

Township of Randolph
Municipal Building
Randolph, NJ
January 18, 2011

A Council 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 e-mailing 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
Deputy Mayor Guadagno
Mayor Mitsch

ABSENT: Councilman Obremski

Also Present: Township Manager John Lovell and John Miller from the Law Offices of Edward Buzak

Mayor Mitsch led the Pledge of Allegiance.

OPEN TO PUBLIC

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

COUNCIL AND MANAGER REPORTS

Councilman MacArthur reported that the Recreation Committee held their reorganization meeting and chose Joe Nazzaro as the chair and Anne Standridge as vice-chair. The Councilman attended the recent event at the Shongum Fire House and reported that it appeared to be a successful fundraiser.

Manager Lovell reported that three bids were received for the ladder truck and all fell within the budget parameters that had been established. Members of the fire department will review the bids and meet with the Manager in the near future with their

recommendations. The Manager, Councilman Napoliello, Mr. Buzak, and several staff members met with the MC MUA to discuss water allocations. Randolph and the MC MUA are being sued at this time by the Kushner Corporation for water allocation. The Manager asked to place this item on for Execution Session so that he can update the Council on these discussions. After last week's Council Meeting, Councilman MacArthur re-organized the list of goals and objectives and forwarded his document to the Township Manager. After some minor tweaking, the Manager then forwarded that document to the Council. The Manager thanked Councilman MacArthur for his efforts and asked that the Council review the new document and provide their comments so that the Manager can get it posted on the web site for the residents.

YMCA Presentation – CDBG Grant Application

Bill Lamia, Director of the West Morris YMCA, noted that they YMCA is applying for an \$80,000.00 grant from the Community Development Block Grant Program. The grant money would be used to re-design the front entrance to the YMCA to make it more handicapped accessible. Mr. Lamia will be making his presentation to the County on March 7. Mr. Lamia stated that this was his first time making an application to the County for a grant. No drawings were available for the Council to review.

Manager Lovell noted that any private non-profit organization, when applying for a CDBG grant, must make a presentation to the local government and have public discussion before appearing before the County.

After a period of questions by the Council, it was decided that Mr. Lamia should refine his presentation and return to the Council on February 15. The Council and Manager offered their assistance in the preparation of the grant application so that Mr. Lamia will be in the best possible position when making his application.

ORDINANCES

A. Introduction

(1) Copy Fee Ordinance

Manager Lovell stated that this ordinance will bring Randolph into compliance with the state statute.

Deputy Mayor Guadagno noted that the ordinance made a reference to the cost per page and suggested it be changed to the cost per image.

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 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 3rd of February, 2011, at 8:00 in the evening 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 Algeier made a motion to introduce the ordinance with language reflecting the cost per image as opposed to the cost per page. Councilman Napoliello seconded the motion, and the following roll call vote was taken:

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

NAYS: None

ABSENT: Councilman Obremski

(2) Parking Ordinance – Longview Avenue

After some initial discussion by the Council, Councilman Loveys stated that Longview Avenue is already included in an ordinance that restricts parking along the east side of the street from Carrell Road to Center Grove Road.

The Council suggested that signs be placed on the road to alert the public to the parking restrictions and to make the ordinance enforceable in case of parking violations.

The proposed ordinance was pulled.

(3) Comprehensive Crosswalks Ordinance

Manager Lovell stated the project of surveying all of the cross-walks in the Township was undertaken by the Traffic Safety Officer in conjunction with Mr. Ferriero. Most of the cross-walks are not enforceable because they are not covered by an ordinance. The sense was to organize a comprehensive ordinance that designates all of these cross-walks. Many cross-walks will need to be reconfigured and modified to bring them into compliance. The Manager cautioned that there will be a cost associated with the implementation of such an ordinance, mostly in the way of purchasing signage.

BE IT RESOLVED that an Ordinance entitled **“AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 31-54, CROSSWALKS, AND DELETING SECTION 31-476, ESTABLISHED, OF CHAPTER 31, TRAFFIC AND VEHICLES, OF THE REVISED ORDINANCES OF THE TOWNSHIP OF RANDOLPH, MORRIS COUNTY, NEW JERSEY”** 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 3rd of February, 2011, at 8:00 in the evening 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.

After Council discussion, it was suggested that no action be taken on this ordinance at this time so that the Council can obtain more information on the cross-walks.

Manager Lovell stated that he will ask Sgt. Moore and Mr. Ferriero to come to a Council meeting to discuss this issue further.

(4) Repeal of Loitering Ordinance

Manager Lovell reported that loitering laws can no longer be on the books of local communities. The head of the New Jersey Libertarian Party is bringing suit against any town in Morris County that still has such a law on their books. The proposed ordinance has been drafted so that loitering laws are removed.

Councilman MacArthur expressed concern that, once the loitering law is removed, does the town have any recourse if somebody is hanging around someplace and giving signals that they could be a potential danger to others.

Manager Lovell stated that often the prosecutor uses the loitering law in a plea bargain situation for minor offenses. A tool is being taken away from the prosecutor by eliminating this law.

Councilman Algeier confirmed that if the state has covered a subject, municipalities can not pass a law that is in contravention or is close to being the same. The Councilman stated that, although he disagrees with the ordinance, it would be counterproductive to not introduce and adopt the 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 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 3rd of February 2011, at 8:00 in the evening 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 Napoliello made a motion to introduce 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
Deputy Mayor Guadagno
Mayor Mitsch

NAYS: None

ABSENT: Councilman Obremski

COMBINED ACTION ITEMS

Manager Lovell reviewed some of the resolutions proposed for approval, including one dealing with contracts for the acquisition of specified vehicles, the transfer of a liquor license, a resolution pertaining to the 2011 temporary budget, and professional services agreements.

Councilman Algeier suggested amending the professional services contract for Mr. Cresitello to a six-month period, as was done in 2010.

Councilman MacArthur asked if a report could be provided for tax appeals for a 12 or 18 month period.

Manager Lovell responded that a document showing those figures will be provided at the Council budget work session.

Councilman MacArthur suggested pulling the resolution pertaining to the liquor license until February when the owner of the liquor license can meet with the Council to discuss his plans. The owner had previously agreed to meet with the Council during one of their meetings in February.

Councilman Loveys expressed concern with the professional services agreement for Mr. Knapp.

Manager Lovell responded that he will ask Mr. Knapp to appear at the Council Meeting to discuss the grievances and litigation he handled during 2010. The meeting will take place in Executive Session.

Councilman MacArthur made a motion to approve the Combined Action Items with the exception of Item C, which was pulled from the agenda, and an amendment to Item I8 establishing a professional services agreement for a six month period of time. Deputy Mayor Guadagno seconded the motion, and the following roll call vote was taken:

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

A. Refund/Adjustment Resolutions

(1) Refund Application Fee for 1152 Route 10 to WDIFTK Corporation - \$455.00

R-13-11

WHEREAS, the Planning and Zoning Department received an application fee from WDIFTK Corporation in the amount of \$555.00 for Application #21-10; 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 \$455.00 of the application fee be refunded to WDIFTK Corporation, 1152 Route 10, Randolph, NJ.

(2) Release Escrow for Block 2, Lot 9, to WDIFTK - \$500.00

R-14-11

WHEREAS, the Planning and Zoning Department received escrow funds from WDIFTK, Block 2, Lot 9, in the amount of \$500.00; 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 in the amount of \$500.00 be refunded to WDIFTK Corporation, 1152 Route 10, Randolph, NJ.

(3) Refund Overpayment of Taxes for 10 Red Oak Lane to Edward and Monica Sapone - \$9,017.53

R-15-11

WHEREAS, Edward and Monica Sapone have been granted a reduction in assessed valuation for the tax year 2010 by the Tax Court of New Jersey on Block 199, Lot 46.13, known as 10 Red Oak Lane; and

WHEREAS, an overpayment exists as a result of the reduction for the year 2010 in the amount of \$9,017.53; and

WHEREAS, it is recommended by the Tax Collector that this overpayment be refunded at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, that the Treasurer be instructed to refund the overpayment of \$9,017.53 to Edward and Monica Sapone.

(4) Refund Outside Tax Sale Certificate for 10 Greenhut Avenue to Park Finance LLC - \$33,130.81

R-16-11

WHEREAS, Outside Tax Sale Certificate #1855 held by Park Finance, LLC, assessed to Beny Barak, Block 12, Lot 2.04, 10 Greenhut Avenue; and

WHEREAS, the above mentioned Tax Sale Certificate has been redeemed through the Tax Collector, including principal and interest in the amount of \$27,730.81, and premium in the amount of \$5,400.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, that the Treasurer be instructed to refund \$33,130.81 to Park Finance, LLC, holder of Tax Sale Certificate #1855.

(5) Refund Overpayment of 2010 Taxes by Reason of Veteran's Deduction for 2 Richter Street to Albert Cabrera - \$250.00

R-17-11

WHEREAS, Albert Cabrera overpaid 2010 taxes by reason of Veteran's Deduction in the amount of \$250.00 on Block 201, Lot 32, 2 Richter Street; and

WHEREAS, it is recommended by the Tax Collector that this overpayment be refunded at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, that the Treasurer be instructed to refund the overpayment of \$250.00 to Albert Cabrera.

(6) Refund Overpayment of 2009 Taxes for 8 Red Oak Lane to Peter and Mariella Rizzolo - \$7,253.30

R-18-11

WHEREAS, Peter and Mariella Rizzolo have been granted a reduction in assessed valuation for the tax year 2009 by the Tax Court of New Jersey on Block 199, Lot 46.12, known as 8 Red Oak Lane; and

WHEREAS, an overpayment exists as a result of the reduction for the year 2009 in the amount of \$7,253.30; and

WHEREAS, it is recommended by the Tax Collector that this overpayment be refunded at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, that the Treasurer be instructed to refund the overpayment of \$7,253.30 to Peter and Mariella Rizzolo.

**(7) Refund Overpayment of 2011 Taxes for 2 Orchard Drive to
Huntington Mortgage - \$3,571.89**

R-19-11

WHEREAS, Huntington Mortgage has overpaid 2011 taxes in the amount of \$3,571.89 on Block 21.04, Lot 21, known as 2 Orchard Drive, assessed to William Lenihan; and

WHEREAS, it is recommended by the Tax Collector that this payment be refunded at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, that the Treasurer be instructed to refund the payment of \$3,571.89 to Huntington Mortgage.

**(8) Refund Overpayment of 2009 and 2010 Taxes for 11 Ursula
Court to Joseph Lubrano - \$8,057.16**

R-20-11

WHEREAS, Joseph Lubrano has been granted a reduction in assessed valuation for the tax years 2009 and 2010 by the Tax Court of New Jersey on Block 51, Lot 10.07, known as 11 Ursula Court; and

WHEREAS, an overpayment exists as a result of the reduction for the year 2009 in the amount of \$3,214.71, and \$4,842.45 for 2010; and

WHEREAS, it is recommended by the Tax Collector that this overpayment be refunded at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, that the Treasurer be instructed to refund the overpayment of \$8,057.16 to Joseph Lubrano.

**(9) Refund Overpayment of 2009 and 2010 Taxes for 199 Dover
Chester Road to Zoltan Nemeth - \$417.97**

R-21-11

WHEREAS, Zoltan Nemeth has been granted a reduction in assessed valuation for the tax years 2009 and 2010 by the Tax Court of New Jersey on Block 46, Lot 8, known as 199 Dover-Chester Road; and

WHEREAS, an overpayment exists as a result of the reduction for the year 2009 in the amount of \$205.19 and \$212.78 for 2010; and

WHEREAS, it is recommended by the Tax Collector that this overpayment be refunded at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, that the Treasurer be instructed to refund the overpayment of \$417.97 to Zoltan Nemeth.

**(10) Refund Overpayment of 2009 and 2010 Taxes for 2009 for
5 Calais Road to Wojciech Kolbik - \$2,254.54**

R-22-11

WHEREAS, Wojciech Kolbik has been granted a reduction in assessed valuation for the tax years 2009 and 2010 by the Tax Court of New Jersey on Block 92, Lot 9, known as 5 Calais Road; and

WHEREAS, an overpayment exists as a result of the reduction for the year 2009 in the amount of \$1,106.80 and \$1,147.74 for 2010; and

WHEREAS, it is recommended by the Tax Collector that this overpayment be refunded at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, that the Treasurer be instructed to refund the overpayment of \$2,254.54 to Wojciech Kolbik.

**(11) Refund Overpayment of Taxes for 2009 and 2010 for
29 Grist Mill Road to Monil Shah - \$5,484.37**

R-23-11

WHEREAS, Monil Shah has been granted a reduction in assessed valuation for the tax years 2009 and 2010 by the Tax Court of New Jersey on Block 145, Lot 25.01, known as 29 Grist Mill Road; and

WHEREAS, an overpayment exists as a result of the reduction for the year 2009 in the amount of \$2,692.39 and \$2,791.98 for 2010; and

WHEREAS, it is recommended by the Tax Collector that this overpayment be refunded at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, that the Treasurer be instructed to refund the overpayment of \$5,484.37 to Monil Shah.

**(12) Refund Overpayment of Taxes for 2009 and 2010 for
34 Musiker Avenue to Jennifer Chapman - \$7,222.60**

R-24-11

WHEREAS, Jennifer Chapman has been granted a reduction in assessed valuation for the tax years 2009 and 2010 by the Tax Court of New Jersey on Block 121, Lot 24.02, known as 34 Musiker Avenue; and

WHEREAS, an overpayment exists as a result of the reduction for the year 2009 in the amount of \$3,376.37 and \$3,846.23 for 2010; and

WHEREAS, it is recommended by the Tax Collector that this overpayment be refunded at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, that the Treasurer be instructed to refund the overpayment of \$7,222.60 to Jennifer Chapman.

**B. Authorizing Rescission of a Portion of MCCPC Contract with Ditschman
Flemington – Item 11**

R-25-11

WHEREAS, the Township of Randolph on behalf of the Morris County Cooperative Pricing Council awarded a contract on November 30, 2010, to Ditschman/Flemington Ford under MCCPC Contract #15-C (2011 Model Utility Vehicles) for Item # 11; and

WHEREAS, upon further investigation it is determined that Ditschman/Flemington Ford was not the apparent low bidder for Item #11 of MCCPC Contract #15-C (2011 Model Utility Vehicles); and

WHEREAS, due to the complexity of evaluating and determining the apparent low bidder for Item #11 because of the current draft of specifications, it is in the best interest of the MCCPC to rescind the contract of Ditschman/Flemington and not have a contract in place for the 2011 model year vehicle (Item #11).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, and State of New Jersey, that Item #11 of MCCPC Contract #15-C (2011 Model Utility Vehicles) be rescinded from Ditschman/Flemington Ford and the contract for Item #11 be discontinued for the 2011 model year vehicle with substantial revisions to the specifications for 2012.

C. Transfer of Liquor License at 1380 Sussex Turnpike

Pulled from agenda.

D. Authorizing a Second Change Order for Construction of a Water Booster Station on Overlook Avenue to DeMaio Electrical Company – New Contract Total Not to Exceed \$384,500.00

R-26-11

WHEREAS, the Township of Randolph had entered into a contract with DeMaio Electrical Company Inc. in the amount of \$348,800.00 for the construction of a Water Booster Station located on Overlook Avenue; and

WHEREAS, a change order in the amount of \$4,200.00 is necessary due a required 1" Blow Off Valve and concrete pad; and

WHEREAS, DeMaio Electrical Company, Inc. has submitted Change Order No. 2 in the amount of \$4,200.00 for the 1" Blow Off Valve and concrete pad; and

WHEREAS, the original contract amount of \$348,800.00, plus Change Order No. 1 in the amount of \$31,500 for electrical upgrades, will now include a change order, No. 2, in the amount of \$4,200.00, for the above mentioned required items; and

WHEREAS, Clough Harbor Associates and the Engineering Department have reviewed the proposal and recommends that the Township authorize the additional work necessary to continue with the construction and complete the project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, it is recommended by Ralph Carchia, Engineering Administrator, that the Township authorize Change Order No. 2 in the amount of \$4,200.00 to DeMaio Electrical Company, Inc., P.O. Box 5907, Hillsborough, NJ 08844.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: January 27, 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, Water Boosters, to amend the contract with DeMaio Electrical Company for the Overlook Avenue Booster Station in the amount not to exceed \$4,200.00.

Michael J. Soccio
Chief Financial Officer

E. Authorizing Award of a Two-Year Contract to E-Website for Online Payment Services for the Recreation Department – Not to Exceed \$17,992.00

R-27-11

WHEREAS, quotes were obtained in 2007 for online payment services and a contract was awarded to E-Website dba Capturepoint.com; and

WHEREAS, NJSA 40A:11-5(1)(dd) allows for support or maintenance of proprietary software to be negotiated and awarded by the governing body without public advertising for bids and bidding and may be awarded by resolution; and

WHEREAS, the cost for this contract is \$8,996.00 per year totaling \$17,992.00; and

WHEREAS, funds will be available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Council, Township of Randolph, County of Morris, State of New Jersey, that the Township enter into an agreement with E-WEBSITE DBA CAPTUREPOINT.COM as stated above.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: January 27, 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, Recreation, Other Expense, to award a contract with E-Website d/b/a Capturepoint.Com for the Online Payment Service for the Recreation Department in the amount not to exceed \$8,996.00 per year.

Michael J. Soccio
Chief Financial Officer

F. Award of Contracts for MCCPC by Coin-Toss for Contracts 17, 20A, and 41

R-28-11

WHEREAS, on January 10, 2011, the Township of Randolph on behalf of the Morris County Cooperative Pricing Council conducted a coin-toss lottery as a result of a

tie bids received on October 19 and 21, 2010, for portions of Contracts #17, 20-A and #41; and

WHEREAS, the winners of the above-mentioned coin-toss lottery appear in the summary below:

CONTRACT #17 – WATER TREATMENT CHEMICALS

(Item #8-C): Coin-toss between Main Pool & Chemical Company and Kuehne Chemical Company. Both companies bid the identical low bid price of \$1.15/gallon. Kuehne Chemical Co. won the coin-toss.

CONTRACT #20-A – SPORTING GOODS

Category A – Baseball Equipment

(Item #16): Coin-toss between Metuchen Center and R&R Trophy & Sporting Goods. Both companies bid the identical low bid price of \$10.44/each. Metuchen Center won the coin-toss.

Category B: Playground Equipment & Supplies

(Item #9): Coin-toss between Cannon Sports and Passon's Sports. Both companies bid the identical low bid price of \$2.28/dozen. Cannon Sports won the coin-toss.

CONTRACT #41 – PURCHASE OF COMMUNICATIONS EQUIPMENT-RADIOS
(NO INSTALLATION)

(Item #28): Coin-toss between Royal Communications and Atlantic Communications. Both companies bid the identical highest discount at 20%. Royal Communications won the coin-toss.

(Item #67): Coin-toss between Spectrum Communications and Atlantic Communications. Both companies bid the identical highest discount at 49.5%. Spectrum Communications won the coin-toss.

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 above-mentioned items in Contracts #17, 20-A and 41 be awarded to the vendors noted herein for the contract period beginning January 1, 2011, to December 31, 2011.

**G. Rescind Portion of MCCPC Contract 6 for Road Resurfacing From
Intercounty Paving Associates**

R-29-11

WHEREAS, the Township of Randolph on behalf of the Morris County Cooperative Pricing Council (MCCPC) entered into a portion of a contract for Category D (Resurfacing Preparations) of Contract #6 (Road Resurfacing) dated January 1, 2011, with Intercounty Paving Associates, LLC of Hackensack, New Jersey; and

WHEREAS, Intercounty Paving Associates, LLC is requesting to be released from their contract obligations due to an error made on their part when submitting their bid for Category D (Resurfacing Preparations) by assuming that another category would be awarded in coordination with Category D; and

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 D (Resurfacing Preparations) be rescinded from Intercounty Paving Associates, LLC 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.

H. 2011 Temporary Budget

R-30-11

WHEREAS, 40A:4-19 Local Budget Act provides that where any contracts, commitments, or payments are to be made prior to the final adoption of the 2011 budget, temporary appropriations be made for purposes and amount required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January 2011; and

WHEREAS, the total general appropriations in the 2010 Budget, exclusive of any appropriations made for Interest and Payment of Debt, Capital Improvements and Public Assistance, is the sum of \$31,896,929.00; and

WHEREAS, 26.25 percent of this total is the sum of \$8,372,943.00.

NOW, THEREFORE, BE IT RESOLVED by the Council and the Township of Randolph, County of Morris, State of New Jersey, that the following temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

GENERAL ADMINISTRATION

Salaries and Wages	\$ 101,558.00
Other Expenses	\$ 17,968.00

MAYOR AND COUNCIL

Salaries and Wages	\$ 8,750.00
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MUNICIPAL CLERK

Salaries and Wages	\$ 39,041.00
Other Expenses	\$ 26,986.00

FINANCIAL ADMINISTRATION (Treasury)

Salaries and Wages	\$ 45,365.00
Other Expenses	\$ 2,151.00

AUDIT SERVICES

Other Expenses	\$ 22,125.00
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COMPUTER DATA PROCESSING

Other Expenses	\$ 12,915.00
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REVENUE ADMINISTRATION (Tax Collection)

Salaries and Wages	\$ 33,272.00
Other Expenses	\$ 1,862.00

TAX ASSESSMENT ADMINISTRATION

Salaries and Wages	\$ 33,096.00
Other Expenses	\$ 15,709.00

LEGAL SERVICES

Other Expenses	\$ 77,071.00
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ENGINEERING SERVICES

Salaries and Wages	\$ 45,987.00
Other Expenses	\$ 11,773.00

PLANNING/ZONING BOARD

Salaries and Wages	\$ 42,676.00
Other Expenses	\$ 36,238.00

LIABILITY INSURANCE

Other Expenses	\$ 216,542.00
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WORKERS COMPENSATION INSURANCE

Other Expenses	\$ 92,809.00
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EMPLOYEE GROUP INSURANCE

Other Expenses	\$ 867,570.00
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POLICE DEPARTMENT

Salaries and Wages	\$ 1,103,981.00
Other Expenses	\$ 58,990.00

RADIO DISPATCH SERVICE

Other Expenses	\$ 92,200.00
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January 18, 2011

<u>FIRE DEPARTMENT</u>	
Salaries and Wages	\$ 29,538.00
Other Expenses	\$ 52,894.00
 <u>AID TO VOLUNTEER FIRE COMPANIES</u>	
Other Expenses	\$ 15,350.00
 <u>STREET AND ROAD MAINTENANCE</u>	
Salaries and Wages	\$ 274,793.00
Other Expenses	\$ 44,520.00
 <u>WATER AND SEWER</u>	
Salaries and Wages	\$ 118,121.00
Other Expenses	\$ 97,283.00
Electricity	\$ 19,688.00
Telephone	\$ 1,995.00
Natural Gas	\$ 656.00
 <u>SOLID WASTE COLLECTION</u>	
Other Expenses	\$ 158,393.00
 <u>RECYCLING</u>	
Salaries and Wages	\$ 66,815.00
Other Expenses	\$ 30,424.00
 <u>BUILDING AND GROUNDS</u>	
Salaries and Wages	\$ 13,324.00
Other Expenses	\$ 33,626.00
 <u>VEHICLE MAINTENANCE</u>	
Salaries and Wages	\$ 68,385.00
Other Expenses	\$ 67,804.00
 <u>SNOW REMOVAL</u>	
Salaries and Wages	\$ 80,000.00
Other Expenses	\$ 200,000.00
 <u>PUBLIC HEALTH SERVICES</u>	
Salaries and Wages	\$ 112,309.00
Other Expenses	\$ 14,369.00
 <u>ANIMAL CONTROL SERVICES</u>	
Salaries and Wages	\$ 13,141.00

RECREATION SERVICES AND PROGRAMS

Salaries and Wages	\$ 117,248.00
Other Expenses	\$ 238,280.00

MAINTENANCE OF PARKS

Salaries and Wages	\$ 112,710.00
Other Expenses	\$ 23,625.00

UTILITY EXPENSES

Electricity	\$ 45,675.00
Street Lighting	\$ 19,688.00
Telephone	\$ 29,584.00
Gas (Natural or Propane)	\$ 14,963.00
Gasoline	\$ 70,875.00

LANDFILL/SOLID WASTE DISPOSAL COSTS

Other Expenses	\$ 215,723.00
Recycling Tax	\$ 7,403.00

UNIFORM CONSTRUCTION CODE

Salaries and Wages	\$ 67,345.00
Other Expenses	\$ 1,706.00
Electrical Inspection	\$ 15,750.00

ACCUMULATED LEAVE COMPENSATION

Salaries and Wages	\$ 100,000.00
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MUNICIPAL ALLIANCE

Salaries and Wages	\$ 1,890.00
Other Expenses	\$ 919.00

STATUTORY EXPENDITURES

PERS	\$ 740,776.00
Social Security	\$ 143,299.00
PFRS	\$ 1,066,373.00

MUNICIPAL COURT

Salaries and Wages	\$ 69,337.00
Other Expenses	\$ 4,988.00

ROCKAWAY VALLEY REGIONAL SEWAGE
AUTHORITY

Other Expenses	\$ 206,207.00
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MORRIS TOWNSHIP – SEWER TREATMENT

Other Expenses	\$ 175,875.00
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January 18, 2011

MORRIS COUNTY MUA – WATER SERVICES

Other Expenses

\$ 350,438.00

TOWNSHIP – CAPITAL OUTLAY

Court – Interpretor's Service

\$ 10,000.00

\$8,370,738.00DEBT SERVICE

Waste Water Trust Program – Principal

\$ 231,818.00

Waste Water Trust Program – Interest

\$ 29,944.00

Interest on Notes

\$ 18,300.00

Interest on Bonds

\$ 97,660.00

I. Professional Services Agreements:**(1) Amend 2010 Professional Services Agreement – Fred Knapp –
Adding \$7,500.00****R-31-11**

WHEREAS, an agreement was awarded to Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC on January 14, 2010, for Labor and Negotiations; and

WHEREAS, the original agreement was in the amount of \$6,000.00 and Amendment I on July 1, 2010, was \$4,000.00, Amendment II on August 5, 2010, was \$10,000.00, and an additional \$5,000.00 is needed; and

WHEREAS, an Amendment I for \$1,500.00 for Kepler v. Randolph Township was awarded on March 18, 2010, and not utilized so funds were transferred to this contract; and

WHEREAS, final bills were received for 2010 and an additional \$7,500.00 is needed to cover charges through the end of the year bringing the total contract price to \$34,000.00; 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 amend this contract with Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC, as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: January 27, 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 2010 Budget, Legal, Other Expense, to award a contract to Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC for Legal Services for Labor and Negotiations in the amount not to exceed \$7,500.00.

Michael J. Soccio
Chief Financial Officer

(2) Andrew Blair, Esq. – Deputy Public Defender Services – Not to Exceed \$2,500.00

R-32-11

WHEREAS, the Township of Randolph has a need to acquire Andrew J. Blair, Esq., pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Gail Catania, Purchasing Coordinator, has determined and certified in writing that the value of the acquisition will not exceed \$17,500.00; and

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

WHEREAS, Andrew J. Blair, Esq., has indicated he will provide the Deputy Public Defender Services for an amount not to exceed \$2,500.00; 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 Andrew J. Blair, Esq., as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: January 27, 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 General Trust Fund, Public Defender, to

January 18, 2011

award a contract to Andrew J. Blair, Esq., for Deputy Public Defender in the amount not to exceed \$2,500.00.

Michael J. Soccio
Chief Financial Officer

(3) Edward Buzak, Esq. – Township Legal Services – Not to Exceed \$289,200.00

R-33-11

WHEREAS, the Township of Randolph has a need to acquire The Buzak Law Group, LLC, pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Gail Catania, Purchasing Coordinator, has determined and certified in writing that the value of the acquisition may exceed \$17,500.00; and

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

WHEREAS, The Buzak Law Group, LLC, has indicated they will provide the Township Legal Services for an amount not to exceed \$289,200.00; and

WHEREAS, The Buzak Law Group, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that The Buzak Law Group, LLC, has not made any reportable contributions to a political or candidate committee in the Township of Randolph in the previous one year, and that the contract will prohibit The Buzak Law Group, LLC, from making any reportable contributions through the term of the contract; 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 The Buzak Law Group, LLC, 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: January 27, 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 Budget, Legal, Other Expense, to award a contract to the Buzak Law Group, LLC for Township Legal Services in the amount not to exceed \$289,200.00.

Michael J. Soccio
Chief Financial Officer

**(4) Fredric Knapp, Esq. – Legal Services for Labor and Negotiations
Not to Exceed \$10,000.00**

R-34-11

WHEREAS, the Township of Randolph has a need to acquire Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC, pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Gail Catania, Purchasing Coordinator, has determined and certified in writing that the value of the acquisition may exceed \$17,500.00; and

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

WHEREAS, Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC, has indicated he will provide the Legal Services for Labor and Negotiations for \$145.00 per hour not to exceed \$10,000.00; and

WHEREAS, Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC, has not made any reportable contributions to a political or candidate committee in the Township of Randolph in the previous one year, and that the contract will prohibit Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC, from making any reportable contributions through the term of the contract; 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 Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC, 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: January 27, 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 Budget, Legal, Other Expense, to award a contract to Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC for Legal Services for Labor and Negotiations in the amount not to exceed \$10,000.00.

Michael J. Soccio
Chief Financial Officer

(5) John Kraft – Bond Counsel Services – Not to Exceed \$10,000.00**R-35-11**

WHEREAS, the Township of Randolph has a need to acquire John L. Kraft of Lomurro, Davison, Eastman & Munoz, PA, pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Gail Catania, Purchasing Coordinator, has determined and certified in writing that the value of the acquisition may exceed \$17,500.00; and

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

WHEREAS, John L. Kraft of Lomurro, Davison, Eastman & Munoz, PA, has indicated he will provide the Bond Counsel Services as stated in their proposal for an amount not to exceed \$10,000.00; and

WHEREAS, John L. Kraft of Lomurro, Davison, Eastman & Munoz, PA, has completed and submitted a Business Entity Disclosure Certification which certifies that John L. Kraft of Lomurro, Davison, Eastman & Munoz, PA, has not made any reportable contributions to a political or candidate committee in the Township of Randolph in the previous one year, and that the contract will prohibit John L. Kraft of Lomurro, Davison, Eastman & Munoz, PA, from making any reportable contributions through the term of the contract; 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 John L. Kraft of Lomurro, Davison, Eastman & Munoz, PA, 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: January 27, 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 Various Capital Ordinance to award a contract to Jack Kraft of Lomurro, Davison, Eastman & Munoz, PA, for Bond Counsel Services in the amount not to exceed \$10,000.00.

Michael J. Soccio
Chief Financial Officer

(6) Nisivoccia & Company, LLP – Auditing Services - \$43,960.00

R-36-11

WHEREAS, the Township of Randolph has a need to acquire Nisivoccia & Company LLP, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Gail Catania, Purchasing Coordinator, has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

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

WHEREAS, Nisivoccia & Company LLP, has indicated they will provide the Professional Auditing Services for an amount not to exceed \$43,960.00; and

WHEREAS, Nisivoccia & Company LLP, has completed and submitted a Business Entity Disclosure Certification which certifies that Nisivoccia & Company LLP, has not made any reportable contributions to a political or candidate committee in the Township of Randolph in the previous one year, and that the contract will prohibit Nisivoccia & Company LLP, from making any reportable contributions through the term of the contract; 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

January 18, 2011

of Randolph to enter into a contract with Nisivoccia & Company LLP, 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: January 27, 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 Budget, Auditing, Other Expenses, to award a contract to Nisivoccia & Company, LLC for Professional Auditing Services in the amount not to exceed \$43,960.00.

Michael J. Soccio
Chief Financial Officer

(7) Animal Clinic of Morris Plains – Veterinary Services – Not to Exceed \$12,000.00

R-37-11

WHEREAS, the Township of Randolph has a need to acquire Animal Clinic of Morris Plains, LLC, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Gail Catania, Purchasing Coordinator, has determined and certified in writing that the value of the acquisition may exceed \$17,500.00; and

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

WHEREAS, Animal Clinic of Morris Plains, LLC, has indicated they will provide the Professional Veterinary Services as stated in their proposal for an amount not to exceed \$12,000.00; and

WHEREAS, Animal Clinic of Morris Plains, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that Animal Clinic of Morris Plains, LLC, has not made any reportable contributions to a political or candidate committee in the Township of Randolph in the previous one year, and that the contract will prohibit Animal Clinic of Morris Plains, LLC, from making any reportable contributions through the term of the contract; 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 Animal Clinic of Morris Plains, LLC, 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: January 27, 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 Dog License Trust Fund to award a contract to Animal Clinic of Morris Plains, LLC for Professional Veterinary Services in the amount not to exceed \$12,000.00.

Michael J. Soccio
Chief Financial Officer

(8) Michael Cresitello, Jr., Esq. – Prosecutor Services – Not to Exceed \$25,600.00

R-38-11

WHEREAS, the Township of Randolph has a need to acquire Michael V. Cresitello, Jr., of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Gail Catania, Purchasing Agent, has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

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

WHEREAS, Michael V. Cresitello, Jr., of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., has indicated he will provide the services as Township Prosecutor for an amount not to exceed \$25,600.00 plus special sessions at \$500.00 per session plus \$135.00 per hour for sessions in excess of four hours not exceeding \$4,000.00; and

WHEREAS, there will be a review of services to occur on July 1, 2011, to determine if an adjustment to the retainer is warranted; and

January 18, 2011

WHEREAS, Michael V. Cresitello, Jr., of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., has completed and submitted a Business Entity Disclosure Certification which certifies that Michael V. Cresitello, Jr., of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., has not made any reportable contributions to a political or candidate committee in the Township of Randolph in the previous one year, and that the contract will prohibit Michael V. Cresitello, Jr., of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., from making any reportable contributions through the term of the contract; 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 Michael V. Cresitello, Jr., of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., 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: January 27, 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 Budget, Prosecutor, Other Expenses, to award a contract to Michael V. Cresitello, Jr. of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, PC, for Township Prosecutor Services in the amount not to exceed \$29,600.00.

Michael J. Soccio
Chief Financial Officer

(9) Anthony Bucco, Esq. – Negotiations and Preparation of Developers' Agreements – Not to Exceed \$15,000.00

R-39-11

WHEREAS, the Township of Randolph has a need to acquire Anthony M. Bucco of Johnson, Murphy, Hubner, McKeon, Wubbenhorst, Bucco & Appelt, PC, pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Gail Catania, Purchasing Coordinator, has determined and certified in writing that the value of the acquisition may exceed \$17,500.00; and

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

WHEREAS, Anthony M. Bucco of Johnson, Murphy, Hubner, McKeon, Wubbenhorst, Bucco & Appelt, PC, has indicated he will provide the Negotiations and Preparation of Developers' Agreements for an amount not to exceed \$15,000.00; and

WHEREAS, Anthony M. Bucco of Johnson, Murphy, Hubner, McKeon, Wubbenhorst, Bucco & Appelt, PC, has completed and submitted a Business Entity Disclosure Certification which certifies that Anthony M. Bucco of Johnson, Murphy, Hubner, McKeon, Wubbenhorst, Bucco & Appelt, PC, has not made any reportable contributions to a political or candidate committee in the Township of Randolph in the previous one year, and that the contract will prohibit Anthony M. Bucco of Johnson, Murphy, Hubner, McKeon, Wubbenhorst, Bucco & Appelt, PC, from making any reportable contributions through the term of the contract; 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 Anthony M. Bucco of Johnson, Murphy, Hubner, McKeon, Wubbenhorst, Bucco & Appelt, PC, 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: January 27, 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 Escrow Trust Account to award a contract to Anthony M. Bucco of Johnson, Murphy, Hubner, McKeon, Wubbenhorst, Bucco & Appelt, PC for negotiations and Preparation of Developers' Agreements in the amount not to exceed \$15,000.00.

Michael J. Soccio
Chief Financial Officer

(10) St. Clare's Hospital – Community Health Services – Not to Exceed \$6,000.00

R-40-11

WHEREAS, the Township of Randolph has a need to acquire St. Clare's Hospitals 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, St. Clare's Hospitals has indicated they will provide the Community Health Services for an amount not to exceed \$6,000.00 in accordance with their agreement on file with this resolution; 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 St. Clare's Hospitals as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: January 27, 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 Budget, Health, Other Expense, to award a contract to St. Clare's Hospital for Professional Community Health Services in the amount not to exceed \$6,000.00.

Michael J. Soccio
Chief Financial Officer

(11) Garden State Labs – Testing and Laboratory Services – Not to Exceed \$7,500.00

R-41-11

WHEREAS, the Township of Randolph has a need to acquire Garden State Laboratories, Inc., pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Gail Catania, Purchasing Agent, has determined that the value of the acquisition in addition to others may exceed \$17,500.00; and

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

WHEREAS, Garden State Laboratories, Inc., has indicated they will provide the testing in their proposal for an amount not to exceed \$7,500.00; and

WHEREAS, funds are available for this purpose.

WHEREAS, Garden State Laboratories, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that Garden State Laboratories, Inc, has not made any reportable contributions to a political or candidate committee in the Township of Randolph in the previous one year, and that the contract will prohibit Garden State Laboratories, Inc. from making any reportable contributions through the term of the contract.

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 Garden State Laboratories, Inc., as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: January 27, 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 Budget, Health, Other Expense, to award a contract to Garden State Laboratories, Inc. for Testing Samples Collected by the Township in the amount not to exceed \$7,500.00.

Michael J. Soccio
Chief Financial Officer

J. Raffles

- (1) On-Premise 50/50, Randolph PTO Council, April 1, 2011,
6:00 p.m. to 12:00 a.m., at Skylands of Randolph, 792 Route 10,
Randolph**
- (2) Tricky Tray, Randolph PTO Council, April 1, 2011,
6:00 p.m. to 12:00 a.m., at Skylands of Randolph, 792 Route 10,
Randolph**

- (3) **Instant Power Raffle, Randolph PTO Council, April 1, 2011,
6:00 p.m. to 12:00 a.m., at Skylands of Randolph, 792 Route 10,
Randolph**
- (4) **Tricky Tray Instant, Randolph PTO Council, April 1, 2011,
6:00 p.m. to 12:00 a.m., at Skylands of Randolph, 792 Route 10,
Randolph**
- (5) **Raffle, Randolph PTO Council, April 1, 2011,
6:00 p.m. to 12:00 a.m., at Skylands of Randolph, 792 Route 10,
Randolph**

**APPOINTMENT AND AWARD - John Cesaro for Public Defender, Effective
February 1, 2011 – Adopt Professional Services Agreement**

Manager Lovell stated that this matter was coordinated by Councilman Algeier in cooperation with Ms. Catania. Specifications were developed and advertised, and proposals were received. The applicants were subsequently interviewed by Manager Lovell and Councilman Algeier. A public defender is not fully budgeted with the municipal budget, it is shared through an escrow account of the court. The Manager reviewed for the Council the payment specifics which are included in the agreement. Upon approval of the Council, the Manager will arrange for Mr. Cesaro to meet the Court Administrator and turn over the function as public defender to him for the first court date in February. Manager Lovell thanked Councilman Algeier for his help in this process.

Councilman Algeier made a motion to approve the appointment and professional services agreement for John Cesaro. Deputy Mayor Guadagno seconded the motion, and the following roll call vote was taken:

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

R-42-11

WHEREAS, the Township of Randolph has a need to acquire the Law Office of John Cesaro pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Gail Catania, Purchasing Coordinator, has determined and certified in writing that the value of the acquisition will not exceed \$17,500.00; and

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

WHEREAS, the Law Office of John Cesaro has indicated they will complete the Legal Services for Township Public Defender for an amount not to exceed \$11,000.00 for eleven months beginning February 1, 2011, plus DWI sessions at \$250.00 per session for the first two sessions not to exceed \$500.00 and additional DWI sessions will be at no charge; 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 the Law Office of John Cesaro as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: January 27, 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 General Trust Fund, Public Defender, to award a contract to the Law Office of John Cesaro for Legal Services for Township Public Defender in the amount not to exceed \$11,500.00.

Michael J. Soccio
Chief Financial Officer

DISCUSSION ITEMS

A. Property Acquisition – Zander Lane

Manager Lovell asked that a decision on the Zander Lane property be made by the Council. He reiterated that the property does not provide anything significant to Randolph's open space holdings. The property has been offered at market value.

Deputy Mayor Guadagno, Councilman Napoliello, and Councilman MacArthur recently visited the site and do not think it would be worthwhile for the Township to purchase the property.

Deputy Mayor Guadagno made a motion that the Council not accept the offer to purchase the Zander Lane property. Councilman Napoliello seconded the motion, and the following roll call vote was taken:

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

B. Property Acquisition/Donation of 1398 Sussex Turnpike

Manager Lovell reminded the Council that this property, a 7 acre tract, has mines running all through. During the Council's first discussion, it was decided that there was no interest in acquiring the property. The Manager would like a definitive answer from the Council so that he can advise the Heritage Conservancy in New York City.

Councilman MacArthur asked if the town bears any obligations or responsibilities for properties containing mines.

Manager Lovell responded that the town requires in certain cases that properties be fenced with signage.

Councilman Algeier made a motion that the Council not accept the property acquisition or donation of 1398 Sussex Turnpike. Councilman MacArthur seconded the motion, and the following roll call vote was taken:

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

C. Message Therapy

Manager Lovell stated that a massage therapist asked that the fees governing massage therapy be re-visited. Currently the ordinance calls for the therapist to pay a fee of \$75.00 and also pay a \$250.00 fee for each locale in which they operate. In this particular case, the therapist travels to various locations, such as doctor and chiropractic offices, to administer to patients. The extra fees she is required to pay are an unintended consequence of the ordinance. The Manager suggests amending the ordinance to reflect

instances where a massage therapist working in concert with a licensed physician or licensed chiropractor in a licensed facility would be exempt from the additional fees.

The Council indicated approval to amend the existing ordinance.

D. Budget Meeting Dates

The Council agreed to add February 12 and a tentative date of March 5 as meeting dates to discuss the budget. The meetings will begin at 8:30 a.m. and will end at approximately 12:00 p.m.

E. December 8 Meeting Date

Manager Lovell received an email from Deputy Mayor Guadagno that he had a conflict for the December 8 meeting, which was scheduled prior to him coming onto the Council.

December 1 was set as the new meeting date. The meeting will begin at 6:00 p.m. with the reception recognizing the volunteers and local businesses in town, followed by the Council Meeting at 7:00 p.m.

Since this meeting is being rescheduled for so early in the month, the Manager cautioned that he may need to schedule an additional meeting later in the month for any clean up items that must be addressed.

OPEN TO PUBLIC

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

COUNCIL AND MANAGER COMMENTS

There were no council comments.

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 following portion of the meeting.

2. The general nature of the subject matter to be discussed is as follows:
 - A. Litigation – Kushner Corporation v. MCMUA and Randolph Township
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 closed Executive Session, the Council may reconvene in public session for the purpose of taking formal action on matters discussed in closed session or on any other matter as permitted by law.

Councilman Algeier made a motion to move into Executive Session at 9:50 p.m.
Councilman Loveys seconded the motion, and the following roll call vote was taken:

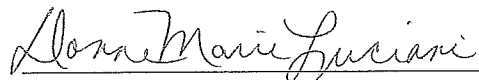
AYES: Councilman Algeier
Councilman Loveys
Councilman MacArthur
Councilman Napoliello
Deputy Mayor Guadagno
Mayor Mitsch
NAYS: None
ABSENT: Councilman Obremski

Councilman Algeier made a motion to return to Public Session at 10:20 p.m.
Councilman Loveys seconded the motion, and the following roll call vote was taken:

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

ADJOURNMENT

Mayor Mitsch adjourned the meeting at 10:20 p.m.


Donna Marie Luciani
Township Clerk