

Township of Randolph
Municipal Building
Randolph, NJ
May 4, 2023

A. COUNCIL ONLY – RHS CULINARY SCHOOL DINNER PROGRAM – 5:00 p.m.

The students of the Randolph High School Culinary Program prepared and presented the Township Council with dinner program under the guidance their instructor Chef Thomas Povinelli.

B. 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 Nisivoccia. This meeting held pursuant to the New Jersey Open Public Meeting 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 in 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 December 15, 2022, by emailing them the annual resolution adopted by the Council on December 8, 2022. The annual resolution, which included this meeting date, was advertised in the Randolph Reporter and the Daily Record on December 22, 2022. Notice was also provided to TapInto Randolph, the official Township online digital publication, on December 21, 2022.

2. Roll Call

PRESENT: Councilmember Elbaum
Councilmember Forstenhausler
Councilmember Hathaway
Councilmember Potter
Councilwoman Veech
Deputy Mayor Carey
Mayor Nisivoccia

Also Present: Township Manager Greg Poff and Township Attorney Ed Buzak

3. Pledge of Allegiance

Mayor Nisivoccia led the Pledge of Allegiance.

C. PRESENTATION/PROCLAMATION

1. VFW Buddy Poppy Distribution Proclamation

Mayor Nisivoccia presented members of VFW Post #7333 with a proclamation recognizing the VFW's annual distribution of Buddy Poppies. Mayor Nisivoccia read the proclamation into the record.

Councilmember Forstenhausler made a motion to approve the proclamations. Councilwoman Veech the motion, and the following roll call vote was taken:

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

2. Randolph Friends Meeting House Presentation

Nick Steneck presented information about the Randolph Friends Meeting House Quaker Shadows project.

D. OPEN TO THE PUBLIC

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

E. MANAGER'S REPORT

Manager Poff reported the following:

Tax appeals – The township's Tax Assessor reported that the 2023 County Tax Appeals were held on Tuesday, May 2. The light appeal volume was attributed to the strong residential housing market. The appeals were successful as the township concluded the hearings with two residential appeals being withdrawn and an industrial assessment being increased for this year and carrying forward in future years.

Pre-construction meeting – A meeting is being held on Tuesday, May 6 with Morris County engineers and a project contractor to discuss the rehabilitations of County Bridge No. 1400-765 located on Millbrook Avenue. The county's consulting engineer, JMT, presented the project to township officials last summer and described what work was being planned for rehabilitation of the bridge. The project will occur in the summer when schools are out (June 19, 2023 to August

25, 2023). Communication of the project details and traffic detours to the public is being coordinated between the county and the township.

Police Department Compliance – The Office of the State Comptroller released a report about the Police Departments’ compliance, or lack thereof, with the state’s requirements to encourage public reporting of misconduct. The agency’s review of 100 municipal police department websites across New Jersey found that 80 percent did not include a standard internal affairs report form, which is required. The township’s Police Chief was directed to review the department’s compliance with the recommendations contained in the comptroller’s report.

Senior Services Event – The Parks and Recreation Department held a Senior/Senior Prom, which included members of the senior citizen club and Randolph High School seniors. There was a total of 48 senior citizens and 18 high school seniors who enjoyed a light lunch and entertainment by a local DJ.

Finance Department Customer Service – The township’s Chief Financial Officer and Tax Collector relayed to him information about a visit they received from a resident. The resident stopped by the municipal building on Tuesday, May 2 to personally express his thanks for their assistance and service.

F. APPROVAL OF MEETING MINUTES

1. Approving the Regular Council Meeting Minutes for April 4, 2023

Deputy Mayor Carey made a motion to approve the Regular Meeting Minutes of April 4, 2023. Councilmember Hathaway seconded the motion, and the following roll call vote was taken:

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

G. COMBINED ACTION RESOLUTIONS

Item #4, R-103-23 Authorizing the Settlement of Certain Commercial Tax Appeals for Various Properties - Total Taxes Under Appeal \$5,205,821.67 - Total Refund \$40,941.57 – Manager Poff explained that this item speaks to the professionalism and expertise within the Tax Assessment Office, and the professionals and attorneys that work with the Tax Assessor.

1. R-100-23 Refund Tax Sale Certificate #18-43 for Block 215, Lot 67, 32 Ash Lane to Four Corners Capital - \$2,682.86

2. R-101-23 Awarding a Contract for Maintenance Contract for Township's Fire Apparatus to W. Campbell Supply Company, Inc. - not to exceed \$10,000

CERTIFICATION OF AVAILABILITY OF FUNDS

Dated: May 4, 2023

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 to W. Campbell Supply Company, LLC for maintenance of the Township's fire apparatus in an amount not to exceed \$10,000.

Deborah Bonanno

Chief Financial Officer

Budget Accounts: 01-201-26-315-308 2023 (not to exceed \$10,000)

3. R-102-23 Release Cash Road Opening Bond Posted for the Purpose of Tying into the Township Storm Drain at 21 Cromwell Dr., Mendham, Block 38.01, Lot 4 to Eric Globerman - \$500.00
4. R-103-23 Authorizing the Settlement of Certain Commercial Tax Appeals for Various Properties - Total Taxes Under Appeal \$5,205,821.67 - Total Refund \$40,941.57
5. Raffle License: On-Premise 50/50, Roxbury Junior Lacrosse Inc., 282 Eyland Avenue, Succasunna, NJ, St. Andrew's Greek Orthodox Church, 1447 Sussex Turnpike, Randolph, May 20, 2023, at 9:00 p.m.
6. Raffle License: On-Premise Tricky Tray, Roxbury Junior Lacrosse Inc., 282 Eyland Avenue, Succasunna, NJ, St. Andrew's Greek Orthodox Church, 1447 Sussex Turnpike, Randolph, May 20, 2023, 9:00 p.m.

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

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

H. UPCOMING EVENTS

1. Habitat for Humanity's Women Build Week Kickoff - on Friday, May 5, 2023, at 11:00 a.m. on Bennet Ave.
2. Randolph Friends Meeting House and Cemetery Tour, 2 Quaker Ave., Randolph, on Sunday May 7, 2023, from 12:00 noon - 5:00 p.m.
3. Council Only - Community Garden Meeting and Reception, Community Center on Calais Road, Friday, May 12, 2023, from 6:30 p.m.- 8:00 p.m.
4. Artworks Annual Student Art Show, at the Artworks Studio on Saturday, May 13, 2023, from 4:30 p.m. - 6:30 p.m.
5. Beefsteak Dinner Fundraiser - Millbrook Fire Company #2, 340 Rte. 10, Randolph, on Saturday, May 13, 2023, at 5:00 p.m. - \$50.00
6. Artworks Reception at Town Hall, Thursday, May 18, 2023, 5:30 p.m. - 7:30 p.m.
7. Arts in the Park, Veterans Community Park, 100 Calais Road, Randolph on May 20, 2023, from 11:00 a.m. - 5:00 p.m.
8. Randolph Indian Association Holi Event, on Sunday, May 21, 2023, from 2:00 p.m. - 6:00 p.m. at Freedom Park
9. Randolph Memorial VFW Post 7333, Annual Memorial Day Ceremony, Monday, May 29, 2023, 11:00 a.m. at Post 7333 Building, 103 Carrell Road, Randolph, 07869
10. Habitat for Humanity Bennett Avenue Dedication of Completed Buildings, Thursday, June 1, 2023, at 11:00 a.m.
11. Girls Softball "Under the Stars" Championship Game on Saturday, June 10, 2023, at Brundage Park - Championship game begins at 7:00PM
12. Library Music Event, 28 Calais Road, Randolph, Monday, June 26, 2023, at 7:00 p.m. - Jake Thistle & Band
13. Library Music Event: 28 Calais Road, Randolph, Monday, July 3, 2023, at 7:00 p.m. - Unusual Suspects
14. Library Music Event: 28 Calais Road, Randolph, Monday, July 10, 2023, at 7:00 p.m. - Jersey Sound
15. Library Music Event: 28 Calais Road, Randolph, Monday, July 17, 2023, at 7:00 p.m. - Rosewood Band
16. Library Music Event: 28 Calais Road, Randolph, Monday, July 24, 2023, at 7:00 p.m. - Jack the Band
17. Library Music Event: 28 Calais Road, Randolph, Monday, July 31, 2023, at 7:00 p.m. - Country Comfort

18. Library Music Event: 28 Calais Road, Randolph, Monday, August 7, 2023, at 7:00 p.m. - Fab Forward Band
19. Library Music Event, 28 Calais Road, Randolph, Monday, August 14, 2023, at 7:00 p.m. - The Green Planet Band
20. Library Music Event, 28 Calais Road, Randolph, Monday, August 21, 2023, at 7:00 p.m. - Fish Eyed Blues
21. Library Music Event, 28 Calais Road, Randolph, Monday, August 28, 2023, at 7:00 p.m. - Five Wheel Drive

I. OPEN TO THE PUBLIC

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

J. COUNCIL COMMENTS

Councilmember Potter reported that the township was just shy of 500 Recycle Coach App users. She encouraged the council to share the app information with boards and committees to get over the 500 count. She explained that the app frequently asks users recycling questions; a recent app question asked users if it was permissible to recycle flour bags; the answer is no, as the bags are lined with fused layers that cannot be separated and sorted.

Councilmember Elbaum had nothing to report for this meeting.

Councilmember Hathaway shared that he visited a half-a-dozen community-wide garage sale participants over the prior weekend. He informed the council that he heard positive feedback about the event and that many people were participating.

He reported that he attended a Traffic Advisory Committee meeting. During the meeting, Officer Richard Biase shared that the number of motor vehicle crashes reported in March (31) was significantly lower than the typical monthly average (60 – 80).

Councilwoman Veech had nothing to report for this meeting.

Councilmember Forstenhausler reminded the council that Fire Company No. 2 will be hosting a Beefsteak Dinner and Tricky Tray event on Saturday, May 13.

He reported that the recent Municipal Alliance Committee meeting was the last one Officer Biase would be attending before his retirement. He wished Officer Biase all the best.

Deputy Mayor Carey had nothing to report for this meeting.

Mayor Nisivoccia attended an Economic Development Committee meeting. He shared that the committee has secured 1/3 of the required Randolph Rewards printed booklet advertisements. He added that an online version of the booklet coupons would be available. He reported that the committee has reached an estimated 1,000 followers with its social media posts. He explained that the committee would be launching a new initiative to spotlight both veteran-owned businesses and businesses that offer veteran discounts.

He joined members of the Liberty Tree Preservation Committee at the DPW Garage to inspect the portions of the Liberty Tree. He stated that the committee's goal was to preserve two tree rings. He suggested that any additional commemorative preservation ideas for the project be shared with the committee. He added that the committee secured a proposal from a sawmill and expected to hear about its grant submission next week.

He concluded his report by sharing that he attended the Little League Opening Day event, the Bike Rodeo event, the Ironia Fire Company's 75th-anniversary event, and the grand opening of the Chabad Center for Jewish Life.

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:
 - A. Contract Negotiations: Shongum Lake Property Owners Association
 - B. Litigation – Zotynia v. Randolph
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 Potter made a motion to move into Executive Session at 6:50 p.m.
Councilmember Hathaway seconded the motion, and the following roll call vote was taken:

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

Councilmember Potter made a motion to close the Executive Session at 8:20 p.m. Deputy Mayor Carey seconded the motion, and the following roll call vote was taken:

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

L. ORDINANCE INTRODUCTION

Manager Poff explained that the purpose of this ordinance is to authorize a special assessment for the dredging and restoration of Shongum Lake, hydro-raking, cleaning/restoration of a portion of Den Brook and the implementation of other nonpoint source pollution control measures in the Township of Randolph, which will include completion of engineering and environmental investigations, sampling and laboratory analysis and design necessary to complete plans and specifications, permitting and construction of the project as well as construction inspection services.

He read the following statement into the record:

Shongum Lake Property Owners Association (“SLPOA”) has been conditionally awarded a loan from the New Jersey Department of Environmental Protection (“NJDEP”) to perform the dredging of strategic areas within Shongum Lake. NJDEP has conditionally awarded the amount of \$5,000,375. The loan is repayable at two percent (2%) interest, over the course of twenty (20) years. The law governing the NJDEP loan program requires that Randolph Township act as co-applicant and co-borrower on the loan, and specially assess all of those properties that benefit from the project. The assessment would be made against all of the approximately 801 properties that have a license or a lake right to use Shongum Lake. The amounts assessed would be used to pay-off the loan over the twenty-year period.

SLPOA approached the Township and asked if there would be support for the township to act as co-applicant and co-borrower on the loan for the strategic dredging of Shongum Lake. The Township Council deliberated on the dredging, and otherwise improving, the lake. There is clearly value to the properties within the Shongum Lake project area from having a well maintained and viable lake. The Township Council further reflected and believed there is a broader benefit to the entire community in terms of maintaining property values across the township by seeing the lake sustained as a natural resource and a place of recreation.

Randolph Township and SLPOA relied upon a preliminary appraisal report prepared by Holzhauer & Holenstein, LLC ("H&H") to estimate the benefit to each of the properties that have a license or lake rights to use Shongum Lake. The H&H appraisal report determined that there are three distinct categories of benefit and recommended that the assessment be made on a tiered basis, including lakefront, canal access, and lake community.

Randolph Township required that SLPOA demonstrate a minimum of two-thirds of the approximately 801 properties are in favor of the project and the special assessment. On February 9 the Township received a total of 538 petitions in favor of the proposed project satisfying the Township's requirement in order to contemplate authorizing a co-borrower agreement and special assessment ordinance.

This evening the Township Council considers the introduction of the necessary special assessment ordinance, which will allow the process of the strategic dredging of Shongum Lake to continue. It should be noted that such a special assessment is not reflected as township debt. In addition, all the costs associated with this project will be covered by SLPOA as part of a deficiency agreement, which will be considered by the township council at its meeting of May 18.

The legislative process the township council must follow includes ample opportunity for public input, including the public hearing on this special assessment ordinance (scheduled for May 18), the public meeting to determine assessments once the project is completed and total costs are certified, and finally a public hearing on the confirmation of the assessments.

Randolph Township has prepared frequently asked questions about the special assessment process available on the township website.

BE IT RESOLVED, that an Ordinance entitled, "Authorizing Special Assessment for the Dredging and Restoration of Shongum Lake, Hydro-Raking, Cleaning/Restoration of a Portion of Den Brook and the Implementation of other Nonpoint Source Pollution Control Measures in the Township of Randolph, Morris County, New Jersey, Including the Completion of Engineering and Environmental Investigations, Sampling and Laboratory Analysis and Design Necessary to Complete Plans and Specifications, Permitting and Construction of the Project as well as Construction Inspection Services to the Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003, and the Green Acres Clean

Water, Farmland and Historic Preservation Bond Act of 1992,” 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 18th, of May, 2023 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 suggested that the FAQs be re-examined to reflect any questions that may be shared after this meeting.

Councilmember Potter made a motion to introduce the ordinance. Deputy Mayor Carey seconded the motion and following roll vote was taken:

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

M. ADJOURNMENT

Councilwoman Veech made a motion to adjourn the meeting at 8:25 p.m. Councilmember Elbaum seconded the motion and following roll vote was taken:

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