



# AGENDA

## HOWELL TOWNSHIP COUNCIL REGULAR MEETING

Howell Township Municipal Building, Main Meeting Room  
4567 Route 9 North, Howell, NJ

**May 9, 2023**

Executive Session 6:00 PM

Regular Session 7:00 PM

*This agenda is complete to the extent known at time of posting and is subject to change pursuant to N.J.S.A. 10:4-8(d). Any inquiries concerning the agenda should be directed to the Township Clerk at 732-938-4500, extension 2125.*

**Click on the item number to review the linked document.**

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### CALL TO ORDER BY MAYOR BERGER

### OPENING STATEMENT

This meeting is being held in accordance with Public Law 1975, Chapter 231 (Open Public Meetings Act). Adequate notice has been provided by transmitting the notice of this meeting to the Asbury Park Press and the Star Ledger, by posting it on the bulletin board reserved for such announcements in the Township Municipal Building, and by filing it with the Municipal Clerk on January 6, 2023. This agenda is complete to the extent known, and formal action will be taken.

### ROLL CALL

**EXECUTIVE SESSION** – Resolution [23-210](#)

### ROLL CALL

### PLEDGE OF ALLEGIANCE TO THE FLAG

### PROCLAMATIONS

- Mental Health Awareness Month – read into the record by Christa Riddle
- National Public Works Week – May 21 – May 27, 2023
- Distracted Driving Crackdown – April 1 – April 30, 2023

### REPORTS OF TOWNSHIP DEPARTMENT OFFICIALS

### HEARING OF CITIZENS AND PUBLIC COMMENTS ON CONSENT AGENDA ITEMS AND GENERAL MATTERS

*Each person shall first give their name and address to the Clerk. The Council should be addressed as a collective body, and not as individual members. Each person shall have one turn to address the Council, and comments shall not exceed a total five minutes. Speakers shall be notified when their time has run, and no time extensions shall be permitted.*

## RESPONSE TO PUBLIC COMMENTS

### INFORMATION AND COMMENTS BY ELECTED OFFICIALS

#### CONSENT AGENDA ITEMS

*All matters listed under the consent agenda are considered routine by the Township Council and enacted by one motion. Therefore, there will be no separate discussion of these items. However, if a discussion is desired on an item, that item must be removed from the consent agenda and be considered separately.*

#### RESOLUTIONS

- [R-23-174](#) AUTHORIZING THE RETURN OF THE DRIVEWAY AND STABILIZATION GUARANTEE, CASE NO. BA-19-10/ENG-19-080
- [R-23-175](#) AUTHORIZING THE RETURN OF UNUSED ZONING BOARD AND INSPECTION ESCROW FUNDS, CASE NO. BA-20-103
- [R-23-176](#) AUTHORIZING THE ACCEPTANCE OF THE PERFORMANCE GUARANTEE, CASE NO. BA-20-107
- [R-23-177](#) AUTHORIZING THE RETURN OF UNUSED ZONING BOARD ESCROW FUNDS, CASE NO. BA21-05
- [R-23-178](#) RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. CONCEPT PLAN C163-186
- [R-23-179](#) RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. CONCEPT PLAN C163-187
- [R-23-180](#) RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. CONCEPT PLAN C163-189
- [R-23-181](#) RETURN OF UNUSED ZONING BOARD ESCROW FUNDS, CASE NO. CONCEPT PLAN C163-198
- [R-23-182](#) RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. CONCEPT PLAN C163-200
- [R-23-183](#) RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. CONCEPT PLAN C163-202
- [R-23-184](#) RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. CONCEPT PLAN C163-206
- [R-23-185](#) RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. CONCEPT PLAN C163-226

- [R-23-186](#) RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. CONCEPT PLAN C163-227
- [R-23-187](#) RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. CONCEPT PLAN C163-238
- [R-23-188](#) AUTHORIZING THE RETURN OF UNUSED ESCROW FUNDS, CASE NO. POOL 2010-001
- [R-23-189](#) AUTHORIZING THE RETURN OF UNUSED ENGINEERING REVIEW ESCROW FUNDS, MSC ENTERPRISES
- [R-23-190](#) REFUND OF A PERMIT APPLICATION FEE, CONTROL NO. C-61062
- [R-23-191](#) AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE AND ACCEPTANCE OF THE MAINTENANCE GUARANTEE, CASE NO. APP-01-342
- [R-23-192](#) AUTHORIZING THE RETURN OF UNUSED SANITARY SEWER REVIEW ESCROW FUNDS, CASE. NO. APP-01-338
- [R-23-193](#) AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEES AND WAIVER OF THE MAINTENANCE GUARANTEES, CASE NO. SD-2885
- [R-23-194](#) AUTHORIZING THE RETURN OF UNUSED WATER AND SANITARY SEWER REVIEW ESCROW FUNDS, CASE NO. SP-1035
- [R-23-195](#) RESOLUTION AUTHORIZING THE RETURN OF UNUSED SANITARY SEWER REVIEW ESCROW FUNDS, CASE NO. APP-01-266
- [R-23-196](#) AUTHORIZING THE EXECUTION OF AN AMENDED DEVELOPER'S AGREEMENT WITH HOWELL FAMILY APARTMENTS, LLC
- [R-23-197](#) AUTHORIZING TAX OVERPAYMENT REFUNDS
- [R-23-198](#) AUTHORIZING A REFUND OF RECREATIONAL PROGRAM FEES
- [R-23-199](#) AWARDING A FAIR AND OPEN CONTRACT TO QUALITY ELECTRICAL CONSTRUCTION COMPANY FOR THE SOLDIER MEMORIAL PARK SPORTS LIGHTING PROJECT IN THE TOWNSHIP OF HOWELL
- [R-23-200](#) RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE FY2024-FY2026 AMENDED AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE CDBG INVESTMENT PARTNERSHIP PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

- [R-23-201](#) RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE FY2024-FY2026 REVISED AMENDMENT AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT
- [R-23-202](#) RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL FOR THE ACCEPTANCE OF THE PROJECT AND ACCEPTANCE OF THE FINAL CHANGE ORDER FOR THE 2021 PAVEMENT PATCH PROGRAM – CONTRACT #21-14
- [R-23-203](#) AUTHORIZING TITLE 39 MOTOR VEHICLE ENFORCEMENT UPON REAL PROPERTY KNOWN AS BLOCK 137, LOT 14
- [R-23-204](#) APPOINTING JEAN CIPRIANI, ESQ. AS INTERIM TOWNSHIP ATTORNEY
- [R-23-204A](#) RESOLUTION AUTHORIZING SETTLEMENT AND RELEASE AGREEMENT TO RESOLVE A PENDING PERSONNEL MATTER
- [R-23-204B](#) SUPPORTING THE 2023 UDRIVE UTEXT UPAY DISTRACTED DRIVING CRACKDOWN APRIL 1 - 30, 2023

**RESOLUTIONS [to be voted separately]**

- [R-23-205](#) REQUESTING THAT CHANGES BE MADE TO MUNICIPAL LAND USE LAW TO ASSIST MUNICIPALITIES IN BETTER DEALING WITH THE PROLIFERATION OF WAREHOUSES

**UNFINISHED BUSINESS: PUBLIC HEARING / ADOPTION OF ORDINANCES**

- [O-23-13](#) **AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL, AUTHORIZING THE PURCHASE OF BLOCK 168, LOT 19.09 AND BLOCK 177, LOT 5.03 IN THE TOWNSHIP OF HOWELL FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**  
*(Introduction – April 18, 2023)*  
*(Public Hearing and Adoption – May 9, 2023)*  
Explanatory Statement: An Ordinance by the Township Council of the Township of Howell Authorizing the Purchase of Block 168, Lot 19.09 and Block 177, Lot 5.03 in the Township of Howell from the New Jersey Department of Transportation

**INTRODUCTION OF ORDINANCES** - *None at this time.*

# **2023 MUNICIPAL BUDGET**

Resolution

[R-23-206](#) **RESOLUTION DETERMINING THAT THE TOWNSHIP'S BUDGET FOR THE 2023 FISCAL YEAR SHALL BE READ BY TITLE ONLY**

Resolution

[R-23-207](#) **CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATIONS OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"**

Resolution

[R-23-208](#) **RESOLUTION ASSUMING RESPONSIBILITY FOR BUDGET EXAMINATION OF THE 2023 MUNICIPAL BUDGET AND CERTIFYING THAT THE 2023 MUNICIPAL BUDGET HAS FULFILLED ALL NECESSARY STATUTORY REQUIREMENTS**

Resolution

[R-23-209](#) **ADOPTION OF THE 2023 MUNICIPAL BUDGET**  
*(Introduction April 4, 2023)*  
*(Public Hearing and Adoption May 9, 2023)*

**PUBLIC COMMENT ON ADOPTION OF 2023 MUNICIPAL BUDGET**

**RESPONSE TO PUBLIC COMMENTS**

**MEETING DATES**

The next regularly scheduled Council meeting will take place on Tuesday, May 23, 2023. Executive Session begins at 6:00 PM and the Regular Session will begin at 7:00 PM.

**ADJOURNMENT**