

Township of Randolph
Municipal Building
Randolph, NJ
March 3, 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: Council Member Carey
Council Member Forstenhausler
Council Member Loveys
Council Member Tkacs – via phone
Council Member Veech – via phone
Deputy Mayor Nisivoccia
Mayor Potter

Also present: Township Manager Mountain and Township Attorney Edward J. Buzak (via phone)

3. Pledge of Allegiance

Mayor Potter led the Pledge of Allegiance.

B. 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:

Township Manager Search

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.

Council Member Forstenhausler made a motion to move into Executive Session at 6:20 p.m. Council Member Carey seconded the motion, and the following roll call vote was taken:

AYES: Council Member Carey
Council Member Forstenhausler
Council Member Loveys
Council Member Tkacs
Council Member Veech
Deputy Mayor Nisivoccia
Mayor Potter

NAYS: None

Council Member Forstenhausler made a motion to close Executive Session at 6:43 p.m. Council Member Loveys seconded the motion and the following roll call vote was taken:

AYES: Council Member Carey
Council Member Forstenhausler
Council Member Loveys
Council Member Tkacs
Council Member Veech
Deputy Mayor Nisivoccia
Mayor Potter

NAYS: None

C. OPEN TO THE PUBLIC

Mayor Potter and the Township Council acknowledged and shared their support for the Ukrainian community in midst of the Russian assault on the country and its people. The council briefly moved to the Municipal Building Atrium to accommodate the many public members who attended the meeting to show support for the Ukraine. The council recognized the tragic events and shared their sympathies and support for Randolph's Ukrainian residents and families.

D. MANAGER'S REPORT

Annual Road Evaluation – The Public Works Department and the Engineering Department are working on the 2022 Road Evaluation. The inventory and the road rating system will be updated this week in preparation for the review with the Council Infrastructure Work Group. He anticipated that the work group's recommendation would be ready for the council's consideration by the April 7, 2022 Township Council meeting. An ordinance for funding the road program will be introduced at the April 21, 2022 meeting. The DPW will be filling potholes and conducting some targeted road repairs as warm weather has been forecasted for the next week.

Cooperative Sober Living Residences – There are two Cooperative Sober Living Residences currently located in the township. A third residence is currently up for licensing by the State Department of Community Affairs. The CSLR licensing program was instituted by rule through DCA in 2018 and creates the opportunity for residential homes to be utilized as group living facilities for individuals recovering from addictions to transition back into everyday life. The rule is problematic because it licenses property owners to establish these facilities that can house up to 10 residents with no local input or consideration for local zoning. The rule also provides little to no direct oversight over the operations of these facilities. Manager Mountain explained that the new rule has caused great concerns in the neighborhoods where the residences are being established. Over the past few months, he has been working with the Mayor, Planning and Zoning Administrator Darren Carney, and Township Attorney Ed Buzak and Attorney Keli Gallo to determine what local options were available to address the resident's concerns. Assemblywoman Dunn has also been included in the discussion to provide legislative assistance.

E. COMBINED ACTION RESOLUTIONS

1. R-60-22 Authorizing adjustments being made by the Tax Collector for Block 220, Lot 16 for 57 Misty Mountain Road, due to 100% Veteran exemption of property taxes for Jacob S. Friedman – billing the property \$1,313.94, refunding \$1,501.65, and cancelling \$2,815.58
2. R-61-22 Authorizing contracts with an additional approved vendor under the NJ Cooperative Purchasing Alliance pursuant to N.J.S.A. 40A: 11-11(5)

Council Member Loveys made a motion to approve the Combined Action Resolutions. Council Member Forstenhausler seconded the motion, and the following roll call vote was taken:

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

F. UPCOMING EVENTS

1. Randolph Area Chamber of Commerce Networking Event, Speaker: Larry Levine on Thursday, March 17, 2022, 12:00 p.m. – 1:00 p.m. at the Randolph Diner
2. Library Event: Rockness Music, Saturday, March 19, 2022, 2:00 p.m. – 2:45 p.m. Registration required.
3. Little League Opening Day at Freedom Park, Saturday, April 23, 2022, parade starts at 9:15 a.m., ceremony at 9:45 a.m., activities for players and families at 10:30 a.m. and first games begin at 12:00 p.m. and 12:30 p.m.

G. ORDINANCES: SECOND READING/PUBLIC HEARING

1. **Ordinance No. 03-22 To Exceed Municipal Budget Appropriation Limits and to Establish a Cap Bank**

BE IT RESOLVED, that an Ordinance entitled, “Calendar Year 2022 Ordinance to Exceed Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40a:4-45.15a et SEQ), be read by title on second reading and a hearing held thereon.

Manager Mountain explained that the purpose of this ordinance is to exceed the Municipal Budget Appropriation Limits and establish a Cap Bank for Calendar Year 2022.

OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

BE IT RESOLVED, that an Ordinance entitled, Calendar Year 2022 Ordinance to Exceed Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.15a et seq), 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.

Council Member Forstenhausler made a motion to adopt the ordinance. Council Member Loveys seconded the motion, and the following roll call vote was taken:

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

H. ORDINANCES: INTRODUCTION

**1. Ordinance No. 04-22 Re-Adopting Article XVII,
Wildlife Management Advisory Committee, of Chapter 10, Boards, Commissions,
Committees and Agencies of the Revised Ordinances of the Township of Randolph,
Morris County, New Jersey**

Manager Mountain explained that the purpose of this ordinance is to re-adopt Article XVII, Wildlife Management Advisory Committee, of Chapter 10, Boards, Commissions, Committees and Agencies, of the Revised Ordinances of the Township of Randolph. The ordinance addresses the sunset provisions discussed during the previous council meeting as well as other minor changes.

BE IT RESOLVED, that an Ordinance entitled “An Ordinance Re-Adopting Article XVII, Wildlife Management Advisory Committee, of Chapter 10, Boards, Commissions, Committees and Agencies, 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 17th, of March, 2022 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.

Council Member Forstenhausler made a motion to introduce the ordinance. Council Member Carey seconded the motion, and the following roll call vote was taken:

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

**2. Ordinance No. 05-22 Re-Adoption Article XVIII,
Trails Advisory Committee, of Chapter 10, Boards, Commissions, Committees and
Agencies, of the Revised Ordinances of the Township of Randolph, Morris County,
New Jersey**

Manager Mountain explained that the purpose of this ordinance is to re-adopt Article XVIII, Trails Advisory Committee, of Chapter 10, Boards, Commissions, Committees and Agencies, of the Revised Ordinances of the Township of Randolph. The ordinance addresses the sunset provisions discussed during the previous council meeting as well as other minor changes.

BE IT RESOLVED, that an Ordinance entitled “An Ordinance Re-Adopting Article XVIII, Trails Advisory Committee, of Chapter 10, Boards, Commissions, Committees and Agencies, 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 17th, of March, 2022 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.

Council Member Forstenhausler made a motion to introduce the ordinance. Council Member Carey seconded the motion, and the following roll call vote was taken:

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

3. Ordinance No. 06-22 Amending Sections 15-2.2 and 15-11 of the Land Development Ordinance of the Township of Randolph, Morris County, New Jersey to Permit Cottage Food Operations

Manager Mountain explained that the purpose of this ordinance is to amend Sections 15-2.2 and 15-11 of the Land Development Ordinance of the Township of Randolph to permit cottage food operations in all residential uses.

BE IT RESOLVED, that an Ordinance entitled “An Ordinance Amending Sections 15-2.2 And 15-11 of the Land Development Ordinance of the Township of Randolph, Morris County, New Jersey to permit Cottage Food Operations” 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 March, 2022 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.

Council Member Forstenhausler believed the small language change in the ordinance helped provide further clarification.

Mayor Potter commented that she was impressed with the ordinance's wording. She found the ordinance to be very concise.

Deputy Mayor Nisivoccia made a motion to introduce the ordinance. Council Member Forstenhausler seconded the motion, and the following roll call vote was taken:

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

4. Ordinance No. 07-22 Range of Compensation for Specified Officers and Employees

Manager Mountain 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, 2022.

BE IT RESOLVED, that an Ordinance entitled "An Ordinance Amending Ordinance No. 08-21 to Provide and Determine the Range of Compensation for Specified 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 17th, of March, 2022 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.

Council Member Forstenhausler made a motion to introduce the ordinance. Deputy Mayor Nisivoccia seconded the motion, and the following roll call vote was taken:

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

I. OPEN TO THE PUBLIC

Seeing and hearing none, the public session was closed.

J. COUNCIL COMMENTS

Council Member Tkacs reported that he attended a Municipal Alliance Committee (MAC) meeting on Tuesday, February 22. During the meeting, a non-profit recovery and referral agency shared details about its no-cost program at Ironia Methodist Church. He reported that the MAC's Healthy Body, Healthy Mind event will be on Saturday, May 12.

He attended a Planning Board meeting, during which an application from Toll Brothers was reviewed. During the next meeting, the board will be hearing from Canoe Brook Development.

Council Member Veech reported that she attended a Community Garden meeting on Monday, March 1. The garden had welcomed 20 new gardeners and has requested that people with more than two garden beds vacate their additional beds to make room for new gardeners. She reported that the gardeners will be meeting on Saturday, April 23.

She shared that the high school would again be selling seedlings to the gardeners this year. She explained that the community garden had decided against offering beekeeping activities because of issues related to maintenance and training requirements. She concluded her report by sharing that the pollinator garden would be taking off again this year.

Council Member Forstenhausler reported that he was invited by the Cub Scouts to speak at Shongum Elementary School. He spoke to the scouts and children about his experience as an eagle scout, a former mayor, and as a fireman and spoke about what the council does and the benefits of being a scout. The group had great questions.

He reported that he attended the Randolph Rotary Club's 50th Anniversary Luncheon. He concluded his report by sharing that he attended an Infrastructure Work Group meeting. During the meeting, the group reviewed the Sewer Master Plan; the plan will be presented to the council at a future meeting.

Council Member Loveys provided a brief update on the search for the next Township Manager. He reminded the public that the committee was working with Jersey Professional Management to fill the position. Advertisements were placed with the New Jersey State League of Municipalities, the International City Council Manager's Association, and several other organizations. The committee narrowed the candidate pool down to eight individuals, after the submission of questionnaires and additional interviews, the final candidate pool was narrowed down to three finalists. He stated that the finalists would be interviewed sometime in March. The goal is to appoint the new Township Manager by the end of the month.

He concluded his report by sharing that he participated in the review of the Sewer Master Plan. He stated that the plan would likely be presented by April or in late spring.

Council Member Carey attended the Rotary Club's 50th Anniversary Luncheon. She shared that at one point the Rotary Club's membership was down to only four members. She explained that the club bounced back after admitting interested female members who were omitted from joining the Roxbury Rotary Club.

She informed the council that the ribbon-cutting ceremony for the Story Walk at Veterans Community Park would be held on Saturday, April 2 at 2:00 p.m.

She reported that she attended a Traffic Advisory Committee meeting. During the meeting, a couple residing on Park Avenue reported issues on the road's intersection. They had concerns about the number of accidents in the area. She explained that the police reported that in the last four years, 15 accidents, involving 32 different vehicles and 14 injuries, had been reported in the area. She shared that the police examined the reports and found that most of the incidents occurred during peak travel times. The police will be monitoring the area and are in consultation with Township Engineer Paul Ferriero to determine solutions. She added that the couple had spoken very highly about the emergency response by the Randolph Rescue Squad and the Police Department.

Manager Mountain explained that the committee had been working with the Police Department to examine the intersection prior to the recent TAC meeting. He stated that a good percentage of the accidents in the area were caused by inattentive driving and drivers not stopping at stop signs. They are considering possible solutions to make drivers more attentive in the area.

Deputy Mayor Nisivoccia attended the Randolph Rotary 50th Anniversary Celebration. He shared that he previously participated in a New Jersey Mayor's Conference in the place of Mayor Potter; the conference provided updates about legislation. He informed the council that the Senate legislation for returning full energy tax receipts to municipalities was voted on. He assumed the legislation went through and shared that something was holding it up at the Assembly.

He reported that he received an email from JCP&L regarding obtaining approval from the Board of Utilities for new meters. The new smart meters will allow JCP&L to improve its ability to pinpoint power outages and find problems with the electrical grid.

He concluded his report by thanking Mayor Potter for her comments on Ukraine.

Mayor Potter reported that the Economic Development Committee met on Tuesday, March 1. The committee is looking to honor Peter Kenny with a tree dedication. She shared that the committee has been reaching out to local businesses to feature them as Business Spotlights on the EDC website and social media pages. The committee is also working to re-design the shop local lawn signs. She suggested that members of the public follow the committee's social media pages.

She reported that she officiated a marriage ceremony on Tuesday, February 22. She shared that she picked up updated materials from the NJ 2-1-1 Call Center and invited the council to share the materials with the various committees.

Council Member Veech shared that the second annual Community Garage Sale would be taking place on Saturday, April 23. The event will be on the same day as the Clean Communities and Document Shredding events.

K. 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:

Cooperative Sober Living Residence – Legal Update

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.

Council Member Forstenhausler made a motion to move into Executive Session at 7:20 p.m. Deputy Mayor Nisivoccia seconded the motion, and the following roll call vote was taken:

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

Council Member Forstenhausler made a motion to close Executive Session at 8:55 p.m. Council Member Carey seconded the motion and the following roll call vote was taken:

AYES:	Council Member Carey
	Council Member Forstenhausler
	Council Member Loveys
	Council Member Tkacs

Council Member Veech
Deputy Mayor Nisivoccia
Mayor Potter
NAYS: None

L. ADJOURNMENT

Council Member Forstenhausler made a motion to adjourn the meeting at 8:55 pm. Council Member Loveys seconded the motion, and the following roll call vote was taken:

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