

June 23, 2022

Township of Randolph
Municipal Building
Randolph, NJ
June 23, 2022

A. OPENING OF REGULAR MEETING

1. Call to Order

A regular meeting of the Randolph Township Council was called to order at 6:00 p.m. by Mayor Potter. 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 November 19, 2021, by emailing them the annual resolution adopted by the Council on November 18, 2021. The annual resolution, which included this meeting date, was advertised in the Randolph Reporter, the official newspaper of the Township of Randolph and the Daily Record on November 24, 2021.

2. Roll Call

PRESENT: Councilmember Carey
Councilmember Forstenhausler
Councilmember Hathaway
Councilmember Loveys
Councilmember Veech
Deputy Mayor Nisivoccia
Mayor Potter

Also present: Township Manager Steve Mountain, Newly Appointed Township Manager Greg Poff, Township Attorney Edward J. Buzak (via phone) and Attorney Keli Gallo (via phone)

3. Pledge of Allegiance

Mayor Potter led the Pledge of Allegiance.

B. PRESENTATION/PROCLAMATION

Councilmember Loveys read a proclamation Recognizing Township Manager Stephen Mountain into the record:

WHEREAS, Stephen P. Mountain began his career in January 1991 as the Management Assistant in Rockville, Maryland before he and his wife Maura moved to New Jersey when Steve was hired by Randolph, for the first time, in November of 1992 as the Assistant Township Manager under J. Peter Braun; and

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WHEREAS, Stephen P. Mountain put down roots in New Jersey with the birth of his and Maura's first child Ryan and while Steve continued to gain professional experience and hone his public management skills in Randolph, he was earning a reputation among the residents, his constituents, and fellow employees as a highly regarded, respected, competent, and well-liked individual; and

WHEREAS, in March of 1997, Stephen P. Mountain left Randolph to become the Administrator for Mendham Township and as Steve's expertise in the field of public management expanded, so did his family to include daughters Christine and Emily; and

WHEREAS, after serving 17 years in Mendham, Stephen P. Mountain was presented with the opportunity to return to Randolph, this time as Township Manager; and

WHEREAS, in April 2014, Stephen P. Mountain was hired as Chief Executive and Administrative Officer of Randolph Township and has managed the day-to-day operations of the service-based organization of 122 full-time and 53 part-time employees that provides for the health, safety, and general welfare of the 25,734 residents that call Randolph home; and

WHEREAS, during his tenure, Stephen P. Mountain has led the Township in taking on many large, complex projects, including infrastructure improvements at the municipal and VFW buildings, overseeing the development of a 10 year Parks & Recreation Master Plan, including the construction of Veterans Community Park, and the completion of a Trails Master Plan, facilitating the approval and implementation of a new communication/cell tower, and the seamless transition of a kennel facility into the Randolph Regional Animal Control Center, as well as guiding the Township through its third round affordable housing obligation; and

WHEREAS, Stephen P. Mountain has been a champion of preserving open space, the inventory of which has increased since his arrival in Randolph; and

WHEREAS, Stephen P. Mountain steered Randolph Township through uncharted territory brought on by the Covid-19 pandemic, collaborating daily with health officials, front line workers, and local and state officials to develop and implement policies and procedures with the goal of ensuring the public's safety, as well as the safety of the employees, while sustaining operations of the municipal organization during an ever-evolving crisis in order to maintain delivery of essential services and provide up-to-date information to the community; and

WHEREAS, under Stephen P. Mountain's professional, experienced leadership, Randolph maintains fiscal stability and achieved, and continues to hold, the Standard and Poor's AAA Bond Rating; and

WHEREAS, it is clearly evident that Steve exemplifies all of the attributes of a tremendous manager which include, but are not limited to, leadership, perseverance,

communication skills, loyalty to the community, and integrity and it is because of these qualities and his constant quest for excellence that Randolph is recognized as a premier community, and he as a premier Manager, in the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by Mayor Marie Potter, all members of the Randolph Township Council that Stephen P. Mountain is acknowledged and thanked for his years of selfless and dedicated Service to the citizens of Randolph and the staff of Randolph Township.

C. OPEN TO THE PUBLIC

Jonathan Torres of 22 Prince Henry Drive shared that many parents were concerned with the Board of Education's recent decision to disconnect student access to Wi-Fi to improve the integrity of the school's cyber security. He explained that many families and students are concerned that the loss of Wi-Fi on their phones will limit access to valuable resources such as IEP learning plans, will negatively affect those with underlying conditions that require the need for reliable cell service, and will in the case of active shooters, result in security concerns. He stated that stripping away access to Wi-Fi would compromise cellular access depending on each individual's cell carrier. He asked the Township Council to consider establishing another round of open enrollment to encourage more cell carriers to be installed on the municipal building cell tower. He suggested purchasing cellular boosters to improve cell services and connections at the middle and high school. He also suggested that a second separate Wi-Fi system be installed at the school and municipal building.

Manager Mountain explained that the township must go out to bid to obtain additional cell carrier installation on the communication tower since it is public property. He shared that the township just recently came out of a bidding process with T-Mobile signing onto the lease. He informed Mr. Torres that while they have pressured Verizon to join, the carrier has persistently refused to sign on, even though several years ago they were among the more aggressive carriers pushing that the tower be built. He explained that there is no limit on how many times the town can go out to bid for cell tower carriers. He suggested holding the bid process again after T-Mobile has completed its installment.

Michael Adelman of 109 Woodmont Drive shared that he received a letter regarding Ordinance 17-22. He shared that he also received a letter regarding information about Bowman Construction's permit application to install a stormwater discharge pipe through a wetland area. He asked why such a plan was approved and asked for further clarification. He stated that he would be contacting the NJ Department of Environmental Protection to learn more about the permit. He wanted to understand what the council could demand of the development in terms of zoning.

Manager Mountain explained that Ordinance 17-22 only provides the zoning permission for the project to proceed. He stated that the project plans would come before the Planning Board and be presented at public hearings to allow public comment. He stated that the ordinance was one of several that the township has passed to comply with its affordable housing obligations. He referred to the Bowman Construction letter and surmised that the applicant was proceeding with

the NJDEP permit application; of which the state will review and approve/or reject whether the applicant will be able to cross piping in the area. He explained that the state mandates how the stormwater is managed, and that it is up to the applicant to demonstrate that they can meet state standards to the Planning Board and the Township Engineer in an appropriate way. He stated that there were currently no specific plans for the project.

Mr. Adelman understood that even though the zoning change has not officially happened the owner hired Bowman Construction to begin the application process. Manager Mountain explained that the development was able to do so at their own risk. He guessed that they were confident that the ordinance would pass as in this particular case it is state mandated. He explained that the state will review the application, and that the Planning Board and Township Engineer would oversee the stormwater management plan that the applicant will present.

Mr. Adelman asked if the township could change the decision if the NJDEP approves the plan of the stormwater system running into wetland. Manager Mountain explained that the state was solely permitting access to the wetlands area. He stated that anything to do with piping and development was under local authority. Manager Mountain explained that residents will be notified when a plan comes before the Planning Board. He suggested that further discussion about the ordinance be saved for the second reading.

Jeff Carroll of 92 Woodmont Drive asked if the decision was court mandated. Manager Mountain stated that the decision was made by the NJ Supreme Court for the Mount Laurel litigation.

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

D. MANAGER'S REPORT

Municipal Building Chiller Replacement – Buildings and Grounds Supervisor Donna Luciani, the township's Special Projects team consisting of Charlie Crossan and Mike Sellari from the Water and Sewer Department, Robert Gomez and Chuck DeCristoforo from the Department of Public Works, in addition to other workers from the Water and Sewer Department, and the township's in-house electrician completed excellent work on this project. He shared that they were able to complete the project in-house, including the cost of parts, at just under \$17,500. Whereas an outside contractor estimated the cost at around \$69,000. He stated that the team saved the township just under \$52,000.

Morris County Dawson Brook Bridge Project – On Wednesday, June 15, the Council Infrastructure Work Group, along with township staff, met with Morris County representatives to hear a presentation on the county's proposed replacement of the Dawson Brook Bridge on Combs Ave. The county advised that they are planning to complete the replacement sometime in the summer of 2024 and that the bridge was in the early stages of the design and permitting process. He explained that the bridge's condition is currently degrading and that it is functionally obsolete. The bridge replacement will be constructed using a precast concrete arch system; the project is estimated to take about a month to a month and a half to complete. The existing waterline will be relocated by the project contractor during the construction; Randolph will be

responsible for reimbursing the county for the movement of the infrastructure. A detour will be coordinated for the construction site. The scheduling of the project will be contingent upon the completion of planned bridge replacements on Combs Hollow Road that have been tied up between the NJ Department of Environmental Protection and the NJ Historic Preservation Office; the county expects these projects to begin sometime in early 2023. The county also shared its plans of conducting extensive repairs to a bridge on Millbrook Ave sometime in the summer of 2024. The project will require the road to be closed for two months. The county gave the township advanced notice to begin preparing and coordinating detour routes and communications about the project.

Manager Mountain Farewell – Manager Mountain shared that this was his last meeting as Township Manager. He stated that serving the Randolph community had been an honor. He shared that he has been affiliated with the community for just under 15 years and that serving in his role as Township Manager was a fulfillment of his professional dream. He shared that when he came to Randolph he immediately fell in love with the area, and the way the township conducted business. He appreciated the quality of the township’s officials and the quality of the people in the community. He commented that during his tenure, the township accomplished a lot and that the municipal organization was truly a team. He commended the Township Council for working as a cohesive unit. He thanked the township staff for their work in helping accomplish many of the goals he put forth annually. He thanked Clerk Luciani for her support and assistance. He thanked the many volunteers and residents in the community, many of whom have become great friends of his. He stated that the council could not have chosen better than Mr. Poff to supersede him as Township Manager. He stated that he would always be a part of Randolph and that he hoped to see the township continue to thrive.

E. APPROVAL OF MEETING MINUTES

Councilmember Veech made a motion to approve the Regular Meeting minutes for June 2, 2022. Councilmember Loveys seconded the motion and the following roll call vote was taken:

AYES:	Councilmember Carey
	Councilmember Forstenhausler
	Councilmember Hathaway
	Councilmember Loveys
	Councilmember Veech
	Deputy Mayor Nisivoccia
	Mayor Potter
NAYS:	None

F. COMBINED ACTION RESOLUTIONS

Item #14, R-145-22 Amending Shared Services Agreement between the Township of Randolph and Township of Roxbury for Public Health Services enabling Randolph and Roxbury to provide Public Health Services to the Township of Chester - Manager Mountain explained that this resolution was delayed due to a communication issue with Chester Township. He explained that if the council had any changes that were not substantive, the changes could be made up until the

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three townships have agreed and the mayor signs. He recommended moving ahead with this item as a delay would require Chester Township to find a way to cover the services temporarily.

1. R-132-22 Authorizing the Township to conduct mandatory State Housing Inspections between July 1, 2022 and June 30, 2023 and to be compensated by the state in the amount of \$4,769.00
2. R-133-22 Refund portion of Summer Day Camp program fee due to a change in family schedule to Soniya Patel - \$345.00
3. R-134-22 Authorizing submission of an electronic grant application and the execution of a grant contract with the Department of Transportation for Calais Road Improvements – Phase 2 project
4. R-135-22 Release cash road opening bonds for four residential properties for various reasons \$500.00 each
5. R-136-22 Refund water connection fees for 1007 Sussex Tpke., Block 215, Lot 74.04 to Jessica Kevovski
6. R-137-22 Requesting the approval of items of Revenue and Appropriations per NJSA 40A: 4-87 Clean Communities Grant in the 2022 Budget - \$60,460.54
7. R-138-22 Appointing Gregory Poff to serve as the Randolph Fund Commissioner and affirming Deborah Bonanno to serve as the Alternate Fund Commissioner for the North Jersey Municipal Employee Benefits Fund (HIF)
8. R-139-22 Appointing Gregory Poff to serve as the Alternate Fund Commissioner and affirming Deborah Bonanno to serve as the Fund Commissioner for the Morris County Municipal Joint Insurance Fund (MCMJIF)
9. R-140-22 Redeem and refund Tax Sale Certificate #20-08 for Block 199, Lot 1.11, 39 Roc Etam Road to Greymorr, LLC - \$198,448.16
10. R-141-22 Authorizing the Settlement of Certain Residential Tax Appeals - Brightview Randolph, LLC, Block 111, Lot 20.01 - 175 Quaker Church Rd for years 2018- 20222
11. R-142-22 Authorizing Contracts with Additional Approved SOCCP Contract Vendors under the Somerset County Cooperative Pricing Council pursuant to N.J.S.A. 40A:11-11(5)
12. R-143-22 Awarding a Contract for Electronic Municipal Tax Lien Sales to Realauktion.com, LLC - not to exceed - \$2,500.00

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: June 23, 2022

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-5.3-5.5, and any other applicable requirement, I, Deborah Bonanno, Director of Finance for the Township of Randolph, have ascertained that funds are available to award a contract in an amount not to exceed \$2,500 to Realauction.com, LLC for online tax services, per its proposal submitted to the Township

Deborah Bonanno
Chief Financial Officer
Budget Account #: 01-201-20-145-011

13. R-144-22 Shared Services Agreement for the Township of Randolph and Township of Roxbury to provide Public Health Services to the Township of Chester
14. R-145-22 Amending Shared Services Agreement between the Township of Randolph and Township of Roxbury for Public Health Services enabling Randolph and Roxbury to provide Public Health Services to the Township of Chester
15. Raffle License: Tricky Tray, Orthodox Christian Church of the Holy Trinity, 120 Dover Chester Road, Randolph, NJ, Saturday, September 17, 2022, from 12:00 p.m. – 2:30 p.m.
16. Raffle License: Off-Premise Merchandise, Greek Orthodox Community Center of Randolph, 1447 Sussex Turnpike, Randolph, NJ, Sunday, November 20, 2022 at 12:00 p.m.
17. Raffle License: Off-Premise 50/50, Randolph Chemical Engine Co. #3 Ladies Auxiliary, 670 Millbrook Avenue, Randolph, NJ, Tuesday, December 6, 2022, at 8:00 p.m.
18. Raffle License: On-Premise 50/50 - RHS Cheerleading Booster Club, Inc. at Randolph High School, 511 Millbrook Avenue, Randolph, NJ on Sept 2, 2022; Sept 23, 2022; Oct 7, 2022; Oct 14, 2022 Time: 7:00 – 8:30 pm
19. Raffle License: On-Premise Tricky Tray, Friends of Randolph Animal Pound, Inc., Veterans Park, 100 Calais Road, Randolph, NJ on Saturday, September 24, 2022, from 10:00 a.m. – 4:00 p.m. - Rain Date: September 25, 2022

Deputy Mayor Nisivoccia made a motion to approve the Combined Action Resolutions.
Councilmember Veech seconded the motion, and the following roll call vote was taken:

AYES: Council Member Carey
Council Member Forstenhausler – Abstained to Item #17 - Raffle License
Council Member Hathaway

Council Member Loveys
Council Member Veech
Deputy Mayor Nisivoccia
Mayor Potter
NAYS: None

G. UPCOMING EVENTS

1. Randolph Memorial VFW Post 7333 Annual Flag Retirement Ceremony, Thursday, June 23, 2022., 10:00 a.m. at the VFW Post 7333 Building, 103 Carrell Road, Randolph
2. Morris County Pride Festival at County College of Morris on Saturday, June 25, 2022, from 10:00 a.m. - 5:00 p.m. (Rain Date: Sunday, June 26th)
3. Grand Opening/Ribbon Cutting at ZifitiFresh, 477 Rte. 10, Randolph on Thursday, June 30, 2022, at 5:00 p.m. and Ribbon Cutting at 5:15 p.m.
4. Freedom Festival Events: Carnival, Beer Garden, Food and Crafter Vendors Nightly at County College of Morris (CCM) from 6:00 p.m. - 11:00 p.m. on Thursday, June 30th (also Car Show), Friday, July 1st (also Total Zero Band & Vintage Baseball) and Saturday, July 2nd (Parade at 10 a.m., followed by DJ Nick & The Jerseytones at the carnival) Fireworks July 2nd at approximately 9:30 p.m.
5. Grand Opening/Ribbon Cutting at Luxurious Hair & Beauty Bar, 477 Rte. 10, Randolph on Saturday, July 2, 2022 at 3:00 p.m.
6. Moving Wall Proclamation presentation at CCM on Center Grove Road, Randolph, on Friday, July 8, 2022, at 11:00 a.m.
7. Placing a Memorial Wreath at The Vietnam Moving Wall Tribute on Saturday, July 9, 2022, at CCM on Center Grove Road, Randolph at 2:00 p.m. - COUNCIL ONLY - "Wreath Training" at 1:00 p.m.

H. ORDINANCES: SECOND READING/PUBLIC HEARING

1. **Ordinance No. 17-22 Amending Article III, Zoning, of the Land Development Ordinance of the Township of Randolph, Morris County, New Jersey to establish the Village Center Residential (VCR) - 5 District**

BE IT RESOLVED, that an Ordinance entitled, "An Ordinance Amending Article III, Zoning, of the Land Development Ordinance of the Township of Randolph, Morris County, New Jersey, to Establish the Village Center Residential (VCR) – 5 District," be read by title on second reading and a hearing held thereon.

Manager Mountain explained that the purpose of this Ordinance is to amend Article III, Zoning, of the Land Development Ordinance, to establish the Center Residential (VCR) – 5 District. The ordinance will allow for the zoning for an inclusionary development that will assist the township in satisfying a portion of its affordable housing obligation. The council has previously discussed

this particular project and the necessity for it to be zoned specifically through this zoning amendment.

OPEN TO THE PUBLIC

Greg Johnson of 89 Woodmont Drive shared that he was a trustee of the Woodmont Home Owners Association. He commented that he was alarmed by the momentum of the development package associated with this development. He asked if the application was being done at the developer's risk. Manager Mountain confirmed that the developer was completing the application at their own risk; the developer likely submitted it because the ordinance is required and likely to pass. He explained that nothing they have submitted has been reviewed or moved past the processing stage.

Mr. Johnson stated that the Planning Board discussed this ordinance; he urged that caution be used during this process. He inquired about the process of approvals and getting public input.

Manager Mountain explained that the township has no control over what Bowman Construction submits via their applications to the NJDEP. He explained that the Planning Board discussion relating to this ordinance was required by law, as the process for zoning ordinances requires that the board review and determine if the plan is consistent with the township's Master Plan. He stated that in this case it is not consistent with the township's Master Plan and therefore the Planning Board issued a memorandum to the council with their determinations. He added that the board's discussion was not a legal reading; it was just a technical response. He explained the process for first introductions, second readings, and public hearings for the Planning Board and Township Council. He cautioned that there were some items, such as density, that could not be changed. He explained that the town had little say in what was required to be in the ordinance as it was driven by a special master on behalf of the judge and the fair share housing advocate. He sympathized and commented that the process was not favorable to municipalities, nor did it have consideration for the quality of the community, or the impacts on neighborhood traffic, and schools; it was just a unit figure that the township was required to meet.

Mr. Johnson stated that he hoped the Planning Board's review would be prior to the first reading. Manager Mountain explained that the review and readings would follow the normal Planning Board process; the public would be able to hear and share their comments or concerns. Mr. Johnson echoed the concerns of Mr. Adelman about the wetlands. Manager Mountain stated that the developer would have to demonstrate their stormwater system plans. He added that the NJDEP application was just seeking an encroachment on the wetlands. How the encroachment occurs would be a part of the Planning Board process. Mr. Johnson asked if there was a date for the Planning Board's review. Manager Mountain guessed that it would possibly be held in late summer.

Jeff Carroll asked Manager Mountain to clarify what he meant by the township not having any say in factors such as density. He asked if in the case of a better location with less density population being found the township would not be able to change the location to the better area. Manager Mountain explained that the township does have a say in location, however in many cases where a property is already being developed by a developer there usually is not much choice. He stated that if they could have found an alternate location that meet the density

requirements, the town could have substituted the areas, but given the number of units that the township is required to accommodate almost every vacant piece of property was being used.

A resident referred to Manager Mountain's comments regarding possible punitive action by the case judge if the township pushes back or further stalls. Manager Mountain explained that if the township further pushes back or draws out the process the judge could lift the immunity that the township has from builder remedy lawsuits. This immunity protects the township from builders and developers suing to install developments of their own choice and was granted under the Mount Laurel litigation.

The resident asked if the NJDEP denying the developer's application would result in punitive action against the township by the judge. Manager Mountain stated that the judge would likely hold the township accountable for finding better agreements. He guessed that if the application denied the ability to go through wetlands, then they would just have to find another way to satisfy stormwater requirements.

Councilmember Loveys stated that he respected the public comments and the comments the council received from the Planning Board.

Mayor Potter shared that Councilmember Veech would share the public comments with the Planning Board.

Councilmember Forstenhausler stated that he understood the public concerns. He explained that the township has been going through the affordable housing process for years, and has been working to review and negotiate the settlements. He stated that this was the absolute best the township could do. He added that Attorney Buzak was among the best Land-Use Attorneys in the state. He did not think anyone was happy with the developments coming, but they were mandated. He noted that Randolph was one of the last municipalities in the state to settle.

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

BE IT RESOLVED, that an Ordinance entitled, "An Ordinance Amending Article III, Zoning, of the Land Development Ordinance of the Township of Randolph, Morris County, New Jersey, to Establish the Village Center Residential (VCR) – 5 District," 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.

Attorney Buzak explained that as a result of the Planning Board determining that the zoning ordinance was inconsistent with the Master Plan, a majority affirmative vote of the full membership of the Township Council was required for its adoption. He stated that resolution 146-22 would need to be adopted simultaneously by the governing body.

Councilmember Veech made a motion to adopt the ordinance. Councilmember Hathaway seconded the motion. The following roll call vote was taken:

AYES: Councilmember Carey

Councilmember Forstenhausler
Councilmember Hathaway
Councilmember Loveys
Councilmember Veech
Deputy Mayor Nisivoccia
Mayor Potter

NAYS: None

2. R-146-22 - Resolution Setting Forth Reasons for the Township Council's Adoption of Ordinance No. 17-22 which is Inconsistent with the 2006 Master Plan, 2016 Master Plan Reexamination and Master Plan Update and the 2010 Housing Element and Fair Share Plan as Required Under N.J.S.A. 40:55d-62a.

Attorney Buzak read R-146-22 into the record:

WHEREAS, the Township of Randolph ("Township") filed a Complaint in the matter captioned In the Matter of the Application of the Township of Randolph, Docket No. MRS-L-1640-15 ("DJ Litigation"), seeking a declaration from the New Jersey Superior Court that its affordable housing compliance plan is constitutionally compliant; and

WHEREAS, Fair Share Housing Center ("FSHC") has been designated as an interested party in the DJ Litigation pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"); and

WHEREAS, the Township and FSHC entered into a Settlement Agreement resolving all of the differences between them with regard to the DJ Litigation including the satisfaction of the Township's affordable housing obligation; and

WHEREAS, the Settlement Agreement with FSHC requires that certain real property located in the Township of Randolph, Morris County, State of New Jersey, known and designated as Block119, Lot 130 on the Official Tax Map of the Township of Randolph ("Property"), be rezoned to allow for the construction of an inclusionary development including 25 age-restricted affordable housing units; and

WHEREAS, Ordinance No. 17-22 was introduced by the Township on June 2, 2022 to rezone the Property to allow for the construction of that inclusionary development on the Property consistent with the Settlement Agreement; and

WHEREAS, after introduction, Ordinance No. 17-22 was referred to the Planning Board in accordance with N.J.S.A. 40:55D-64 to determine consistency of said Ordinance with the Master Plan of the Township as set forth in the 2006 Master Plan, the 2016 Master Plan Reexamination and Master Plan Update and the 2010 Housing Element and Fair Share Plan (collectively, the "Master Plan") and to make any recommendations with regard to said Ordinance in accordance with N.J.S.A. 40:55D-26a; and

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WHEREAS, by Memorandum dated June 21, 2022, the Planning and Zoning Administrator issued a report to the Township wherein the Planning Board found that Ordinance No. 17-22 is inconsistent with the Master Plan; and

WHEREAS, the Township adopted Ordinance No. 17-22 on June 23, 2022; and

WHEREAS, in accordance with N.J.S.A. 40:55D-62a, the Township desires to set forth the reasons for the adoption of Ordinance No. 17-22 despite its inconsistency with the Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Randolph, County of Morris, State of New Jersey, by affirmative vote of a majority of its fully authorized membership, that the Township Council has determined to proceed with the adoption of Ordinance No. 17-22 despite the inconsistencies as articulated by the Planning Board at their meeting of June 20, 2022 and noted in the June 21, 2022 Memorandum for the following reasons:

1. The implementation of the terms of the Settlement Agreement, including the requirement that the Township adopt Ordinance No. 17-22 to enact zoning to allow the construction of an inclusionary development on the Property, assists the Township's efforts to provide a realistic opportunity for the construction of affordable housing and advances the Township's position in the DJ Litigation seeking a Judgment of Compliance and Repose confirming the satisfaction of the Township's affordable housing obligation. By Order dated June 3, 2022, the Court in the DJ Litigation approved the terms of the Settlement Agreement and ordered the parties to implement the same.
2. Ordinance No. 17-22 requires a 20% set-aside of affordable units and the Township will be able to apply a minimum of 25 credits against its affordable housing obligation from the construction of an inclusionary development on the Property.
3. The current Housing Element and Fair Share Plan was adopted by the Planning Board in 2010 and is based upon third round regulations from the New Jersey Council on Affordable Housing ("COAH") that have been declared invalid. In accordance with the June 3, 2022 Order entered by the Court approving the Settlement Agreement, the Township is in the process of preparing an updated Housing Element and Fair Plan that sets forth the manner in which the Township will satisfy its affordable housing obligations in accordance with current regulations. The updated Housing Element and Fair Share Plan will include an inclusionary development containing a minimum of 25 age-restricted affordable rental units on the Property and it is anticipated that the updated Housing Element and Fair Share Plan will be formally adopted by the Planning Board and endorsed by the Township Council.

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4. In accordance with N.J.S.A. 40:55D-62, the Township Clerk is hereby directed to record these reasons and this Resolution in the official minutes of the Township Council.
5. The Township Clerk and all appropriate officials, employees and professionals of the Township are hereby authorized and directed to take any steps necessary as required under law with regard to this Resolution.
6. This Resolution shall take effect simultaneously with the adoption of Ordinance No. 17-22.

Councilmember Veech made a motion to approve R-146-22. Councilmember Carey seconded the motion, and the following roll call vote was taken:

AYES:	Council Member Carey
	Council Member Forstenhausler
	Council Member Hathaway
	Council Member Loveys
	Council Member Veech
	Deputy Mayor Nisivoccia
	Mayor Potter
NAYS:	None

I. DISCUSSION ITEMS

1. Update: Diversity & Inclusion Report Recommendation Update

Mayor Potter explained that it has been almost a year since the July 19, 2021 issuance of the Municipal Diversity and Inclusion Recommendations Report. She shared that she, Councilmember Forstenhausler, and former Councilmember Tkacs participated in the creation of the report. In this report, 17 recommendations were itemized. The township's current Diversity Workgroup, consisting of Deputy Mayor Nisivoccia, Councilmember Carey, Township Manager Mountain, and herself, has been meeting to ensure that the township is keeping up with the recommendations. The purpose of this discussion is to review the 17 items and solicit further council considerations as the workgroup moves forward.

- Item (1) – The Township Council should create an advisory committee consisting of Randolph residents representing diverse populations, liaisons from the Township Council, Recreation Department and the Police Department to focus on diversity and inclusion within the municipal jurisdiction.

Mayor Potter reported that the council discussed the further direction for working with the Randolph PEACE Group and the Interfaith Council during the March 17, 2021, Township Council meeting. She stated that the item was moving forward and that both groups were highly motivated in their individual and collaborative efforts. She shared that a meeting has been

scheduled in October to firm up details of the joint effort. She added that the Diversity Work Group has continued its work since its establishment in March.

- Item (2) - Township Council should regularly review the status of sensitivity training with Township Manager. Incorporate diversity and inclusion training for all municipal employees, volunteers, and coaches into the Township Manager's goals. Continue to seek new and innovative ways to provide diversity and inclusion training.

Mayor Potter shared that Manager Mountain has been evaluating resources the township's Joint Insurance Fund has in regards to videos. He has found a 15-minute video option that will work as a starting point for staff mandatory training. It will be monitored for effectiveness. She shared that the township was looking into partnering with the County College of Morris (CCM) to access the facility's extensive training resources. She reported that the Police Department already has an extensive training procedure in place as a part of the department's accreditation program. She shared that the Recreation Department conducts its training through New Jersey Recreation and Park Association (NJRPA).

Manager Mountain commented that the township was excited to hear about the many interactive and on-site resources offered by CCM. He stated that video training will be used as a start and that the CCM training and resources would be a must vaster option than the early exploration of resources found through JIF.

Councilmember Carey asked if the recreation training was new. Manager Mountain explained that the NJRPA is the department's state association and that leadership staff goes through the association's training. He added that the Recreation Advisory Committee always looks for ways to incorporate training for all the recreation volunteers.

Mayor Potter mentioned that CCM offers the ability to see historic sites in 3D. Manager Mountain stated that several professors at the college may be available to offer expertise to assist with training.

- Item (3) - On an ongoing basis, have the Council liaison to the library request diversity resources to be displayed in recognition of associated holidays.

Mayor Potter shared that Councilmember Carey serves as the Council Liaison to the library; diversity resources are being displayed on a regular basis. She added that the Randolph PEACE Group organized a highly successful book drive the previous year.

- Item (4) - Partner with township residents and organizations to host events to celebrate diversity. Recognize multicultural celebrations and events with resolutions or proclamations.

Mayor Potter stated that the township is continuing to maintain and create partnerships.

- Item (5) - The Council should request that it's advisory committees review their practices and make further recommendations to eliminate any potential bias. Review athletic policies and practices within the Recreation Advisory Committee.

Mayor Potter shared that the mayor issues a memo to committees and boards every January; this item will be incorporated into next year's memo. She shared that the Recreation Advisory Committee was reviewing its practices for potential bias.

Councilmember Loveys reported that the committee was examining two main things in addition to reviewing program policies and recommendations. He shared that a survey was issued to the 2021 program chairs that will indicate if the programs are lacking, and getting the required training. He shared that the second effort related to examining the culture and behaviors at recreation programs/events. The committee is trying to emphasize role-model behavior and program culture changes. He commented that children pick up on these behaviors and display them on fields. He stated that the committee has just recently had to deal with a related incident. He stated that the goal was to change the attitude and behavior at events and keep things from escalating to social media where bullying, bias, and discriminatory behaviors may increase.

Councilmember Hathaway commented that he was excited to see the information that would be received from the survey component. He stated that the questions were developed and structured in such a way that would provide actionable insight into what steps the programs can take to have the resources and support to engage diversity.

- Item (6) - Issue an update on municipal diversity and inclusion initiatives at the BOE/Council leadership quarterly meetings.

Mayor Potter stated that an update will be provided to the BOE following the current council meeting. She added that the update will also be shared with the CCM at the liaison meetings.

- Item (7) - Work with the Township Manager to ensure municipal hiring policies and practices include the goal of recruiting and maintain a diverse workforce. Continue to actively target resources that support diverse candidates.

Mayor Potter shared that the Township Manager makes sure job postings are posted with diverse associations.

- Item (8) - The Council, as elected officials should "Strive to ensure that they are serving as positive role models for our young people, and that they continue to call out hateful and biased rhetoric when they hear it. Public figures in New Jersey must be united in declaring that there is no place for hate in our State and in standing together against bias and prejudice".

Mayor Potter stated that the council is doing this as elected officials. Reading the statement reaffirms and reminds the council of their commitment as they continue to serve.

- Item (9) - Highlight and promote the township website section of how to report bias incidents and crimes. Regularly communicate to our residents the importance and mechanics of reporting all bias perceptions, incidents and crimes using township communication channels.

Mayor Potter stated that the township is migrating to a new website. She shared that the state's "How to Report Bias" Flyer would be sent over the township's communication channels on a regular basis.

- Item (10) - Work with the township communication's department to create awareness of the "police bias page" and "report request page" on social media announcements on a regular basis. Add to the Township website that another way you can report bias crimes is to contact other local police stations.

Mayor Potter stated that this item was also in consideration with the website migration and the township communication channels.

- Item (11) - Review the employee code of conduct to ensure that bias and inclusion language is appropriately included.

Mayor Potter shared that the end result of this review was presented at the November 2, 2021 Township Council meeting. She shared that the township conforms with the state's Best Practices Inventory and provided examples of how the township updates its policies and practices accordingly.

- Item (12) - Website and social media posts for Randolph Township should reflect the diversity of the community. Features should highlight multicultural celebrations and diversity heritage months.

Mayor Potter stated that the township is continuing this effort.

- Item (13) - Encourage the Police Department to continue efforts of community policing by creating a visible and approachable presence at community events.

Mayor Potter shared that Manager Mountain is continuing to reinforce this. She noted that this item is already a part of the Police Department's accreditation.

- Item (14) - Include information from the diversity and inclusion initiatives into township publications where appropriate.

Mayor Potter stated that Manager Mountain has given the Township Communication Office this direction.

- Item (15) - Announce and promote Police Department accreditation(s) on township communication channels when they are achieved.

- Item (16) - The Police Department should continue to initiate programs to build strong bonds with community. Randolph Township Diversity and Inclusion Workgroup Recommendations

Mayor Potter shared that Manager Mountain has indicated that the entire division is working on this item.

- Item (17) - Township Council should communicate regularly with Township Manager to track the progress of all recommendations.

Mayor Potter stated that the Diversity Work Group was created for this purpose. She commented that this report was a result of the workgroup's efforts.

J. OPEN TO THE PUBLIC

Greg Johnson of 89 Woodmont Drive stated that after listening to the resolution he understood the affordable housing struggle. He trusted that the council and the Planning Board will do what is best for Randolph.

Jim McConnell of 45 Carroll Road thanked Manager Mountain for all his work. He commented that retirement was great. He thanked the council for their well-wishes towards his granddaughter's honor as class valedictorian. He thanked the council for what they do for the community.

Hazel Ball of 236 Dover Chester Road spoke on behalf of the Randolph PEACE group stating that they support the Diversity Inclusion Report.

Joseph Amaral of 14 Holly Drive congratulated Manager Mountain on his retirement. He stated that he was a huge advocate of the arts, media, sports, and the Randolph education system. He shared that he was in the Randolph High School graduating class of 2004. He shared that his time in Randolph was a big component of where and how his career path developed. He referenced diversity and stated that the issue should not be about checking boxes, but also about representation in the community. He shared his experience as a producer on various films. He stated that he fell back in love with the community after moving back during the pandemic. He expressed his desire to be involved and share mentorship opportunities. He stated that the community has a balance that demonstrates how the country should be.

Jonathan Torres spoke on behalf of Randolph PEACE. He stated that the group thanked the council for considering ways to improve diversity. He asked that more insight be given to differently-abled people. He referred to a presentation by Rebecca Lori that covered inclusivity for differently-abled children on playgrounds. He asked if there was any update on the topic.

Manager Mountain explained that the Recreation Department is looking at ways to incorporate ideas into the next playground project.

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Councilmember Veech shared that the Parks Advisory Committee discussed the ideas. She stated that money is set aside in the capital budget for upgrades to the parks. Parks and Recreation Director Russ Newman is communicating with Rebecca Lori to ascertain which items on her list would be the best way to spend those funds.

Mr. Torres shared that he had previously reported a slide was broken at Brundage Park; he recently saw that the slide was removed. He asked if the slide would be considered as an upgrade and include further improvements. Manager Mountain informed him that the slide was a maintenance project. He further explained that the park improvements would be done in the future.

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

K. COUNCIL COMMENTS

Councilmember Forstenhausler reported that the Trails Advisory Committee passed a proposal to apply for a grant to build a trail at the new Habitat for Humanity housing development. The trail will go through the woods and lead out onto South Salem Street. The committee feels that the project will be easy to install and that the affordable housing occupants of the development would benefit as they would have easier access to the shopping center. The committee believes that the grant will likely be approved.

He recalled his time serving on the previous Township Manager Search Committee and stated that back then the township was happy to have Manager Mountain come over from Mendham Township. He shared that during the past eight years of working with Manager Mountain, he could always contact him and had spoken with him nearly every day during his two terms as mayor. He stated that Manager Mountain was calm and steady and that his insight was invaluable. He commented that it was a loss that Randolph could not keep Manager Mountain longer, but he earned his retirement. He thanked Manager Mountain for everything he has done for himself and the township.

Councilmember Hathaway shared that his orientation to the municipal organization had been enlightening as a resident. He commented that all the municipal departments demonstrated absolute professionalism, experience, and detailed approaches toward township business. He stated that he was impressed with the strategic thinking and financially sound approach the municipal staff utilize to deliver cost-effective services. He commented that it was telling that many of the senior staff members have expressed that they were drawn to Randolph for its reputation and the management of its municipal organizations. Those individuals were excited to upgrade to the township and move forward with their careers. He stated that this feedback spoke to the leadership that Manager Mountain has provided in Randolph. He thanked Manager Mountain for his work.

Councilmember Loveys thanked Manager Mountain for his service during the past eight years, and for his time in Randolph years prior as Assistant Manager. He stated that Manager Mountain immersed himself in the community right from the start of his appointment and demonstrated that he truly cared for the community he worked in. He stated that Manager Mountain exhibited

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the utmost integrity, total dedication, and trustworthiness, in addition to setting a good example. He stated that Randolph has been blessed with professional township management for years and that Manager Mountain continued that tradition. He appreciated and respected Manager Mountain for the guidance and advice he provided the council and himself over the years. He hoped that Manager Mountain would always be proud that he continued the tradition of excellence in Randolph and wished him and his family well in their future endeavors.

Councilmember Veech reported that she attended a joint Morris County Chamber of Commerce meeting on Wednesday, June 15. She shared that 80 people were in attendance and that many Randolph and other local businesses were represented. The speaker of the event was CCM President, Dr. Anthony Iacono. Dr. Iacono discussed the need for the township and businesses to assist with internship programs. He also asked businesses and the township to consider sharing their needs with CCM. She shared that CCM is in the top 1.8% of community colleges in the nation and was ranked as a top community college in the state for the highest paid graduates.

She reported that CCM will be constructing a new building on campus for Morris County Votech students. Additionally, CCM will also build a Center for Entrepreneurial Studies and an executive chef culinary school that will be called the Culinary Institute of New Jersey. She reported that the college is expanding its A.I. and hospitality buildings, in addition to partnering with Morris County to build a second 911 Call Center on the campus. This information was shared with the mayor to discuss how the roads will be affected, how the township and businesses can assist with internships, and how the municipality can utilize CCM to assist with potential needs.

She reported that she and Mayor Potter met with Township Manager Mountain and newly appointed Township Manager Poff to inquire about obtaining more graphical drawings of the township's current affordable housing projects.

She concluded her report by stating that Manager Poff has big shoes to fill. She shared that Manager Mountain was always available to answer questions and recalled that during her time as mayor she talked with him every day. She stated that it had been an honor to work with Manager Mountain.

Councilmember Carey reported that the Library Board of Trustees met in person. She informed the council that the library has continued to receive positive feedback on the Story Walk program. She shared that this year's One Book, One Community reading program would be held from July 5 – August 27; participants will read *The Authenticity Project* by Clare Pooley. On August 27, the library will host a zoom meeting with the author.

She reported that the Traffic Advisory Committee discussed the feedback given by the council on Park Avenue and Pleasant Hill Road. The committee also discussed traffic issues around La Rosa Chicken and issues with illegal left turns at the rear exit of Wawa. Officer Richard Biase confirmed that the Police Department was looking into the turn issues.

She thanked Hazel Ball for her and her team's work on the Juneteenth event. She shared that she and Councilmember Hathaway plan to attend the Morris County Pride Festival at CCM.

She concluded her comments by stating that it had been a pleasure to work with Manager Mountain over the past eight years. She commended him for his trustworthiness, integrity, honesty, work ethic, intelligence, and calm demeanor.

Deputy Mayor Nisivoccia attended the Board of Health meeting. He shared that the state issued a new childhood lead safety law that forces local Health Departments to take on a more active role. He explained that effective July 22, all rental properties are required to be checked for lead every three years. Health Officer Mark Caputo will be looking into obtaining additional lead awareness training for the department staff. During the board meeting, Mr. Caputo reported that new legislation introduced bill S2413 to restore NJ public health priority funding. The funding for local health board operations is unrestricted and is a way for the state to offset some of the costs. The funding is proposed to have \$10 million allocated annually.

He shared that he has known Manager Mountain for nearly 25 years. He has always appreciated his hard work, his friendship, and his advice. He concluded his comments by stating that he had confidence in Manager Poff.

Mayor Potter shared that the Environmental Action Committee met on Tuesday, June 14, to start its work with Pinto Consulting. She stated that anyone who had an environmental project they would like the committee to consider should inform Manager Poff.

She shared that the New Jersey League of Mayors has been trying to get energy tax cuts/credits for municipalities. The league shared a letter to be endorsed by municipalities to demonstrate support; the league will likely begin lobbying for this effort.

She reported that she sent a letter on behalf of VFW Post #7333, inviting neighboring municipalities to place a wreath at the Vietnam Memorial Moving Wall.

She attended a Board of Education Liaison meeting; during which the BOE met with Manager Poff and discussed road improvements and the growth of the schools. She attended a County College of Morris Liaison meeting, during the meeting the group discussed internship and mentorship possibilities and potential joint efforts to nurture the partnership between the municipality, the community, and the college.

Mayor Potter concluded her comments by wishing Manager Mountain well and thanking him for his sound advice. On behalf of the council, she presented Manager Mountain with a gift to thank him for his years of dedication.

L. EXECUTIVE SESSION

No Executive Session was held for this meeting.

M. ADJOURNMENT

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Councilmember Carey made a motion to adjourn the meeting at 8:15 p.m. Councilmember Veech seconded the motion, and the following roll call vote was taken:

AYES:	Councilmember Carey
	Councilmember Forstenhausler
	Councilmember Hathaway
	Councilmember Loveys
	Councilmember Veech
	Deputy Mayor Nisivoccia
	Mayor Potter
NAYS:	None