

October 1, 2024

Township of Randolph
Municipal Building
Randolph, NJ
October 1, 2024

A. OPENING OF REGULAR MEETING

1. Opening of the Regular Meeting

A regular meeting of the Randolph Township Council was called to order at 6:00 p.m. by Mayor Carey. 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 30, 2023, by emailing them the annual resolution adopted by the Council on November 28, 2023. The annual resolution, which included this meeting date, was advertised in the Randolph Reporter, the official newspaper of the Township of Randolph, on December 7, 2023, and the Daily Record on December 4, 2023.

2. Roll Call

PRESENT: Councilwoman Elbaum
Councilman Nisivoccia
Councilwoman Thornton
Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey
ABSENT: Councilman Forstenhausler

Also Present: Township Manager Poff and Township Attorney Ed Buzak of the Law Offices of Surenian, Edwards, Buzak & Nolan LLC

3. Pledge of Allegiance

Mayor Carey led the Pledge of Allegiance.

B. OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

C. MANAGER'S REPORT

Manager Poff reported on the following items:

NJ Office of the State Comptroller (OSC) - According to the OSC, a majority of school districts and more than one in four municipalities failed to submit current union contracts to the New Jersey Public Employment Relations Commission (PERC), as the law requires. Randolph Township is in compliance with the union contract filing requirements of the Employer-Employee Relations Act, N.J.S.A. 34:13A-8.2

Local Safety Action Plan (LSAP) - As previously reported, Morris County is developing an LSAP that will identify and prioritize transportation safety improvements to reduce fatal and serious injury crashes on our county and municipal roadways. County residents are urged to visit Morris.Safety.Plans.NJ.com to participate in a survey and web mapping activity. Project team members were available in person to meet with residents at the “Morristown Festival on the Green” on Sunday, September 29, to share their experiences with safety while traveling in the county.

2024 Added Assessments - Tax Assessor Glen Sherman reports added and omitted assessments for 2024 total \$17,590,818. These assessments will generate an additional \$714,983, of which the township is entitled to \$640,625. New construction, structural additions, and improvements completed after Tuesday, October 1, are valued and taxed under the Added Assessment Law. This way, properties that become assessable after October 1 do not avoid their fair share of the tax burden for the rest of the year.

SeeClickFix Status - Deputy Clerk Mariam Sabri reports that most users respond to tickets without updating the system status. To address this, she's created an infographic to guide users through the correct workflow. She is also working to ensure that all categories and related question fields are aligned with our services prior to the public launch, which is expected to take place at the end of the month.

Systemwide Cable Television Franchise Renewal - The State Board of Public Utilities reports that CSC TKR has fulfilled its obligations under its existing systemwide franchise and will continue to meet the needs of the communities on a going-forward basis through its continued adherence to its obligations. CSC TKR is confident that after the renewal process contemplated by the Federal Cable Act and the New Jersey Cable Television Act, the Board will grant CSC TKR a renewal of its systemwide franchise.

Black Bear Awareness - NJDEP reminds the public to reduce the potential for encounters with black bears this fall by properly managing trash and reducing other potential food sources around their properties or while outdoors. Report black bear damage or aggressive bears to the Randolph Township police department or to Fish & Wildlife by calling 1-877-WARNDEP (1-877-927-6337).

Ordinance 16-24 - An Ordinance of the Township of Randolph Amending Capital Ordinance 10-19. The purpose of the ordinance is to amend Capital Ordinance #10-19 for improvements to municipally-owned property and, more specifically, a Town Hall Fountain/Atrium Design. This project has been completed with funds remaining, and funds are now needed to replace a curtain wall at Town Hall.

Ordinance 17-24 - Amending Sections 2-138 and 2-139 of the Revised Ordinances. The purpose of this ordinance is to indicate that the position of Assistant Township Manager is not eligible and required to participate in, and is exempt from participation in the Defined Contribution Retirement Program. In order for the township to be competitive in attracting candidates, state guidance does not specifically call out the title of Assistant Township Manager required to participate in the Defined Contribution Retirement Program. The opinion from labor counsel and the Division of Pensions and Benefits was that the position should be classified as pension-eligible.

R-215-24, Authorizing the Release of Engineering and Developer Escrows for Metro Storage - 353 Route 10 East, Randolph - This resolution is based on the recommendation of the Assistant Township Engineer, with the assistance of the Township Clerk, on facilitating development escrows.

D. APPROVAL OF MEETING MINUTES

1. Approval of Township Council Regular Meeting Minutes – September 5, 2024

Councilwoman Veech made a motion to approve the Regular Council Meeting Minutes from September 5, 2024. Councilwoman Thornton seconded the motion and the following roll call vote was taken:

AYES:	Councilwoman Elbaum Councilman Nisivoccia Councilwoman Thornton Councilwoman Veech Deputy Mayor Hathaway Mayor Carey
NAYS:	None
ABSENT:	Councilman Forstenhausler

E. COMBINED ACTION RESOLUTIONS

1. R 208-24 Authorizing Refund of Tax Sale Certificate #21-07 for Block 141, Lot 2, 1 Woodland Road, to FIG as Cust. for FIG NJ19, LLC and Sec. Pty - \$82,900.00
2. R 209-24 Authorizing Refund of 2024 Third Quarter Taxes in the Amount of \$2,469.60 and the Cancellation of Balance of 2024 Taxes and First Half of 2025 Taxes in the Amount of 17,745.56 Due to Veteran Exemption for Samuel and Linda Conaway, Block 81.03, Lot 12, 284 Center Grove Road
3. R 210-24 Authorizing Refund of Escrow Funds for Police Detail to Various Entities
4. R 211-24 Authorizing Rescission and Re-Award of Category A, Items #27a and #27c of MCCPC Contract #25 (Janitorial Supplies)

5. R 212-24 Authorizing Refund of 2024 Third Quarter Taxes in the Amount of \$202.42 and the Cancellation of Balance of 2024 Taxes and First Half of 2025 Taxes in the Amount of \$6,717.23 Due to Veteran Exemption for Michael and Jennifer Tavares
6. R 213-24 Authorizing Release of Cash Road Opening Bonds to Various Individuals
7. R 214-24 Authorizing Endorsement of an Application for a Treatment Works Approval (TWA) for the Black River Barn Restaurant, 1178 Route 10 West, Randolph
8. R-215-24 Authorizing the Release of Engineering and Developer Escrows for Metro Storage - 353 Route 10 East, Randolph

Councilman Nisivoccia made a motion to approve the Combined Action Items. Deputy Mayor Hathaway seconded the motion, and the following roll call vote was taken:

AYES:	Councilwoman Elbaum Councilman Nisivoccia Councilwoman Thornton Councilwoman Veech Deputy Mayor Hathaway Mayor Carey
NAYS:	None
ABSENT:	Councilman Forstenhausler

F. ORDINANCES: SECOND READING/PUBLIC HEARING

1. Ordinance 16-24 - An Ordinance of the Township of Randolph Appropriating \$30,000 from the Capital Improvement Fund and Amending Capital Ordinance #10-19

BE IT RESOLVED, that an Ordinance entitled, An Ordinance of the Township of Randolph Appropriating \$30,000 from the Capital Improvement Fund and Amending Capital Ordinance #10-19 for the Curtain Wall Replacement, be read by title on second reading and a hearing held thereon.

Manager Poff explained that the purpose of this ordinance is to appropriate \$30,000 from the Capital Improvement Fund and amend Capital Ordinance #10-19 for improvements to municipally-owned property and, more specifically, the Town Hall Fountain/Atrium Design and utilize those funds for the Town Hall Curtain Wall Replacement.

OPEN TO THE PUBLIC

Seeing and hearing none, the public hearing was closed.

BE IT RESOLVED, that an Ordinance entitled, An Ordinance of the Township of Randolph Appropriating \$30,000 from the Capital Improvement Fund and Amending Capital Ordinance #10-19 for the Curtain Wall Replacement, 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.

Councilwoman Thornton made a motion to adopt the ordinance. Deputy Mayor Hathaway seconded the motion, and the following roll call vote was taken:

AYES: Councilwoman Elbaum
Councilman Nisivoccia
Councilwoman Thornton
Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey
NAYS: None
ABSENT: Councilman Forstenhausler

G. ORDINANCES: INTRODUCTION

1. Ordinance 17-24 Amending Sections 2-138 and 2-139 of the Revised Ordinances of the Township of Randolph to Indicate that the Position of Assistant Township Manager is Not Eligible and Required to Participate In and Is Exempt from Participation in the Defined Contribution Retirement Program

Manager Poff explained that the purpose of this ordinance is to amend Sections 2-138 and 2-139 of the Revised Ordinances of the Township of Randolph to indicate that the position of Assistant Township Manager is not eligible and required to participate in, and is exempt from participation in, the Defined Contribution Retirement Program.

BE IT RESOLVED, that an Ordinance entitled, “An Ordinance Amending Sections 2-138 and 2-139 of the Revised Ordinances of the Township of Randolph to Indicate that the Position of Assistant Township Manager Is Not Eligible and Required to Participate In and Is Exempt from Participation in the Defined Contribution Retirement Program” 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 17th, of October, 2024 at 6 o'clock in the evening, prevailing time, at the Town Hall 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.

Councilwoman Veech made a motion to introduce the ordinance. Councilwoman Thornton seconded the motion, and the following roll call vote was taken:

AYES: Councilwoman Elbaum
Councilman Nisivoccia
Councilwoman Thornton
Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey

NAYS: None
ABSENT: Councilman Forstenhausler

H. OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

I. COUNCIL COMMENTS

Councilwoman Thornton reported that the Trails Advisory Committee met on Wednesday, September 18. The committee discussed preparations for the Haunted Trail event at Veterans Community Park. They also discussed the success of the Fairy Trail on social media and in attracting visitors from out of town. The 130 fairy homes on the trail will be removed at the end of November. The trail will recommence next spring.

Councilwoman Veech inquired about the wildlife management program and its progress with deer; she has seen more of the animal than usual in her area. Councilwoman Thornton explained that the hunting season was active and that the program was at full capacity for participants.

Councilwoman Elbaum reported that none of her committees have met since the last council meeting. She noted that the Recreation Department is seeking volunteers for the Haunted Trail event. She shared that a Balloon Workshop and Gameshow event would be held at the Community Center on Friday, October 4.

Councilman Nisivoccia thanked his colleagues for wearing pink in honor of Breast Cancer Awareness Month. He reported that the Municipal Alliance Committee met and discussed the success of the Country Fair, the Health Department's upcoming flu clinics, and the JBWS Collaboration project. He noted that the committee would once again offer mental health first aid training in the spring; the committee is encouraging recreation coaches and local houses of worship to participate. Sergeant Rispoli reported that the Police Department would be presenting cyberbullying programs to the seventh-grade class.

Councilwoman Veech inquired about the JBWS Collaboration project. Members of the council explained the details of the domestic violence campaign.

Councilman Nisivoccia reported that the Environmental and Landmark Advisory Committee was in the process of completing the Bee City application. The committee also discussed the Community Solar project and reviewed other municipalities' approaches to composting and beautification projects. The committee also discussed a proposal for identifying areas in the town that could benefit from improved landscaping and getting local businesses and organizations to adopt and maintain the locations.

He concluded his report by sharing that he attended the Senior Olympics, the Morris County League of Municipalities meeting, Clean Communities Day, and the Mayor's Wellness Walk. He commended Mayor Carey for expanding the wellness campaign and thanked Phil Sheehy for participating in the wellness walk and sharing his knowledge about the township's trails.

Councilwoman Veech reported that she attended the Senior Olympics; she shared that she was thinking about participating in the event in the future. She attended a New Jersey League of Municipalities meeting, during which information about a free New Jersey children's mental health program was shared. She provided materials about the program to the mayor to distribute to the Board of Education. She reported that the Randolph Area Chamber of Commerce held a networking event on Thursday, September 19; she commented that many local business owners were in attendance, including representatives from new businesses. She shared that she attended a Brightview Networking event. She concluded her report by informing the council that the Planning Board would be meeting on Monday, October 7; the board will review the Dunkin Donuts Drive-Thru application again.

Deputy Mayor Hathaway reported that none of his committees met since the last council meeting.

Mayor Carey reported that the Wildlife Management Advisory Committee met on Wednesday, September 25. During the meeting, a resident expressed interest in joining the hunting season; the resident was informed that the season is currently maxed out with hunters, and there is a waitlist. Another resident inquired about hosting a private hunt on her property because it was overrun with deer. Parks and Recreation Director Russ Newman and Committee Chair Greg Mohr spoke with the resident.

She thanked Municipal Alliance Committee Chair Whitney Hathaway for her efforts in organizing the wellness walk and Mental Health Alliance representative David Mills for sharing information about the benefits of community and nature in addressing mental health and anxiety.

She attended the Mount Freedom Jewish Center's walking event on Sunday, September 29. The walk was held to support the hostages held by Hamas and was routed from the synagogue to the end of Sussex Turnpike near Hanover Avenue.

On Saturday, September 21, she attended the Randolph High School Athletic Hall of Fame event. During the event, 19 individuals were inducted into the program. She commended Larry McMillian and the other organizers for coordinating a successful event.

She concluded her report by sharing that she, Deputy Mayor Hathaway, and Planning and Zoning Administrator Darren Carney met with Arc Morris Paradise Farm representatives to answer the business' zoning questions. She noted that the Mondays with the Mayor program continued to be well-attended.

J. EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Randolph, in the County of Morris, and in the State of New Jersey as follows:

1. The public shall be excluded from the remaining portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
 - A. Litigation: Kazanchy v. Randolph
 - B. Attorney / Client Privilege: Affordable Housing Obligations
 - C. Attorney / Client Privilege: State Licensed Housing
3. As nearly as can now be ascertained, the matter or matters to be discussed at this time will be disclosed to the public at such time and under such circumstances as are prescribed by law.
4. At the conclusion of the Executive Session, the Council may or may not reconvene in public session for the purpose of taking formal action on matters discussed in closed session or on any matter as permitted by law.

Councilman Nisivoccia made a motion to enter into Executive Session at 6:35 p.m.
Councilwoman Thornton seconded the motion and the following roll call vote was taken:

AYES:	Councilwoman Elbaum Councilman Nisivoccia Councilwoman Thornton Councilwoman Veech Deputy Mayor Hathaway Mayor Carey
NAYS:	None
ABSENT:	Councilman Forstenhausler

Councilman Nisivoccia made a motion to close the Executive Session and reopen the meeting at 7:50 p.m. Councilwoman Veech seconded the motion and the following roll call vote was taken:

AYES:	Councilwoman Elbaum Councilman Nisivoccia Councilwoman Thornton Councilwoman Veech Deputy Mayor Hathaway Mayor Carey
NAYS:	None
ABSENT:	Councilman Forstenhausler

Councilwoman Veech made a motion to authorize the Township Attorney and Township Manager to convey the township's position on the Kazanchy matter. Councilwoman Elbaum seconded the following roll call vote was taken:

October 1, 2024

AYES: Councilwoman Elbaum
Councilman Nisivoccia
Councilwoman Thornton
Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey
NAYS: None
ABSENT: Councilman Forstenhausler

K. ADJOURNMENT

Deputy Mayor Hathaway made a motion to adjourn the meeting at 7:51 p.m. Councilman Nisivoccia seconded the motion, and the following roll call vote was taken:

AYES: Councilwoman Elbaum
Councilman Nisivoccia
Councilwoman Thornton
Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey
NAYS: None
ABSENT: Councilman Forstenhausler