a ban on smoking in parks and other public places and reiterated her belief that Randolph should be instituting the same policy. Mrs. Stewart asked about the proposed resolution regarding motor fuel specifically that no prices are shown on the resolution.

Manager Lovell responded that the value of fuel fluctuates with the market. The proposed resolution deals with the delivery charges for certain gallonages.

Mrs. Stewart asked about the proposed resolution pertaining to fees and profits paid for a clothing donation bin being placed at the Ironia Fire House.

Manager Lovell responded that the agreement is between the Ironia Firemen's Association and Millennium Textile. It is his understanding that there is a flat fee of \$300.00 per month to the fire house and a percentage of the share of the profits from the bin.

Seeing no one further from the public, the public portion was closed.

COUNCIL AND MANAGER REPORTS

Councilman Algeier introduced the newly appointed Public Defender John Cesaro to the Council and public and welcomed him to Randolph.

Mr. Cesaro provided a brief summary of his background and family life. Mr. Cesaro stated that he will perform his duties to the best of his ability for Randolph.

Manager Lovell congratulated the road crew for doing a good job under difficult circumstances during the last storm. The town did receive a salt delivery today and is in good shape for the next anticipated storm. The Manager reported that in 2010, 205 repairs were made to mailboxes and posts for a total of \$12,900.00, or approximately

\$63.00 per mailbox. The Overlook Booster Pump Station was supposed to have come on line today, however in order to do so the system would need to have been purged and bled which would cause icing problems with this cold weather. The Manager has decided to hold off bringing the pump station on line for two or three weeks. Manager Lovell reported that Mr. Cohn has passed away. Therefore, the Capital Improvement Program will be reconfigured so that the Cohn property can be cleaned up quickly. The Manager spoke with Mr. Mountain regarding animal control and a police merger with Mendham. Mr. Mountain will suggest to his Mayor that a committee be formed to work with the Randolph Council on these issues.

ORDINANCES

A. Second Reading and Public Hearing

(1) Ordinance #01-11 - Copy Fee Ordinance

BE IT RESOLVED that an Ordinance entitled "**AN ORDINANCE AMENDING PORTIONS OF THE ADMINISTRATIVE FEES SECTION OF APPENDIX A, FEE SCHEDULE, OF THE REVISED ORDINANCES OF THE TOWNSHIP OF RANDOLPH, MORRIS COUNTY, NEW JERSEY**" be read by title on second reading and a hearing held thereon.

Manager Lovell stated that this ordinance will bring the fees for copying in line with the state's requirements. The ordinance was amended to reflect language to "per image" as suggested by Deputy Mayor Guadagno.

The Mayor opened the meeting for public hearing. Seeing no one from the public, the public portion was closed.

BE IT RESOLVED that an Ordinance entitled "**AN ORDINANCE AMENDING PORTIONS OF THE ADMINISTRATIVE FEES SECTION OF APPENDIX A, FEE SCHEDULE, OF THE REVISED ORDINANCES OF THE TOWNSHIP OF RANDOLPH, MORRIS COUNTY, NEW JERSEY**" 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 Obremski made a motion to adopt the ordinance. Deputy Mayor Guadagno seconded the motion, and the following roll call vote was taken:

AYES: Councilman Algeier
 Councilman Loveys
 Councilman MacArthur
 Councilman Napoliello
 Councilman Obremski
 Deputy Mayor Guadagno
 Mayor Mitsch

NAYS: None

(2) Ordinance #02-11 – Repeal of Loitering Ordinance

BE IT RESOLVED that an Ordinance entitled “**AN ORDINANCE DELETING SECTIONS 28-4, 28-41, 28-42, AND 28-43 OF CHAPTER 28, MISCELLANEOUS OFFENSES, OF THE REVISED ORDINANCES OF THE TOWNSHIP OF RANDOLPH, MORRIS COUNTY, NEW JERSEY**” be read by title on second reading and a hearing held thereon.

Manager Lovell reported that this ordinance will repeal Randolph’s loitering law that is currently on the books. The New Jersey Supreme Court ruled that New Jersey Code of Criminal Justice pre-empts local loitering laws. Failure to adopt this ordinance would likely result in an action being brought by an interested party.

Councilman Algeier noted that the ordinance includes other items related to disorderly person offenses and that Randolph is being compelled to adopt this ordinance on the basis of other cases. The Councilman stated that he plans to take up this issue with state legislators. The Municipal Judge had called the Councilman asking why this ordinance was being adopted as he feels it will remove a useful tool at the municipal court level. Councilman Algeier asked the Manager to forward a copy of the proposed ordinance.

Councilman MacArthur asked about the possibility of tabling the proposed ordinance to see if the Legislature will take up the issue.

Manager Lovell reiterated his belief that this issue is being tracked and a law suit will be filed immediately if this ordinance is not adopted this evening.

The Mayor opened the meeting for public hearing. Seeing no one from the public, the public portion was closed.

BE IT RESOLVED that an Ordinance entitled “**AN ORDINANCE DELETING SECTIONS 28-4, 28-41, 28-42 AND 28-43 OF CHAPTER 28, MISCELLANEOUS OFFENSES, OF THE REVISED ORDINANCES OF THE TOWNSHIP OF RANDOLPH, MORRIS COUNTY, NEW JERSEY**” 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 Algeier made a motion to adopt the ordinance. Deputy Mayor Guadagno seconded the motion, and the following roll call vote was taken:

AYES: Councilman Algeier
 Councilman Loveys
 Councilman MacArthur
 Councilman Napoliello
 Councilman Obremski
 Deputy Mayor Guadagno
 Mayor Mitsch

NAYS: None

B. Introduction

(1) Authorizing the Establishment of a Budget Appropriation Cap Bank

Manager Lovell stated that this ordinance is adopted every year and that it creates flexibility in the preparation of future budgets. If the proposed ordinance is not adopted, whatever has been banked will be lost. The Manager noted that Randolph's appropriations are within cap.

BE IT RESOLVED that an Ordinance entitled "**CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)**" be introduced and 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 3rd of March, 2011, at 8:00 p.m. prevailing time at the Municipal Building 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 MacArthur made a motion to introduce the ordinance. Councilman Obremski seconded the motion, and the following roll call vote was taken:

AYES: Councilman Algeier
 Councilman Loveys
 Councilman MacArthur
 Councilman Napoliello
 Councilman Obremski
 Deputy Mayor Guadagno
 Mayor Mitsch

NAYS: None

COMBINED ACTION ITEMS

Councilman Algeier requested that Items E and G be pulled from the agenda for separate discussion.

Councilman MacArthur noted that he will abstain from voting on Item F.

Councilman Napoliello requested that Item A3 be pulled.

Councilman Algeier made a motion to approve the Combined Action Items with the exception of Items A3, E, and G. Councilman MacArthur seconded the motion, and the following roll call vote was taken:

AYES: Councilman Algeier
 Councilman Loveys
 Councilman MacArthur (abstain on Item F)
 Councilman Napoliello
 Councilman Obremski
 Deputy Mayor Guadagno
 Mayor Mitsch

NAYS: None

A. Refund/Adjustment Resolutions

(1) Release Escrow Funds for 10 Aldebaran Drive to Robert and Karen Sammond - \$1,000.00

R-48-11

WHEREAS, the Planning and Zoning Department received escrow funds from Robert and Karen Sammond, 10 Aldebaran Drive; and

WHEREAS, the project has been withdrawn and closed out and there are no outstanding payments due.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, that it is recommended by Darren Carney, Planning and Zoning Administrator, that the remaining escrow funds for the following amount be refunded:

Acct # 6001754, Robert and Karen Sammond, \$1,000.00

(2) Release Application Fee for 10 Aldebaran Drive to Robert and Karen Sammond - \$320.00

R-49-11

WHEREAS, the Planning and Zoning Department received an application fee from Robert and Karen Sammond, 10 Aldebaran Drive, for Block 23, Lot 14, in the amount of \$420.00; and

WHEREAS, the project has been withdrawn by the applicant prior to a public hearing, and

WHEREAS, it is the opinion of staff that the cost to the township for review and processing of the application was approximately \$100.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, that it is recommended by Darren Carney, Planning and Zoning Administrator, that \$320.00 of the application fee be refunded to Robert and Karen Sammond, 10 Aldebaran Drive, Randolph, NJ.

(3) Release of a Tree Bond for 14 Olde York Road to Ann Wexler - \$200.00

Acted on separately

(4) Release Road Opening Cash Bond for a Connection to Water and Sewer at 152 Mountainside Drive to J.B. Builders - \$800.00

R-50-11

WHEREAS, on March 4, 2008, Engineering received and deposited with the Finance Department a check in the amount of \$300.00 for a road opening cash bond along with a check in the amount of \$500.00 for a new road surcharge fee for the purpose of connecting to the water and sewer utilities at 152 Mountainside Drive; and

WHEREAS, during the installation of these utilities the Developer discovered existing stubs for water and sewer within the Township's right-of-way making the need to cut the newly paved road unnecessary; and

WHEREAS, the property has been inspected and all work within the Township's right-of-way has been completed and found to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, that it is recommended by Raffaele Carchia, Engineering Administrator, that the cash bond in the amount of

\$300.00 along with the surcharge fee in the amount of \$500.00, for a total of \$800.00, be refunded to J.B. Builders, 59 Everdale Road, Randolph, New Jersey 07869.

**(5) Release Escrow Funds to Tim and Michelle Harth for
1 Oak Drive - \$770.50**

R-51-11

WHEREAS, the Planning and Zoning Department received escrow funds from Tim & Michelle Harth, Block 173, Lot 11, 1 Oak Drive, in the amount of \$1,000; and

WHEREAS, the project has been completed and closed out and there are no outstanding payments due.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, that it is recommended by Darren Carney, Planning and Zoning Administrator, the remaining escrow funds in the amount of \$770.50 be refunded to Tim & Michelle Harth, 1 Oak Drive, Randolph, NJ 07869.

**B. Authorizing Award of Contract for Webmaster Services to Pavia
Kriegman – Not to Exceed \$5,700.00**

R-52-11

WHEREAS, the Township of Randolph has a need to acquire Pavia Kriegman/Paviaweb.com, pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Pavia Kriegman/Paviaweb.com has indicated she will provide the Webmaster Services for Randolph Township for \$475.00 per month not to exceed \$5,700.00; and

WHEREAS, funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, authorize the Township of Randolph to enter into a contract with Pavia Kriegman/Paviaweb.com as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: February 3, 2011

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Michael J. Soccio, Director of Finance of the Township of Randolph, have ascertained that funds are available in the 2011 and 2012 Budget, Data Processing, Other Expense, and Water and Sewer, Other Expense, to award a contract to Pavia Kriegman/Paviaweb.com for Webmaster Services for the Randolph Township Website in the amount not to exceed \$5,700.00.

Michael J. Soccio
Chief Financial Officer

C. Authorizing Award of Contract for the Morris County Cooperative Pricing Council to Pavia Kriegman – Not to Exceed \$3,000.00

R-53-11

WHEREAS, the Township of Randolph has a need to acquire Pavia Kriegman/Paviaweb.com pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the anticipated term of this contract is one year and may be extended as approved by this governing body; and

WHEREAS, Pavia Kriegman/Paviaweb.com has indicated she will provide the Webmaster Services for the Morris County Cooperative Pricing Council for \$250.00 per month not to exceed \$3,000.00; and

WHEREAS, funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, authorize the Township of Randolph to enter into a contract with Pavia Kriegman/Paviaweb.com as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: February 3, 2011

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Michael J. Soccio, Director of Finance of the Township of Randolph, have ascertained that funds are available in the 2011 and 2012 Budget, Data Processing, Other Expense, and Water and Sewer, Other Expense, to award a contract to Pavia

February 3, 2011

Kriegman/Paviaweb.com for Webmaster Services for the Morris County Cooperative Pricing Council Website in the amount not to exceed \$3,000.00.

Michael J. Soccio
Chief Financial Officer

D. Authorizing Award of MCCPC Contract #1 (Motor Gasoline) to Allied Oil, LLC For Under 7,500 Gallons Per Delivery and East River Energy for 7,500 Gallons and Over

R-54-11

WHEREAS, the Township of Randolph on behalf of the Morris County Cooperative Pricing Council (MCCPC) wishes to award Contract #1 (Motor Gasoline) for a two (2) year contract period (January 1, 2011 – December 31, 2012); and

WHEREAS, bids were advertised on January 6, 2011, and received on January 25, 2011, in accordance with the “Local Public Contracts Law”; and

WHEREAS, the Township of Randolph on behalf of the MCCPC has determined that the following companies submitted the lowest bid for a two (2) year contract period and should be awarded the contract as noted below.

1. Tankwagon Deliveries (Under 7,500 gallons per delivery)
Allied Oil, LLC (Hillsborough, New Jersey)
2. Bulk Deliveries (7,500 gallons minimum per delivery)
East River Energy (Guilford, Connecticut)

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, that a contract be awarded on behalf of the MCCPC to Allied Oil, LLC for Category I and East River Energy for Category II for a two (2) year contract period (January 1, 2011 – December 31, 2012).

E. Clothing Bin Donation – Permit Application Approval

Acted on separately

**F. Amending Professional Services Agreement with Clough Harbour
And Associates for the Preparation of Design Drawings and
Bid Specifications for Two Water Booster Stations**

R-55-11

WHEREAS, CHA Consulting, Inc., was retained in 2003 to design drawings and bid specifications for two water booster stations; and

WHEREAS, in 2008, an agreement was issued to separate the two booster station projects in order to bid them individually; and

WHEREAS, on February 4, 2010, the Township awarded a Professional Services Agreement for changes to the design drawings and bid specifications for this project; and

WHEREAS, CHA Consulting Inc., has submitted an invoice for \$2,375.00 for replacement of survey baseline points and property line offsets and a request for an additional \$1,500.00 to cover the costs to close out this project; and

WHEREAS, the cost for these invoices to close out this project shall not exceed \$3,875.00; and

WHEREAS, Gail Catania, Purchasing Agent, has determined and certified in writing that the value of the acquisition will not exceed \$17,500; and

WHEREAS, funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, authorize the Township of Randolph to enter into a contract with CHA Consulting, Inc. as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: February 3, 2011

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Michael J. Soccio, Director of Finance of the Township of Randolph, have ascertained that funds are available in Ordinance #8-03, Various Capital Improvements, to award a contract to CHA Consulting, Inc., for Completion of Project for the Water Booster Pump Station located on Overlook Avenue in the amount not to exceed \$3,875.00.

Michael J. Soccio
Chief Financial Officer

**G. Authorizing Professional Services Agreement for Real Property
Tax Appeal Litigation With Fred Semrau – Not to Exceed
\$19,000.00**

Acted on separately

**H. Authorizing the Rescission of a Portion of MCCPC Contract #6
From Joseph Sanzari, Inc. and Re-Award to Micro Pave
Systems**

R-56-11

WHEREAS, the Township of Randolph on behalf of the Morris County Cooperative Pricing Council (MCCPC) entered into a portion of a contract for Category E (Crack Sealant) for District #3 Members of Contract #6 (Road Resurfacing) dated January 1, 2011, with Joseph M. Sanzari, Incorporated of Hackensack, New Jersey; and

WHEREAS, Joseph M. Sanzari, Inc. requested to be released from their contract obligations due to an error made on their part when submitting their bid for Category E (Crack Sealant) for District #3 Members by assuming that another category would be awarded in coordination with Category E; and

WHEREAS, the second low bidder (Micro Pave Systems, Inc.), has agreed to take over the contract for District #3 members for Category E (Crack Sealant) of Contract #6 (Road Resurfacing) for the remainder of the contract period for 2011.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, and State of New Jersey, that a portion of MCCPC Contract #6 (Road Resurfacing), Category E (Crack Sealant) for District #3 members be rescinded from Joseph N. Sanzari, Incorporated for non-compliance to the bid specifications for failure to execute the contract awarded on January 1, 2011, and providing a performance bond for the total amount of the bid award.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Randolph, County of Morris, and State of New Jersey, that the second low bidder (Micro Pave Systems, Incorporated) for Category E (Crack Sealant) for District #3 members be re-awarded the contract for 2011.

I. Raffles

- (1) Off-Premise 50/50, Friends of Randolph Animal Pound,
June 4, 2011, 12:00 p.m., 1345 Sussex Turnpike, Randolph**
- (2) Off-Premise 50/50, Kiwanis Club of Randolph, May 2, 2011,
6:00 p.m., at J.T. McQ's, 540 Route 10 West, Randolph**

- (3) On-Premise 50/50, Rockaway Township Lion's Club, March 5, 2011, 7:00 p.m. to 12:00 a.m., at the Skylands, 792 Route 10, Randolph**
- (4) Tricky Tray, Morris Hills Home & School Association, March 25, 2011, 6:00 p.m. to 11:00 p.m., at the Skylands, 792 Route 10, Randolph**
- (5) On-Premise 50/50, Morris Hills Home & School Association, March 25, 2011, 6:00 p.m. to 11:00 p.m., at the Skylands, 792 Route 10, Randolph**

Councilman Algeier stated that his concern when the ordinance pertaining to clothing bins was adopted was primarily that advertising on bins not be deceptive to the public and asked if the information on this proposed bin is accurate.

Manager Lovell responded that the only information being displayed on the bin is the information shown on the application.

Councilman MacArthur expressed his concern that people using clothing bins may expect their donation will be tax deductible and asked if there would be any way to distinguish on the bins whether or not this is the case.

Mayor Mitsch asked if there were any kind of sticker that could be placed on the clothing bins that would address the concerns being raised.

Manager Lovell responded that the ordinance requires a sign be placed on the bin which states the name and address of the company placing the bin and who will benefit from the proceeds. The ordinance came about as a result of a statute that said towns have a right to control the placement of bins in the community and that towns have a right to require appropriate signage identifying the owner of the bin.

Councilman Algeier stated that the ordinance was adopted for a number of reasons – the application for a clothing bin requires full disclosure of who is going to benefit from the proceeds, the town would be able to control the situation if the bins are not properly maintained, and that placement of the bin does not have any traffic or safety issues.

Councilman MacArthur reiterated his concern that, even with all of the information on the bin, it could still be deceptive to residents who donate clothing whether or not the donation qualifies for a tax deduction.

Deputy Mayor Guadagno made a motion to approve the resolution concerning the placement of a clothing donation bin at the Ironia Firehouse. Councilman Loveys seconded the motion, and the following roll call vote was taken:

AYES: Councilman Algeier
 Councilman Loveys
 Councilman MacArthur
 Councilman Napoliello
 Councilman Obremski
 Deputy Mayor Guadagno
 Mayor Mitsch
 NAYS: None

E. Clothing Bin Donation – Permit Application Approval

R-57-11

WHEREAS, the Ironia Firemen's Association submitted a Donation Clothing Bin Permit Application to the Clerk's Office on January 27, 2011; and

WHEREAS, pursuant to Ordinance 24-09, Council approval must be obtained for the placement of a Donation Clothing Bin; and

WHEREAS, the Ironia Firemen's Association is seeking approval to place a Donation Clothing Bin at 331 Dover Chester Road; and

WHEREAS, clothing or donations collected will be utilized by the vendor, Millennium International Textiles, Inc., and any profits will be paid directly to the Ironia Firemen's Association for use within the Association; and

WHEREAS, the Ironia Firemen's Association has paid the required \$25.00 annual fee for the placement of a Donation Clothing Bin.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Randolph, Morris County, New Jersey, approve the placement of the Donation Clothing Bin requested by the Ironia Firemen's Association.

Councilman Algeier stated that he read the resolution as proposed and offered some amendments.

Councilman Algeier made a motion to approve the resolution as amended. Deputy Mayor Guadagno seconded the motion, and the following roll call vote was taken:

AYES: Councilman Algeier
 Councilman Loveys
 Councilman MacArthur
 Councilman Napoliello
 Councilman Obremski
 Deputy Mayor Guadagno
 Mayor Mitsch
 NAYS: None

**G. Authorizing Professional Services Agreement for Real Property
 Tax Appeal Litigation With Fred Semrau – Not to Exceed
 \$19,000.00**

R-58-11

WHEREAS, the Township of Randolph has a need to retain Fred Semrau of Dorsey & Semrau as Special Counsel for Real Property Tax Appeal Litigation; and

WHEREAS, five proposals were received on January 4, 2011, and reviewed by designees of the Township Council; and

WHEREAS, the anticipated term of this contract is for the calendar year 2011; and

WHEREAS, Fred Semrau of Dorsey & Semrau has indicated they will perform all services as the Special Counsel for Real Property Tax Appeal Litigation for a flat fee of \$19,000.00 plus \$600.00 per day for trials; and

WHEREAS, funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, authorize the Township of Randolph to enter into a contract with Fred Semrau of Dorsey & Semrau as described herein.

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: February 3, 2011

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Michael J. Soccio, Director of Finance of the Township of Randolph,

February 3, 2011

have ascertained that funds are available in the 2011 Budget, Legal, Other Expense, to award a contract to Fred Semrau of Dorsey & Semrau for Special Counsel for Real Property Tax Appeal Litigation in the amount not to exceed \$19,000.00 plus \$600.00 per day for trials.

Michael J. Soccio
Chief Financial Officer

Councilman Napoliello asked for an explanation of Item A3.

Manager Lovell responded that the residents posted a tree bond, have planted the necessary replacement tree, and this resolution will return their money.

Councilman Napoliello made a motion to approve Item A3. Deputy Mayor Guadagno seconded the motion, and the following roll call vote was taken:

AYES: Councilman Algeier
Councilman Loveys
Councilman MacArthur
Councilman Napoliello
Councilman Obremski
Deputy Mayor Guadagno
Mayor Mitsch
NAYS: None

(3) Release of a Tree Bond for 14 Olde York Road to Ann Wexler - \$200.00

R-59-11

WHEREAS, the Planning and Zoning Department received a tree bond posted by Ann Wexler for Block 21, Lot 166, in the amount of \$200.00; and

WHEREAS, all of the requirements have been met and completed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, that it is recommended by Darren Carney, Planning and Zoning Administrator, that the tree bond in the amount of \$200.00 be refunded to Ann Wexler, 14 Olde York Road, Randolph, NJ 07869.

DISCUSSION ITEMS

(1) Presentation – Health Department’s Property Maintenance Report

Mr. Caputo’s comments included:

- In 2003, the Council adopted the property maintenance ordinance to standardize the rental housing stock in the town
- The property maintenance code handles the outside of rental properties
- The ordinance currently contains a sunset clause that will expire at the end of 2011
- His presentation will focus on foreclosures, multiple dwellings, and the code
- In January 2009 federal law was adopted requiring foreclosing lenders to notify a municipality whenever a foreclosure action is filed
- Foreclosure notices have been coming in to the Clerk’s Office
- He has been keeping a data base and that helps his inspectors keep tabs on what is going on regarding maintenance of these properties
- In 2009 there were 55 foreclosure notices – in 2010 there were close to 100 foreclosure notices
- It is important to stay proactive in the property maintenance area since property values are at stake
- The law requires the municipality receive contact information for the lender, and so far the agents listed have been responsive to requests
- A three-pronged approach is used to manage the garden apartment complexes – the Certificate of Habitability Program, cyclical housing inspections, and the property maintenance code for the outside of the property
- The garden apartment complexes are compliant and understand the program that’s in place by the town
- The Certificate of Habitability is also used in single family rental units
- In 2010 the Gateway Apartment Complex was inspected – Randolph’s reimbursement from the state amounted to \$9,339.00
- The property maintenance ordinance is a valuable tool
- He has spoken to the owners of the Quaker Village Apartment Complex and has expressed concerns that the complex may be falling into disrepair
- The owner has been asked to come up with a maintenance plan
- The property maintenance chart prepared by Mr. Caputo shows complaints, abated complaints, notices and violations, summonses, and photographs of some completed property maintenance work
- He asked the Council to consider renewing the ordinance when the sunset clause comes up

Councilman Loveys asked why single family homes are exempt from the property maintenance code ordinance.

Manager Lovell responded that it was recognized in 2003 that there was a problem with rental properties in the township. The Council discussed how far the government should reach on this issue and felt it was prudent to limit government in this area. The ordinance was not intended to be for neighborhood beautification but instead to protect quality of life in a broader sense. Homes where the owners reside are generally well cared for.

Deputy Mayor Guadagno asked how the town deals with possible stacking issues.

Mr. Caputo responded that when inspections are done for the Certificates of Habitability, the inspectors specifically look for signs. Sometimes the police will get a complaint, and occasionally the schools will alert the department to a possible stacking situation.

Councilman Algeier stated that he has read Mr. Caputo's report and has looked at the legislative definition. He believes the ordinance can be made a bit stronger to aid enforcement of the ordinance and will be working with the Township Attorney and Township Manager in this regard. The Councilman noted that the sunset clause exists in the ordinance so that the Council can be kept up to date on situations in the town and to determine if the ordinance is working as it was designed to do. Concerning the garden apartments, attempting to bring Quaker Village up to standards has been listed as one of the Council goals this year. The Councilman is concerned that the owner may not be as cooperative as possible, although if the owner would like to come to the Council with his plans, the Councilman would be delighted to help in any way possible to ensure a positive outcome.

Councilman Algeier offered the following suggestions:

- There should be language in the ordinance regarding articles left outside at night on the lawn at garden apartment complexes
- Language addressing abandoned cars should be included in the ordinance
- Is there an ordinance that requires sidewalks and parking lots to be kept in good repair, and if one already exists, it should be enforced at the garden apartments
- On boarded up homes, it may look less noticeable if the boards were painted the same color as the home

(2) Continue 2011 Budget Discussion

Manager Lovell's comments included the following:

- The Health Department and Mark Caputo are responsible for the activities of the Board of Health, Animal Control, and the Construction Code Division
- Randolph has provided Rockaway Borough for years with health services
- Last year Mr. Caputo began providing health officer services to Roxbury and Mine Hill
- This year Randolph and Roxbury inspectors will work in each town which will create depth within the organization

- Animal control services have been provided to Dover and Rockaway Borough for many years
- Animal control services to both Mendhams began a little over a year ago
- It is anticipated that Randolph will take over the Seeing Eye property for a new animal shelter in lieu of constructing a new facility in Randolph, which will result in significant savings to Randolph
- The Health Department is down one full time sanitarian and the work is being done by a part time sanitarian
- Most of the housing inspections have been transferred to the Construction division
- Randolph spends more on nursing than any other area town, however our nurses perform more duties than nurses in other towns perform
- The Manager would like to see other communities use the services of our nursing department
- He believes that Randolph's nursing department goes far beyond the typical duties done in Morris County, which has a value, but there is a cost factor associated with that and the department does not really generate fees per se to fully offset that cost

Mr. Caputo's comments included the following:

- Discussions on combining services with Roxbury are going well
- Nursing does immunization audits throughout the year to make sure the day care centers and schools are compliant with the immunization laws
- Legislature is looking to firm up the child immunization requirements
- In 2005 Randolph had a full time health officer and 3 full time inspectors – Roxbury had the same – in 2010 both jurisdictions have 1 health officer and 3 full time inspectors – that speaks volumes to the consolidation effort that has taken place through this regionalization effort
- There's a study that says there should be 6 or 8 regional health departments that serve 60,000 to 80,000 people per region – Randolph's merger with Roxbury takes the population to about 60,000 – on target with the study
- The Health Department is ready to face the challenges ahead

Manager Lovell stated that he will be meeting with the Manager in Roxbury when the budget process is complete. Roxbury will be providing a construction official to Randolph in the same way we provide a Health Officer to Roxbury.

OPEN TO PUBLIC

Judith Stewart, 114 Everdale Road, stated that the budget information regarding waste disposal versus recycling needs to be simplified and clarified for the public. If the public were to see that money is saved by recycling, perhaps they would be encouraged to increase their recycling efforts. Mrs. Stewart also finds the budget report from Mr. Van Brunt pertaining to recreation scholarships and fee waivers confusing and would like to seem more information.

Seeing no one further from the public, the public portion was closed.

COUNCIL AND MANAGER COMMENTS

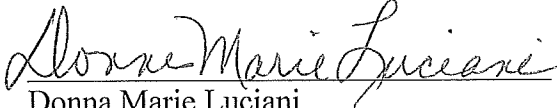
Deputy Mayor Guadagno reported that the truck that is being used for electronic recycling at the Recycling Center has been locked and is concerned that it was locked as a result of his initial complaint that the truck was too high and dangerous.

Manager Lovell responded that he will go to the Recycling Center to remedy the situation.

ADJOURNMENT

Deputy Mayor Guadagno made a motion to adjourn the meeting at 10:00 p.m.
Councilman Loveys seconded the motion, and the following roll call vote was taken:

AYES: Councilman Algeier
Councilman Loveys
Councilman MacArthur
Councilman Napoliello
Councilman Obremski
Deputy Mayor Guadagno
Mayor Mitsch
NAYS: None


Donna Marie Luciani
Township Clerk

TOWNSHIP OF RANDOLPH

PROPOSED AGENDA

BUDGET MEETING -- February 12, 2011

1. 8:30 a.m. -- Open Public Meetings Act, Roll Call, Pledge of Allegiance
2. Open to Public
3. Discussion -- 2011 Draft Budget
4. Open to Public
5. Executive Session
 - (a) Reorganization
6. Adjournment