

Township of Randolph
Municipal Building
Randolph, NJ
January 18, 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: Councilman Forstenhausler
Councilmember Potter
Councilmember Nisivoccia
Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey

ABSENT: Councilmember Elbaum

Also Present: Township Manager Poff and Township Attorney Edward Buzak from the Law Office 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

Assistant Township Manager – Manager Poff introduced newly appointed Assistant Township Manager Stuart Greer. He shared that Mr. Greer is a township resident; he has a Master of

Studies from the University of Cambridge and an Executive Master of Public Administration from New York University. He has more than twenty-five years of law enforcement experience, most recently having served as Assistant Commissioner, Strategic Initiatives for the New York City Department of Corrections. He stated that he was certain Mr. Greer would serve the taxpayers of Randolph well and contribute greatly to the township's success.

2024 Budget Preparation – Progress is being made toward the development of the 2024 draft budget document which includes the capital improvement plan. The Township Council's first budget work session is scheduled for Thursday, February 1 at 5:00 p.m. The council will hear presentations from Parks, Recreation & Community Services, Public Works, Engineering, and Water & Sewer.

Pump Station Update – The Knights Bridge Pump Station experienced a failure around the first of the year. The township's vendor PSI Process has made the necessary repairs, and the pump station is now in full operation. The Den Brook Pump Station is operating with rebuilt pumps. The township's vendor is on-site today to finish their evaluation of the new pumps and materials required to return the pump station to normal operations.

Calais Road Farms – The Township Council received a letter from the attorney representing DMY Land LLC requesting a meeting to discuss an amendment to the existing covenant and restriction filed on July 28, 2014. The matter has been referred to the council's Land Use Workgroup for consideration. A meeting is expected to take place within the next few weeks with a subsequent recommendation coming back to the entire Township Council.

Status of A4/S4251 – The Township Council has received correspondence from its attorney regarding recently considered affordable housing legislation that would have a significant impact on the township and its residents. Communication is being drafted to alert the community about the legislation and to encourage residents to voice their concerns so that they may be heard by state legislators.

Strategic Planning in the Age of AI – Next week a webinar will be held for local government leaders to share key insights, real-world case studies, and practical strategies on how to use the power of AI in strategic planning, as digital technologies evolve, integrating AI has become imperative for local governments to be more focused and responsive to community needs. Mayor Carey asked Manager Poff how the A4 Legislative information would be released. Mr. Poff explained that they were discussing the most effective way of getting out the information. Internally, it was determined to have the information published on the website news flash and sent out via the email events subscriber list.

D. APPROVAL OF MEETING MINUTES

Councilman Forstenhausler made a motion to approve the Regular Council Meeting Minutes from December 14, 2023 and the Reorganization Meeting Minutes from January 4, 2024. Councilmember Nisivoccia seconded the motion, and the following roll call vote was taken:

AYES: Councilman Forstenhausler
Councilmember Potter – Abstained to the January 4, 2024 Meeting Minutes
Councilmember Nisivoccia

Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey
NAYS: None
ABSENT: Councilmember Elbaum

E. COMBINED ACTION RESOLUTIONS

Item 5, R-33-24, Authorizing the Settlement of Commercial Tax Appeal for Randolph Oil Holding LLC, Block 137, Lot 29, 256 Route 10 for years 2017, 2018, and 2019 – Manager Poff recognized Township Tax Assessor Glen Sherman and Special Counsel Attorney for Tax Appeals Fred Semrau for their efforts. He commended them for doing a great job of advancing outstanding settlements. He informed the council that during the budget presentations, additional monies would be requested for the Assessor’s budget for the purpose of preparing various appraisal reports for outstanding appeals. He appreciated the attention of Mr. Sherman and Mr. Semrau in making sure the settlements were in the best interest of the township.

1. R-29-24 Refund Overpayment of Taxes Due to Reduction in Assessed Valuation for Tax Years 2010-2016 on Block 79, lot 4, 540 Route 10 to 540 Randolph LLC - \$110,027.30
2. R-30-24 Redeem and Refund Tax Sale Certificate #2023-012 for Block 82, Lot 52.11, 49 Longview Avenue to Bala Partners LLC - \$2,008.58
3. R-31-24 Redeem and Refund Tax Sale Certificate #2023-022 on Block 153.01, Lot 11, 5 Glen Road to FNA VII, LLC - \$5,006.93
4. R-32-24 Refund Duplicate Tax Payment Made for the Fourth Quarter of 2023 for Block 49, Lot 29.02, 4 Lewis Hollow Road to JMJB Film Production Company, LLC - \$4,902.53
5. R-33-24 Authorizing the Settlement of Commercial Tax Appeal for Randolph Oil Holding LLC, Block 137, Lot 29, 256 Route 10 for years 2017, 2018 and 2019 - \$6,069.66
6. R-34-24 Authorizing the Default and Rescission of MCCPC Contract #52 (Fire Alarms, Sprinklers, Standpipe Systems, Fire Pumps)
7. R-35-24 Refund Overpayment of Taxes Due to Reduction is Assessed Valuation for Tax Year 2016 on Block 51, Lot 10.02, 14 Ursula Ct. to John C. Penberthy, III Esquire Trust Account - \$915.00
8. R-36-24 Refund Recreation Department Program Fees to Various Individuals
9. R-37-24 Authorizing Change Order #1 to PSA with Hawkins Delafield & Wood, LLP for 2023 Bond Counsel Services - \$10,200.00

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: January 18, 2024

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 amend the award of the professional service contract to Hawkins Delafield, for a change order not to exceed \$10,200 and to include miscellaneous research and expenses, and various consulting and special assessment services related to bond counsel services.

Deborah Bonanno
Chief Financial Officer

Budget Account: 01-203-20-130-302 (2023)
10-115-02-000-031 (Trust)

10. Raffle License, On-Premise 50/50, Music Boosters Club of West Morris Mendham High School, 65 East Main Street, Mendham, at the Meadow Wood, 461 Route 10, Randolph, February 9, 2024, 6:00 p.m. - 10:00 p.m.

Councilmember Potter made a motion to approve the combined action agenda. Councilwoman Veech seconded the motion, and the following roll call vote was taken:

AYES: Councilman Forstenhausler – Abstained to Item #6, R-34-24
Councilmember Potter
Councilmember Nisivoccia
Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey
NAYS: None
ABSENT: Councilmember Elbaum

F. UPCOMING EVENTS

1. Council Budget Session at Town Hall, Thursday, February 1, 2024 – 5:00 p.m.
2. Council Budget Session at Town Hall, Saturday, February 10, 2024 – 8:30 a.m.
3. Council Budget Session at Town Hall, Saturday, February 24, 2024 – 8:30 a.m.

G. ORDINANCES: INTRODUCTION

- 1. 01-24 – Ordinance Amending Ord. #13-23 to Provide and Determine Range of Compensation for Specified Officers and Employees**

Manager Poff explained that the purpose of this ordinance is to establish and set forth the salaries for the Township employees listed herein that will be in effect starting January 1, 2024.

BE IT RESOLVED, that an Ordinance entitled, “An Ordinance Amending Ordinance No. 13-23 to Provide and Determine the Range of Compensation for Specified Officers and Employees in the Township of Randolph,” 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 15th, of February, 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. Deputy Mayor Hathaway seconded the motion, and the following roll call vote was taken:

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

2. 02-24 – Ordinance Amending Sections 15-35, 15-26 and 15-31 of the Land Development Ordinance

Manager Poff explained that the purpose of this ordinance is to amend Sections 15-35, 15-26 and 15-31 of the Land Development Ordinance of the Township of Randolph to include revisions recommended by Township staff to the zoning regulations governing cooperative sober living residences.

BE IT RESOLVED, that an Ordinance entitled, “An Ordinance Amending Sections 15-35, 15-26 and 15-31 of the Land Development Ordinance of the Township of Randolph, Morris County, New Jersey,” be introduced, read by title by the Township Clerk and passed on first reading.

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Randolph on the 15th, of February, 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.

Councilmember Nisivoccia made a motion to introduce the ordinance. Councilman Forstenhausler seconded the motion, and the following roll call vote was taken:

AYES: Councilman Forstenhausler
Councilmember Potter
Councilmember Nisivoccia

Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey
NAYS: None
ABSENT: Councilmember Elbaum

3. 03-24 – Ordinance Amending Appendix A, Fee Schedule, of the Revised Ordinances

Manager Poff explained that the purpose of this ordinance is to amend the Section of Appendix A, Fee Schedule, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey governing Lead-Based Paint Inspection Fees to delete the fee for filing a lead-safe certification or lead-free certification.

BE IT RESOLVED, that an Ordinance entitled, “An Ordinance Amending Appendix A, Fee Schedule, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey” be introduced, read by title by the Township Clerk and passed on first reading.

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Randolph on the 15th, of February, 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 inquired about who receives the \$200 inspection fee. Manager Poff explained that the fee goes to the township and \$20 goes to the state. He explained that there was an additional \$50 administrative fee which did not comply with state statute. He shared that the \$50 fee was among sample ordinances. It was determined that the additional fee was not appropriate.

Mayor Carey asked if the ordinance was reviewed with the Board of Health. Manager Poff explained that it was reviewed with Health Officer Mark Caputo, and communicated with department staff.

Councilman Forstenhausler made a motion to introduce the ordinance. Councilmember Potter seconded the motion, and the following roll call vote was taken:

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

H. OPEN TO THE PUBLIC

Jim McConnell of 45 Carrell Road asked when sewer connections would be available on Carrell Road. Manager Poff informed Mr. McConnell that Morris County was responsible for the planning of connections in that area due to how the sewer service areas fell. He added that the likelihood of incorporating that area was small given the current environmental regulations. Manager Poff stated that he could discuss it further with Mr. McConnell. Mr. McConnell concluded his comments by stating that it was a pleasure to meet the new Assistant Manager.

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

I. COUNCIL COMMENTS

Councilmember Nisivoccia had nothing to report for this meeting.

Councilwoman Veech reported that the Planning Board was still in the process of hearing the Ludiro application. She shared that the board conditionally approved plans for Sonic and Taco Bell pad locations. She stated that the locations were expected to break ground in Spring.

Councilmember Potter congratulated Mayor Carey and Deputy Mayor Hathaway on their appointments. She reported that the Parks Advisory Committee meeting scheduled for Tuesday, January 9 was canceled due to inclement weather. She reported that the Trails Advisory Committee met on Wednesday, January 17; the committee elected Phil Sheehy as Chair and Marc Perez as Vice Chair. She shared that the committee continued the discussion on the fairy-house trail project. Vanessa Giordano of Randolph Mommy and Me expressed that the group hoped to sponsor the project. She reported that the committee had no student members and that it was suggested they scout from other groups that use the trails. She concluded her report by sharing that a number of trees had been marked for removal prioritization.

Councilman Forstenhausler reported that the 4th Quarter Safety Committee meeting was held on Thursday, January 11. He shared that 25-35 employees participated in the meeting. He informed the council that he recently attended a fire seminar that discussed risks associated with charging lithium-ion batteries.

Deputy Mayor Hathaway reported that the Library Board of Trustees met on Thursday, January 11; Denise Thornton was elected as Board President and Lynne Rosenfeld was elected as Vice President. He shared that the library reported that its 2023 circulation number was 270,274; the figure is a 4.3% increase from the previous year. He informed the council that the library will be hosting a pop-up event at Brightview Senior Living; the event will follow a previously successful pop-up that was held on Friday, January 5.

Councilwoman Veech asked if the library was considering visiting other local senior facilities. Deputy Mayor Hathaway reported that the library had tried to communicate with Sunrise Senior Living.

Deputy Mayor Hathaway shared that he and Councilwoman Veech participated in Randolph PEACE's Martin Luther King Jr. Service Day event. Together with residents, they assisted with assembling packages of donated essential items for the Lyons VA and Interfaith Food Pantry. He stated that it was encouraging to see the community's commitment to serving others, especially while honoring the legacy of Dr. Martin Luther King.

Deputy Mayor Hathaway made a motion to appoint Emma Nisivoccia as a Student Member on the Environmental Landmark Advisory Committee. Councilmember Potter seconded the motion and the following roll call vote was taken:

AYES: Councilman Forstenhausler
Councilmember Potter
Councilwoman Veech
Deputy Mayor Hathaway
Mayor Carey
NAYS: None
ABSTAIN: Councilmember Nisivoccia
ABSENT: Councilmember Elbaum

Councilman Forstenhausler shared additional information about the township's Loss-Time Accident Frequency report which was discussed during the 4th Quarter Safety Committee meeting. He informed the council that the Loss-Time Accident Frequency in 2023 was 0.00; a perfect score. He shared that the Loss-Time Accidents per 100 Employees for the time period of 2021-2023 was 1.29; the county's average was 1.42. He commended the township department heads for doing a great job of teaching and promoting safety.

Mayor Carey acknowledged resident Jim McConnell for his recent recognition at the Randolph Rescue Squad's 2024 Installation Dinner. She shared that the Rescue Squad responded to 913 service calls in 2023, in addition to organizing five blood drives, and two food truck fundraisers. She concluded her report by sharing that she was invited to speak at Fernbrook Elementary and at a recent Randolph Area Chamber of Commerce event.

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. Personnel
- B. Township Manager's Evaluation

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.

Councilwoman Veech made a motion to move into Executive Session at 6:45 p.m. Councilman Forstenhausler seconded the motion, and the following roll call vote was taken:

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

Councilmember Nisivoccia made a motion to close the Executive Session and reopen the meeting at 8:00 p.m. Councilwoman Veech seconded the motion, and the following roll call vote was taken:

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

K. ADJOURNMENT

Councilmember Potter made a motion to adjourn the meeting at 8:00 p.m. Councilman Forstenhausler seconded the motion, and the following roll call vote was taken:

AYES: Councilman Forstenhausler
Councilmember Potter
Councilmember Nisivoccia
Councilwoman Veech
Deputy Mayor Hathaway

January 18, 2024

NAYS: Mayor Carey
None
ABSENT: Councilmember Elbaum