

October 20, 2022

Township of Randolph  
Municipal Building  
Randolph, NJ  
October 20, 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 Greg Poff, Township Planning and Zoning Administrator Darren Carney, Township Engineer Paul Ferriero, 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. OPEN TO THE PUBLIC**

Seeing and hearing none, the public session was closed.

## **C. MANAGER'S REPORT**

Manager Poff reported the following:

2023 Budget – Capital budget meetings are scheduled for the week of October 24 with departmental budget hearings scheduled for the week of November 7. The Township Council will be kept apprised as the budget is developed.

Storm Preparedness – A meeting was held with staff on Friday, October 14 to discuss the 2022-2023 winter season and storm preparedness. Communication protocols, procurement issues, and available goods and supplies were reviewed and discussed.

#### **D. COMBINED ACTION RESOLUTIONS**

Item #1, R-228-22, Authorizing Change Order #1 (Final Quantities Change Order) to increase the contract amount with J.A. Alexander, Inc. by \$60,403.13 for the Calais Road Paving Project - to a new contract total of \$367,200.17 – Councilmember Loveys referred to R-231-22 and R-232-22; he asked if the projects were up to speed with the change orders. Mr. Ferriero explained that in the past there was a timing issue. He stated that it was hard to tell because the project specifications were completed before the work started. He explained that for future projects it would be put in the bid.

1. R-228-22 Authorizing Change Order #1 (Final Quantities Change Order) to increase the contract amount with J.A. Alexander, Inc. by \$60,403.13 for the Calais Road Paving Project - to a new contract total of \$367,200.17

#### CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: October 20, 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 fund the change order to the contract awarded to J.A. Alexander, Inc., Bloomfield, NJ for the resurfacing of Calais Road in the amount of \$60,403.13 as detailed by the Township's Engineering Department.

Deborah Bonanno  
Chief Financial Officer  
Budget Accounts: 04-215-56-013-300

2. R-229-22 Authorizing Contracts with Additional Approved Vendors Under the Morris County Cooperative Pricing Council (MCCPC) Pursuant to N.J.S.A. 40A:11-11(5)
3. R-230-22 Authorizing Contracts with Additional Approved SOCCP Contract Vendors Under the Somerset County Cooperative Pricing Council (SOCCP) Pursuant to N.J.S.A. 40A:11-11(5)
4. R-231-22 Awarding a Contract for Park Avenue Road Improvements Phase 1 Project to JA Alexander, Inc. of Bloomfield, NJ - \$306,292.18

October 20, 2022

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: October 20, 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 the amount of \$306,292.18 to J.A. Alexander, Inc., Bloomfield, NJ for the Phase 1 Park Avenue Road improvements as detailed in the contractor's response provided to the Township's public bid solicitation.

Deborah Bonanno  
Chief Financial Officer  
Budget Accounts: 04-215-56-022-330

5. R-232-22 Awarding a Contract for Park Avenue Road Improvements Phase 2 Project to American Asphalt & Trucking, LLC - \$210,942.14

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: October 20, 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 the amount of \$210,942.14 to American Asphalt & Trucking, LLC, Newark, NJ for the Phase 2 Park Avenue Road improvements as detailed in the contractor's response provided to the Township's public bid solicitation.

Deborah Bonanno  
Chief Financial Officer  
Budget Accounts: 04-215-56-022-330

6. R-233-22 Authorizing Change Order #7 for an increase of \$25,000.00 to a Professional Services Agreement with Harbor Consultants Inc., for Planning Services for the Affordable Housing Program (COAH) bringing the project total to an amount not to exceed \$150,000.00

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: October 20, 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 approve Change Order #7 for Harbor

October 20, 2022

Consultants, Inc. for Planning Services for the Affordable Housing Program (COAH) for an amount not to exceed \$25,000 applicable to the contract term from March 21, 2022 to March 20, 2023 as detailed in the professional's proposal provided to the Township.

Deborah Bonanno

Chief Financial Officer

Budget Accounts: 13-225-00-000-000 \$25,000

7. R-234-22 Requesting the Approval of Items of Revenue and Appropriation Per N.J.S.A. 40A:4-87 - MAC Grant
8. R-235-22 Release Cash Road Opening Bond posted for the purpose of removing and replacing the driveway at 72 Doby Road, Block 51.02, Lot 5 to T&S Paving - \$500.00
9. R-236-22 Refund Ice Hockey Bantam League Registration Fees Due to Program's Cancellation
10. Raffle License: On-Premise 50/50, PTO Mendham High School, The Meadow Wood, 461 Route 10 Randolph, NJ, November 14, 2022, from 6:30 pm – 9:30 pm

Councilmember Loveys made a motion to approve the Combined Action Resolutions.

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

## **E. UPCOMING EVENTS**

1. Ribbon Cutting - Municipal Alliance Committee has sponsored two tables for the People's Picnic Project - event will take place at Veterans Park on Saturday, October 29, 2022, at 10:00 a.m.
2. Trunk or Treat on Saturday, October 29, 2022, at Brundage Park from 4:00 p.m. - 6:00 p.m. (Rain date: Sunday, October 30) Registration required
3. Morris Habitat for Humanity's Veterans Build Week Opening Ceremony at The Crossings at 44 Bennett Avenue, Randolph, Friday, November 4, 2022, at 11:00 a.m.
4. Council and Veterans Only - Registration Required: Veterans Day of Appreciation at CCM Student Community Center, Calais Road, Randolph, Wednesday, November 9, 2022, from 9:00 a.m. - 1:00 p.m.
5. Council Only - 65th Annual Randolph Fire Department Inspection Dinner, Saturday, November 12, 2022, 4:30 p.m., Co. #2 Millbrook Fire House, 340 Rte. 10 West,

Randolph; Cocktail hour 6:00 p.m. and Diner at 7:00 p.m. at Meadow Wood Manor, 461 Rte. 10 East, Randolph, NJ

6. Holiday Lighting at Veterans Community Park on Saturday, December 3, 2022, from 3:00 p.m. - 7:00 p.m. - Tree lighting at 6:00 p.m.
7. Council Only: Employee Appreciation Breakfast, Wednesday, December 7, 2022, in the Municipal Building Lobby at 9:00 a.m.
8. Morris County Board of County Commissioners Meeting, Reorganization Meeting on Friday, January 6, 2023, at 6:00 p.m. in the Administration and Records Building, 10 Court Street, 5th Floor, Morristown

#### **F. ORDINANCES: SECOND HEARING**

- 1. Ordinance No. 29-22 Appropriating \$10,000 from the Water Capital Improvement Fund and \$30,000 from the Sewer Capital Improvement Fund for Additional Capital needed to Purchase a Dump Truck Body and Equipment to complete the Build of a Dump Truck for the Water and Sewer Department**

BE IT RESOLVED, that an Ordinance entitled, An Ordinance of the Township of Randolph Appropriating \$10,000 from the Water Capital Improvement Fund and \$30,000 from the Sewer Capital Improvement Fund for Additional Capital Needed to Purchase a Dump Truck Body and Equipment to Complete the Build of a Dump Truck for the Water and Sewer Department, be read by title on second reading and a hearing held thereon.

Manager Poff explained that the purpose of this ordinance is to provide funding from the Water Capital Improvement Fund and the Sewer Capital Improvement Fund for the purchase of a Dump Truck Body and Equipment to complete the build of a Dump Truck Body for the Water and Sewer Department.

#### **OPEN TO THE PUBLIC**

Seeing and hearing none, the public session was closed.

BE IT RESOLVED, that an Ordinance entitled, An Ordinance of the Township of Randolph Appropriating \$10,000 from the Water Capital Improvement Fund and \$30,000 from the Sewer Capital Improvement Fund for Additional Capital Needed to Purchase a Dump Truck Body and Equipment to Complete the Build of a Dump Truck for the Water and Sewer Department, 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.

Councilmember Forstenhausler made a motion to adopt the ordinance. Councilmember Veech seconded the motion, and the following roll call vote was taken:

|              |                              |
|--------------|------------------------------|
| <b>AYES:</b> | Councilmember Carey          |
|              | Councilmember Forstenhausler |
|              | Councilmember Hathaway       |
|              | Councilmember Loveys         |
|              | Councilmember Veech          |

Deputy Mayor Nisivoccia  
Mayor Potter  
NAYS: None

**2. Ordinance No. 30-22 Appropriating \$102,000 from the General Capital Improvement Fund for Various Improvements to Municipal Properties and for the Purchase of a Replacement Maintenance Utility Vehicle and Associated Equipment for the Buildings and Grounds Department**

BE IT RESOLVED, that an Ordinance entitled, An Ordinance of the Township of Randolph Appropriating \$102,000 from the General Capital Improvement Fund for Various Improvements to Municipal Properties and for the Purchase of a Replacement Maintenance Utility Vehicle and Associated Equipment for the Buildings and Grounds Department, be read by title on second reading and a hearing held thereon.

Manager Poff explained that the purpose of this ordinance is to provide funding from the General Capital Improvement Fund for various improvements to municipal properties, including the repair of the Community Center generator, repair of Community Garden sheds, the replacement of a maintenance utility vehicle, and other associated equipment for the Buildings and Grounds Department.

**OPEN TO THE PUBLIC**

Seeing and hearing none, the public session was closed.

BE IT RESOLVED, that an Ordinance entitled, An Ordinance of the Township of Randolph Appropriating \$102,000 from the General Capital Improvement Fund for Various Improvements to Municipal Properties and for the Purchase of a Replacement Maintenance Utility Vehicle and Associated Equipment for the Buildings and Grounds Department, 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.

Councilmember Veech commented that the equipment and sheds are necessary to save time and money. She stated that it made sense, and that it was good that this was being accomplished with the cancellations of other monies.

Councilmember Veech made a motion to adopt the ordinance. Councilmember Forstenhausler 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

**3. Ordinance No. 31-22 Repealing Ordinance Nos. 2-93 and 3-97 and Amending Article IV, Open Space Trust Fund of Chapter 18, Finance and Taxation, of the Revised Ordinances of the Township of Randolph**

BE IT RESOLVED, that an Ordinance entitled, An Ordinance Repealing Ordinance Nos. 2-93 and 3-97 and Amending Article IV, Open Space Trust Fund, of Chapter 18, Finance and Taxation, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey, be read by title on second reading and a hearing held thereon.

Manager Poff explained that the purpose of this ordinance is to update the Revised Ordinances of the Township of Randolph to be consistent with a proposition approved by voters in 2009 which combined the Open Space Trust Fund and the Reserve for Parks and Recreation Development, Redevelopment and Improvement into one fund entitled the Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund.

The combination expanded the purposes for which the Trust Fund could be utilized to include the acquisition, development and maintenance of lands acquired for recreation and conservation purposes, the development of parks and recreation areas and the payment of debt service on indebtedness issued or incurred for any of those purposes.

**OPEN TO THE PUBLIC**

Seeing and hearing none, the public session was closed.

BE IT RESOLVED, that an Ordinance entitled, An Ordinance Repealing Ordinance Nos. 2-93 and 3-97 and Amending Article IV, Open Space Trust Fund, of Chapter 18, Finance and Taxation, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey, be passed on final reading and that a Notice of Final Passage of said Ordinance be published in the official designated newspaper according to law.

Councilmember Loveys made a motion to adopt the ordinance. Councilmember Hathaway 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                         |

**G. DISCUSSION**

**1. Fire Department Apparatus Purchase**

Manager Poff introduced Fire Chief Anthony Moschella, Deputy Fire Chief Mike Vanadia, and Steve Cohrs.

Deputy Chief Vanadia explained that the Fire Department was working towards the replacement of Fire Engine 51, based out of the Shongum Fire House. He provided a brief background on the apparatus and shared that the engine was approaching the 20th year of its useful life, which according to National Fire Protection Agency standards is the end of its useful life. He explained that the apparatus replacement was planned for in the 2022 Capital Budget, but due to the volatile supply chain and demand and price changes, the replacement cost has come in significantly more than what was initially budgeted for.

He shared that the Engine Replacement Committee determined, refined, and submitted their bid specifications for review. The committee received bid submissions two weeks ago and was currently in the process of vetting the bids to ensure that they comply with the specifications. He explained that the committee was working with Manager Poff and CFO Bonanno to understand how to move forward since the apparatus cost was beyond the amount initially budgeted for.

Mr. Cohrs explained that the committee was assembled in 2020. The committee initially budgeted \$598,000 for the replacement and narrowed down the options to four vendors, whom they worked with to establish a high-level requirement list and obtain non-binding price quotes to update their 2022 budget assumptions. He explained that there was an additional development of standardizing pumper specifications for current and future uses.

He explained that there had been five budget revisions from August 2020 to October 2022 due to supplier price increases. He reported that he had recently contacted all the suppliers to confirm the proposal expiration dates; all but one vendor stated that they would hold their prices until January 7, 2023. He shared that the remaining vendor informed him that the transmission manufacturer would issue a price increase on January 1, 2023. He explained that the committee anticipated that the replacement in 2024 would likely cost \$1.2 million as the vendors anticipated a 15% increase annually.

Manager Poff explained that he has been working with CFO Bonanno to determine what options are available to advance the acquisition. He explained that a bond ordinance provided \$770,000 for the equipment. He suggested that the council would need to consider an additional bond ordinance to authorize \$150,000 now that it has been confirmed that the prices would be held through the first of the year. He estimated that the debt service would be increased by about \$7,500 per year for the 20-year useful life of the apparatus.

Councilmember Loveys asked if the Fire Department had other pumpers in town. Chief Moschella stated that the fleet had seven engines. He explained that each of the engines had a different designed purpose; he added that there were currently seven pumpers, and the one pumper at Station #5 would be replaced. Councilmember Loveys asked how much of the specifications were needs vs wants.

Mr. Cohrs explained that the committee was a cross-department disciplinary group that was made up of representatives from different Fire Stations. He stated that the committee evaluated the specifications and determined the must-haves and features that would be of genuine benefit. He explained that the committee spent time with subject matter experts who spoke about the

benefits of certain technologies. Chief Moschella added that they spent a great deal of time evaluating those considerations.

Councilmember Loveys asked what would happen to the pumper that is being replaced. Mr. Cohrs explained that the most prudent thing to do would be to make it available for sale. He shared examples of old equipment being utilized or retained by other departments.

Councilmember Veech asked how much the township would get if the old apparatus was sold. Mr. Cohrs explained that he did not know; he suggested that a 20-year-old apparatus would not cover the cost. Chief Moschella shared an example of a 1995 apparatus being sold in 2021 for about \$5,000.

Councilmember Carey asked if the replacement every 20 years was a recommendation or good practice. Deputy Chief Vanadia explained that the NFPA considered a first-line engine apparatus to be sufficient for twenty years. He explained that one such contributing factor was the potential for increases in Insurance Service Office (ISO) ratings. He explained that the engine could potentially be used for another five years, but that would result in much more wear and tear. Mr. Cohrs added that the engine is the second busiest in the department.

Deputy Mayor Nisivoccia asked if the apparatus was typically custom-built. Mr. Cohrs explained that 90% of fire apparatuses purchased in the state were made to order; it is the vast majority. Chief Moschella explained that they met with the Public Works Department to evaluate the different mechanical requirements to make sure they are not stocking different builds. He stated that they tried to keep the vehicles consistent, and added that some apparatuses are standard models that are built upon.

Deputy Mayor Nisivoccia asked if other towns were deferring their replacements by a year, or just taking on the expenses. Mr. Cohrs explained that the funding process differed depending on the municipal forms. He stated that some towns were moving forward quickly and others were deferring slightly. There was a brief discussion on order wait times and backlogs.

Councilmember Forstenhausler asked if the committee had not finished reviewing all the bid specs. Mr. Cohrs confirmed he was correct. Councilmember Forstenhausler asked about the time frame for the vendors. Mr. Cohrs briefly summarized the time frames and explained that they were focusing on the two vendors coming in lower (E-One and Spartan).

Councilmember Hathaway asked what the typical upkeep/repair costs were for older engines. Mr. Cohrs explained that the Public Works Department takes care of the routine maintenance and repair. Chief Moschella provided an example of the costs for repair and engine equipment. He explained that repairs for larger components could be costly. He estimated that the cost was about \$30,000 annually for fleet repairs.

Councilmember Veech thanked the committee for the work they put into the review process.

Councilmember Carey appreciated the committee's thorough research. She thanked them for their time and commended the Volunteer Fire Department for its service.

Mayor Potter echoed previous comments of thanks and appreciation for the committee's due-diligence. She understood that delaying was not an option as business and residential insurance rates could be affected.

Manager Poff explained that the presentation was held today to allow sufficient time for the development and preparation of a bond ordinance.

Councilmember Forstenhausler asked if all the payment schedules for the apparatus vendors were the same in terms of deposits, scheduling, and balances. Mr. Cohrs explained that they were not, but the committee did gather the information from each vendor and provided the information to CFO Bonanno and Manager Poff. Manager Poff stated that they have also engaged with the attorney and auditors to ascertain how they might be able to structure the payment schedule to take advantage of discounts the manufacturers would otherwise provide. He explained that they would be working with the Fire Department to ensure that contract requirements adequately represent what the township is capable of and to ensure that the township's interests are protected as the acquisition is undertaken.

The council thanked Chief Moschella, Deputy Chief Vanadia, and Mr. Cohrs for their time. Manager Poff stated that he and CFO Bonanno would work with the Bond Counsel to prepare an ordinance for introduction.

## **2. Potential Zoning Amendments to the PO/R and B-1 Zones Allowing for Cooperative Sober Living Residences (CSLR) as a Conditional Use.**

The discussion of this item was advanced due to many residents waiting to hear an update.

Manager Poff explained that Cooperative Sober Living Residences (CSLR) have been a topic of concern in the township for a number of years. He shared that Mayor Potter has been interfacing with residents and State Legislators to address the issue. He reported that Assemblywoman Aura Dunn had recently indicated that she had been successful in advancing legislation towards the licensing of CSLR facilities; the township is waiting to hear more.

He informed the council that a suggestion has been made to consider amending the township's Zoning Ordinances to allow conditional use for CSLR facilities. He shared that a draft ordinance has been developed in conjunction with Planning and Zoning Administrator Darren Carney.

Mr. Carney explained that the facilities fall under two types of models; CSLRs, which are regulated by the state, and the Oxford Model, which are facilities that are considered single-family dwellings and are regulated as such under the Fair Housing Act.

Councilmember Veech asked if the township could regulate the Oxford Model facilities since the state could not. Mr. Carney informed her that the Township Council could not so long as the facilities operate as single-family dwelling units. Councilmember Veech asked if the township had control over the facilities in terms of the zoning and its uses. Mr. Carney explained that

facilities operating under the Oxford Model are regulated as single-family dwellings under the law.

Mr. Carney went on to explain that CSLRs are not necessarily family uses, as there are business elements involved. The township identified the PO/R District and the B-1 commercial zones as suitable sites since the zones allow for residential-type uses. He explained that the draft ordinance required that the facilities be licensed by the state and that the properties be distanced from surrounding properties. He stated that the proposal was to regulate the CSLRs under single-family use regulations and exempt them from the site plan approval process so long as they apply for permits through the Planning Department to determine that they meet all the requirements specified in the ordinance.

Manager Poff explained that certain notice requirements would have to be prepared to be consistent with any rezoning ordinance the council would otherwise consider.

Councilmember Forstenhausler commented that the township did not have much of a choice for not allowing CSLRs in the community as prohibiting the facilities could open the township up to a federal lawsuit.

Attorney Buzak explained that the purpose of this ordinance is to direct the location of CSLRs to areas that the township feels are more appropriate. He explained that the facilities could not be prohibited from being in the township.

Councilmember Hathaway asked if a CSLR could be placed in a different zone and just go through additional steps. Mr. Carney explained that the purpose was to define and allow the areas the facilities are allowed in and direct them towards those zones with administrative approval. Manager Poff explained that the facilities had a business component with regard to how the individuals find themselves settling into the residences, which was why the township was looking into the sites with regard to conditional use.

Township Engineer Paul Ferriero explained that the ordinance identifies specific zones and allows the township to identify the areas where the uses should be; this would make it difficult to claim that other areas in town are more particularly suited.

Councilmember Veech echoed Mr. Ferriero's comments about the value of identifying zones where the uses are permitted.

Councilmember Carey expressed that she was in favor of the zoning. She added that everyone she has spoken to about this issue was not against individuals going through recovery and supported those in need.

Councilmember Loveys asked if the amendment would preclude the facilities from using other areas. He referred to situations of homes being purchased for this type of use unbeknownst to anyone. Attorney Buzak explained that the current question was as to whether or not the uses were generally permitted in single-family zones. He explained that if the ordinance precisely and distinctly allowed CSLRs in certain areas of the township, it would clarify that the use is

permitted in those zones as a conditional use. Attorney Buzak stated that the ordinance would fortify that understanding.

Councilmember Veech referred to the fact that CSLR disclosures were not required for purchased homes; she asked what would happen to purchasers in that situation. Attorney Buzak explained that the ordinance would fortify and support zoning violations and direct CSLR facilities to where its uses are permitted. He added that the argument was currently easier to allow the facilities in single-family zones; the ordinance would facilitate the ability to enforce the zoning.

Councilmember Forstenhausler summarized the purpose of the ordinance. He explained that if there were no specified zones that permit CSLRs it would make it difficult to prevent the facilities from settling in any other zones. He understood that if the facilities had areas permitted for zoning, it would be significantly easier to not allow them in other zones. Attorney Buzak confirmed he was correct.

Councilmember Hathaway asked if the ordinance looked at different types of properties such as vacant buildings, residential buildings, or transitions from current commercial buildings to residential buildings. Mr. Carney explained that it would be permitted and stated that there were already residential buildings in the zones. Mangar Poff explained that there was nothing that precluded one of the other uses in the zones so long as they meet the conditional requirements and zoning.

Councilmember Forstenhausler inquired about the process the operator/owner would have to go through, and what the township would oversee. Mr. Carney explained that operators/owners would have to obtain a zoning permit from the Planning Department. The department would be responsible for checking that the facility is licensed by the state and that they meet the distance and residential requirements of the zone/district.

Manager Poff explained that one of the issues was that once an operator/owner informs the NJ Department of Community Affairs (DCA) of their intent to operate a facility the state department establishes control over the Uniform Construction Code process before the issuance of the license. He explained that once an operator/owner identifies a property and seeks a license, the DCA Division of Rooming and Boarding Houses takes custody of the municipal Construction Department records pertaining to the facility.

He explained that the licensing and operations of CSLR facilities were solely in the purview of DCA. He added that there was some interaction with regard to local Fire Prevention, but the local inspectors are instructed by the state on how to perform inspections for these facilities. He stated that the actual facility operations were solely under the jurisdiction of the state.

Councilmember Forstenhausler asked if the draft ordinance gave the township as much control and authority over the properties as the courts would uphold. He understood that the township could not be overly restrictive. Manager Poff stated that administratively, they believed that to be the case. He explained that such uses would be authorized by way of a zoning permit as opposed

to a site plan review. He stated that the township would be directing where such operations can be located.

Manager Poff stated that he would proceed to work with Mr. Carney and Attorney Buzak to develop the draft ordinance into a form that the council can consider for adoption. He stated that he would also work with the Clerk's Office to ensure that proper notice is given.

## **OPEN TO THE PUBLIC**

Tim Potter of 11 Highview Terrace asked Mr. Carney if any CSLR facility site plans were submitted in Randolph. Mr. Carney stated that there were none. Mr. Potter asked why such facilities have been established when the site plan steps had not been taken. He commented that the facility operators did not care about the law.

Gina Fiscella of 31 Highview Terrace thanked the council for considering this ordinance. She felt progress was being made. She commented that there was a communication gap between the DCA and the township. She stated that since the law's establishment in 2018, a single operator has settled five facilities within the township. She was concerned that neither the state nor the township was overseeing the facilities.

Joseph Amaral of 14 Holly Drive asked if the CSLR facilities could be pivoted towards at-risk youth rehabilitation programs. He asked if the facilities were court-ordered or if the residents were voluntarily housing themselves. Councilmember Forstenhausler explained that from his understanding, the CSLR facilities were structured by individuals who pay the facility operator. Manager Poff suggested that Mr. Amaral should direct his question toward the courts to understand what can and cannot be court mandated. Mr. Amaral shared a story about an individual who rehabilitated himself in a similar facility and later established Michigan's largest secure rehab treatment center for at-risk youth.

Mr. Amaral concluded his comments by sharing that he was also interested in conducting research on the benefits of medicinal marijuana as a means to assist with rehabilitation.

Larry Cutalo of 14 Block Court referred to the zoning ordinance and application checklists. He stated that the checklist had no reference to traffic, environmental, and school impact studies. He asked the council to consider making those studies a requirement on the checklist and to consider amending the township's Zoning Ordinances to require the studies. He shared that an applicant would be going before the Planning Board on Monday, October 24. He explained that the applicant had no such studies completed, therefore the Planning Board was without the information. He asked that the requirements and amendments for studies be made at the outset of receiving applications and plans.

Mr. Carney explained that such considerations were on the checklist, but they were not required at the time of submittal. He explained how the threshold of projects could vary and stated that the Planning Board could discuss the suggestion. Mr. Cutalo asked if such restrictions were imposed on site plans for larger developments considering that a developer could request a waiver. He was concerned that the Planning Board and the public would have no idea of what the impacts of

the developments would be. He referred to the Township Council's use of BoardDocs; he suggested that the Planning Board be required to use the program to make plans and reports more accessible to the public.

Councilmember Veech referred to the 72-point checklist and explained that when an applicant comes before the Planning Board, the board can require the developer/applicant to complete those studies. Mr. Carney confirmed that the board could require those submittals and ask for any other information they need to render decisions.

Joseph Amaral commented Mr. Cutalo's questions should be answered and suggested that the township determine what can be maximized with regard to the approval of CSLRs.

### **3. Stormwater Permit Requirements**

Manager Poff explained that the township has discussed concerns about the state's modification to the township's general permit that authorizes the discharge of stormwater into the municipal storm sewers. The modification would also place additional requirements on the municipality to address stormwater quality issues. He explained that Township Engineer Paul Ferriero would discuss the requirements and the grant opportunity from the state for local governments considering the feasibility of establishing stormwater utilities.

Mr. Ferriero explained that the New Jersey Department of Environmental Protection (NJDEP) distributed a pre-draft of its Stormwater Plan earlier in the year. He shared that the township, in addition to other municipalities, and the New Jersey League of Municipalities, felt that the implementations would cost significant sums. He explained that the plan was formally proposed as a rule at the end of July and that no substantive changes were made to the proposal aside from a section on gravel roads and a proposal of the utility being an unfunded mandate. He explained that the costs associated with stormwater were significant and reviewed labor, equipment, and material factors.

He explained that the proposal implemented various add-ons and updates to stormwater regulations. Some of the updates included expanding mapping, street sweeping, a five-year time limit for updating catch basins, drainage updates, annual basin inspection requirements, additional DPW inspections, and more.

He explained that there was an obligation to inspect outfalls for scour and roadside erosion and shared that the new permit would require issues to be fixed within 90 days of identifying them. He continued to list the proposed plan add-ons by sharing that training requirements have been expanded, updates to the Stormwater Pollution Plan and Stormwater Management Plan will be made, and new ordinances will be required.

He shared information about a new requirement for a Watershed Improvement Plan. The plan must be completed within five years and involves the identification of the impervious coverage on all the lots within the township concerning total maximum daily load standards. He stated that the old permit would expire on December 21, 2022, and the comment period had already closed.

He shared that the NJDEP has been working on a response document to state that their proposal was rational and that the submitted comments were not supported.

He estimated that the updates and additional regulations, in addition to Department of Public Works costs, and other associated costs for payroll, would result in the township spending \$800,000 to \$900,000 annually on Stormwater Management. Manager Poff explained that the township was currently spending about \$700,000. Mr. Ferriero explained that tax-exempt facilities would be subject to stormwater utility bills and discussed how there was an opportunity for the township to generate income.

He informed the council that the NJDEP Grant Program for technical assistance in conducting a Stormwater Utility Feasibility Study would be closing on Tuesday, November 1. He briefly reviewed the steps for establishing a stormwater utility, which included a discussion of the concept, conducting a Preliminary Feasibility Study and Comprehensive Feasibility Study, engaging the stakeholders and public, and finally, the implementation of the utility.

He explained that the NJDEP would collect 5% of the stormwater utility collections from municipal stormwater utilities. He shared that municipalities participating in the grant program would be exempt from the NJDEP collection for the first two years of the utility's implementation. He added that municipalities participating in the grant program would be given priority for future stormwater improvement grants.

Councilmember Loveys asked Mr. Ferriero to further clarify the NJDEP's 5% stormwater utility collection and the initial two-year exemption. Mr. Ferriero explained that under the enabling legislation for stormwater utilities there was a requirement that 5% of what is collected is sent to the NJDEP. He stated that municipalities participating in the grant program would be exempt from the collection for the first two years of the utility's establishment and would additionally be given priority consideration when it comes to future grants associated with stormwater improvements offered by the NJDEP.

Mayor Potter asked how many stormwater utilities were in the state. Mr. Ferriero informed her that there were currently none; there are nine municipalities that are strongly engaged in the implementation process, and many more applying for the grant.

Mayor Potter asked if other states were involved in stormwater utilities. Mr. Ferriero confirmed there were. Mayor Potter asked if any of those states had been sued after the assessment process. Mr. Ferriero stated that there were not any that he was aware of. He explained that the process required a reasonable assessment based on the cost; it is audited on an annual basis and adjusted. Mayor Potter asked if developers could sue. Mr. Ferriero explained that the process did not work that way. He stated that the purpose of the Feasibility Study was to make it equitable.

Mayor Potter asked who would be conducting the Feasibility Study and what kind of access the township would need to grant. Mr. Ferriero stated that he has tried to find out who the consultants were, but he has not heard back. He explained that he would likely be the primary point of contact, and Manager Poff and the Department of Public Works would also be involved with the communication.

Councilmember Forstenhausler asked if applying for the grant affected the township's continued consideration of whether it chooses to implement the utilities. Manager Poff stated that the grant did not obligate the township to create a stormwater utility. Mayor Potter commented that there was a cost associated with the grant as it would be tying up the time of the township's professionals. Mr. Ferriero explained that he was the primary person involved and the town was already paying for his time.

Councilmember Hathaway asked if the Feasibility Study could result in a determination that a utility is not applicable to the township. Mr. Ferriero confirmed that the purpose of the study was to determine that. He explained how the generated funds from the utility could be used to reimburse the costs associated with the formation of the utility.

There was a brief discussion on the stormwater utility billing, the utility's generation of income, and its effects on the township budget.

Councilmember Veech asked if a separate group would be running the utility. Mr. Ferriero explained that the maintenance and operation considerations would be evaluated during the Feasibility Study. Mr. Ferriero commented that there was value in learning from the study.

Councilmember Hathaway asked if the study would overlap with the Environmental Action Plan. Mayor Potter explained that they would likely have to wait to hear from the consultant as it is a separate item.

## **H. OPEN TO THE PUBLIC**

Walter Nickens of 5 Guy Street asked if the Environmental and Landmarks Committee Chair would be provided with notes on this meeting. Mayor Potter shared that the committee chairperson was advised that the meeting would be taking place. Mr. Nickens explained that he wanted to make sure the information would get to the committee. Councilmember Forstenhausler confirmed that it would.

Joseph Amaral of 14 Holly Drive referred to the Stormwater Feasibility Study and asked if the possibility of lowering taxes from income being generated via the utility bill would be communicated. Mr. Ferriero explained that the Feasibility Study would analyze such factors.

## **I. COUNCIL COMMENTS**

Councilmember Hathaway had nothing to report for this meeting.

Councilmember Carey reported that the Library Board of Trustees voted to abolish fines. The new practice would be implemented as of January 1, 2023. She congratulated Councilmember Loveys for being honored with a Lifetime Achievement Award by the Boy Scouts.

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Councilmember Veech urged the public to contact the township's municipal offices or the council directly when an issue in the community is identified or when inquiring about township-related information.

She reported that the Facilities Work Group planned to examine the Parks and Recreation Plan for the Capital Budget. She shared that the council's donation of \$500 towards the development of an inclusionary playground was joined by an estimated \$20,000 from residents.

Councilmember Carey asked how the inclusionary features would be adapted for different types of disabilities and areas. Councilmember Veech explained that the group organizing the effort had assembled a list of equipment that most disabled individuals can use. She shared that the initial goal was to raise \$50,000 to begin the installation of the equipment. She explained that the group was doing its best to install features that could accommodate as many people as possible.

Councilmember Veech shared that the Community Garden had 12 gardeners leaving; individuals on the waitlist would be moved in. She stated that there were 40 people on the waitlist. She reported that nearly 300 pounds of food was donated to Homeless Solutions and another 300-400 pounds of food was donated to the Interfaith Food Pantry. She concluded her report by sharing that Veterans Community Park is being submitted for consideration for the New Jersey Recreation and Park Association (NJRPA) Excellence in Design Awards.

Councilmember Loveys reported that the Ordinance Subcommittee met and discussed a number of topics, many of which will come before the council.

Councilmember Forstenhausler asked Manager Poff to work with the Township's Information Officer to inform the public to contact municipal offices directly for concerns and reports to help prevent misunderstandings.

He reported that the Trails Advisory Committee meeting was cancelled due to a lack of quorum. He shared that the Traffic Advisory Committee met and discussed various accidents and injuries; there were not many incidents to discuss.

He reported that the Ordinance Subcommittee discussed several different items; two of which included amendments to student liaison appointments on boards and committees, and limiting the length of time for placement of temporary signs. He stated that a proposal would be presented to the council. He congratulated Councilmember Loveys on his recognition.

Deputy Mayor Nisivoccia congratulated Councilmember Loveys. He asked Councilmember Forstenhausler if the size of the signs could be limited. Councilmember Forstenhausler explained that the sign ordinance specified the allowable sign sizes and zone placements. He explained that amending the sizes would result in a higher degree of review.

Deputy Mayor Nisivoccia reported that the Board of Health was waiting on state guidance for direction on the state's lead testing initiatives.

Mayor Potter reported that the Economic Development Committee (EDC) met on Tuesday, October 11. The committee was organizing an effort to obtain a bench in honor of former EDC volunteer Peter Kenny. She shared that the committee was continuing its outreach efforts to encourage local businesses to fill out forms for the township's Business Spotlight program.

She reported that the Environmental Action Plan Committee was working to schedule a date to meet with the project consultant. She shared that the Diversity Work Group would be meeting with Randolph PEACE and interfaith groups on Wednesday, November 1. She concluded her report by sharing that the Randolph Mommy and Me Tree of Little Angels planting event was tentatively scheduled for Friday, October 28 at 6:00 p.m.

## **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 State of New Jersey, as follows:

1. The public shall be excluded from the Executive portion of the meeting.
2. The general nature of the subject matter to be discussed is as follows:

### **a. Mine Hill Requests to Amend the Jackson Brook Interceptor Agreement**

3. As nearly as now can be ascertained, the matter or matters to be discussed at this time will be disclosed to the public at such time and under such circumstances as are prescribed by law.
4. At the conclusion of the Executive Session, the Council may or may not reconvene in public session for the purpose of taking formal action.

Councilmember Forstenhausler made a motion to move into Executive Session at 8:33 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                         |

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Councilmember Forstenhausler made a motion to close Executive Session at 9:30 p.m.  
Councilmember Carey 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

#### **K. ADJOURNMENT**

Councilmember Forstenhausler made a motion to adjourn the meeting at 9:30 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