

**Howell Township Council**  
**Regular Meeting Minutes**  
**May 9, 2023**  
**Executive Session 6:00 PM**  
**Regular Session 7:00 PM**

**CALL TO ORDER**

Mayor Berger called the meeting to order at 7:01 P.M.

**OPENING STATEMENT AND ROLL CALL**

Township Clerk Festino read the 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, the Star Ledger, and the Tri-Town News, by posting it on the bulletin board reserved for such announcements in the Township Municipal Building, and by filing with the Municipal Clerk on January 6, 2023. This agenda is complete to the extent known and formal action will be taken.

**ROLLCALL**

Present: Councilwoman Susan Fischer, Councilman Fred Gasior, Councilman Ian Nadel, Deputy Mayor Evelyn O'Donnell and Mayor Theresa Berger. Also present: Township Manager Joseph Clark, Township Attorney Caitlin Harney, Director of Community Development, Matthew Howard, Township Planning Board Planner, Jean Beam, Chief Financial Officer, Lou Palazzo and Township Clerk Diane Festino.

Motion to enter into Executive Session – R-23-210 motioned by Councilman Gasior, seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. Absent: Mayor Berger.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Berger led the Pledge of Allegiance to the Flag with a moment of silence for all our fallen & ill heroes.

**PROCLAMATIONS**

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

**REPORTS OF TOWNSHIP DEPARTMENT OFFICIALS**

Township Manager, Joseph Clark – informed Al Miller from the Board of Education and Jen Beam, Planning Board Planner are present this evening to address concerns regarding school bus safety and the warehouses.

Al Miller, President, Howell Board of Education – Read into the record the letter submitted to the Governing Body which mentioned the scheduling of transportation of the school buses and any impact a development or structure may have on the safety of the students. Regarding warehouses and truck traffic on several roadways, the bus routes, which are normally conducted from 6:30 am to 9:15 am, 11:00 am to 12:30 pm and 1:45 pm to 5:30 pm. This does not include the numerous high school, private school and special purpose routes. We request any traffic study include these time periods and volumes in the analysis. We will provide any statistical data, which might better the community. Should you need to discuss this issue, please contact Mr. Sanasac or Ms. Vasquez.

Jen Beam – Planning Board Planner – Explained the Township does not prepare the traffic study and the applicant's professionals provide the studies. Those studies are done during the peak hour of the roadways. The analysis of the roadway includes every single vehicle on the road and their movements on the peak hours of that road which includes weekends; that peak hour may or may not coincide with the school's peak hours. Ms. Beam will convey his sentiments to the Planning Board Engineer making sure it includes any school bus traffic.

### **HEARING OF CITIZENS AND PUBLIC COMMENT**

*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.*

Jerry Barron, 37 Daniella Way – The Farmer's Market begins on May 21<sup>st</sup> at Echo Lake from 10:00 am to 2 pm. Arbor Day was successful and suggested a recap meeting. We are looking for volunteers for this Saturday at 10:00 am on Easy Street for maintenance day. 1) Optimum Cable – in 2009, a 10-year agreement was signed which expired in December 2019. It stated you received \$14,000 and I would like to know where those monies were allocated.

Bear Creek Herbery, Susan & Ron Springer – waiting for the Master Plan element to allow events at farms. We have a petition with 5,000 comments. The document was provided to Township Clerk Festino. Ron Springer read some comments from the petition into the record. Looking to begin small events to sustain our farm.

Jessica Pollicino, 2 Cindy Court – issues on her street with commuter parking on her street instead of using the Park & Ride. She is looking for signage regarding commuter parking.

Benjamin Novak, 58 Yellowstone Lane – thanked the Mayor for attending this evening. 1) what is being done with the anticipated revenue from the large homes, which are being built? He requested a proclamation for National Military Month. The lighting in the lower parking lot in the front is dark and would like it looked into.

Shari Reavis, 3 Hearth Court – spoke regarding relationships. The Governing Body is to have a relationship with all the residents and me. She is not in favor of the public comment section. The response from the professionals does not allow me to speak. An opportunity for her voice to be heard is with the Master Plan. She is requesting a formal process to be made allowing the public to give suggestions to the Master Plan Subcommittee and to the Zoning/Planning Boards when they are

discussing the Master Plan. I am suggesting you consider the format at Council Meetings of public comments as the dialogue, the listening and the acknowledgement of what is being said is what creates the relationship. *Applause.*

Marc Parisi, 2 Castle Court – disappointed Council has not introduced an ordinance to lift the weight restriction from Howell Road & Van Der Veer/Route 33, which would allow the trucks for the Howell Road warehouse to exit off Howell Road entering Route 33 West bypass. The applicant has stated they don't plan on owning & operating these warehouses and will sell the land with the approvals.

Motion to close Public Comment by Councilman Gasior, seconded by Councilwoman Fischer. Ayes: Passed by unanimous vote.

### **RESPONSE TO PUBLIC COMMENTS**

Township Manager, Joseph Clark – everyone is looking forward to the Farmer's Market starting again and we will get together for a meeting. Township Manager Clark believes the \$14,000 was spent on Howell TV & cameras and he will look into it.

Director of Community Development, Matthew Howard – Bear Creek Herbery & special events, the State recently passed legislation and he has been in contact with the County. There seems to be confusion and we're trying to get the clarification. I cannot offer relief for small events. We're still looking at the ordinances and we want to make sure the farms grow and survive but we have to weigh the balance. Mayor Berger confirmed a notice goes out to the surrounding neighbors for 200' for a site plan and use variance. Regarding Bear Creek Herbery, we received a prior site plan, it was very well received, and we had recommended them coming in for the application. Jen Beam stated they came in for a concept plan and I recommended that they move forward with an application. Regarding Cindy Court, our Township Engineer brought to our attention, there is an issue and we will work on an Ordinance.

Township Manager, Joseph Clark – in terms of anticipated revenue; they come onto our tax rolls when the Certificate of Occupancy is issued. We will look into the lights at the lower parking lot.

Township Attorney Harney – stated Ms. Reavis's comment was very well articulated and we can bring this to the Boards and maybe they can hold a public meeting on the Master Plan. We recently changed our format preventing the back and forth and a full 5 minutes is given to address their issues. In the past, some were being cut off, some received extensions, and some did not. Everyone now gets the opportunity to comment and we do our best to respond to all your comments during the response to public comments section. Should you have specific questions or want to be involved in drafting ordinance, you may reach out to us directly and we are all available by email or telephone.

Councilwoman Fischer stated this is a big Town and last meeting, there were 29 people that spoke. It's fairer, I feel this works better, and we are listening and taking notes. Councilman Gasior stated we moved our comments up into the agenda and you are welcome to stay after the meeting and speak to me.

Jen Beam – ordinance lifting weight restrictions, the Planning Board has never made a request for certain roads within the community. The Planning Board continues to work with Administration and the Governing Body on all applications that come our way but no over assertion to lift weight restrictions.

Councilman Gasior stated we came in after this was approved, I know a tractor trailer can't make the turn at Howell Road & Route 33. Ms. Beam explained the Board's professionals have been advocating for the residents. The zoning is what the zoning is, the off-site traffic on a permitted use cannot be evaluated, and only ingress/egress is permitted to be evaluated. The law is the law and we must abide by the law.

### **INFORMATION AND COMMENTS BY ELECTED OFFICIALS**

Deputy Mayor O'Donnell – thanked everyone that participated in the National Day of Prayer and work has already begun on the 2024 event. On May 29<sup>th</sup>, at 11:00 AM, we will have the Memorial Day Event at Soldier Memorial Field. At 12:00 PM, will be the Farmingdale Memorial Parade and I encourage everyone to come to the services, especially the event at Soldier Memorial Field. Veteran housing is still an important task for me; therefore, I ask the Clerk's Office to prepare a proclamation for Military Month. This Sunday is Mother's Day and please treat your Mothers well. With the change in our format, we are trying to be as fair as possible and getting the information back in a prompt manner. We are all available to answer your questions.

Councilwoman Fischer – unconstitutional, unreasonable, arbitrary and caprices demands, asked Manager Clark were we stand with our next round of COAH. S.2234 – Home Act – this bill would require HUD construct and preserve multi-family rental projects in rural areas. Manager Clark stated it is still an open issue and have been getting ready for the next round.

Councilman Nadel – When things are not on the agenda for a particular meeting, it doesn't mean that nothing is happening. After the April 18<sup>th</sup> meeting, I reached out to Manager Clark to start working on some items. I asked him to analyze our truck routes, look into 24/7 operations and truck idling. Mr. Howard informed they took the State ordinance on idling and it self-defeated itself for purposes. We have to do it very carefully with our attorneys; if the data does not support it, it will be denied. Mayor Berger confirmed with Mr. Howard that every road is a truck road. Mr. Clark explained they can be on every road in the Town. With Interstate Commerce, every single municipality could say, we do not want trucks. We need all our back up in order for State approval.

Councilman Gasior – Confirmed with Manager Clark we are in the preliminary stages of submitting to the State regarding the truck roads. We are hearing a lot about the school busing and what is being taken away. It is so much more than that. I went to a budget meeting the other night at the Freehold Regional High School District and this did not just begin this year. The State put forth \$26 Million in cuts since 2018 and this was part of that. The face of that district will change and the education will be affected. It is an election year and I recommend you start calling & attending those meetings. Vin Gopal is the Senate Chair of the Education Committee and an email from his page can be sent and to the members of the education committee.

### **CONSENT AGENDA 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

Deputy Mayor O'Donnell motioned to adopt Resolutions 23-174 & R-23-204 seconded by Councilman Gasior. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *The Consent Resolutions passed.*

**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

Councilman Nadel explained this is being done at the local level. We can only take limited practices into place. I have spoken with Assemblyman Sean Kean and will try to get something done to support it. It is many other towns throughout the State.

Deputy Mayor O'Donnell motioned to adopt Resolutions 23-205 seconded by Councilman Gasior. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Resolution R-23-205 passed.*

## UNFINISHED BUSINESS

**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.

Public comment opened; No one came forward. Motion to Close Public Comment Motioned by Councilman Nadel, seconded by Councilwoman Fischer. Ayes: Voted by Unanimous Consent.

Councilman Nadel motioned to adopt Ordinance O-23-13, seconded by Councilman Gasior. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Ordinance O-23-13 has been properly adopted.*

**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**

Deputy Mayor O'Donnell motioned to adopt Resolution 23-206 seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Resolution R-23-206 passed.*

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"**

Councilman Gasior motioned to adopt Resolution 23-207 seconded by Councilman Nadel. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Resolution R-23-207 passed.*

*Clerk Festino noted that the affidavit has been signed during the meeting.*

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**

Deputy Mayor O'Donnell motioned to adopt Resolution 23-208 seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Resolution R-23-208 passed.*

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

No one came forward; motion to close motioned by Deputy Mayor O'Donnell, seconded by Councilman Gasior. Ayes: passed by unanimous consent of those present.

Resolution  
R-23-209

**ADOPTION OF THE 2023 MUNICIPAL BUDGET**  
*(Introduction April 4, 2023)*  
*(Public Hearing and Adoption May 9, 2023)*

Councilman Gasior motioned to adopt Resolution 23-209 seconded by Councilman Nadel. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell. No: Mayor Berger. *Resolution R-23-209 passed.*

**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.

Mayor Berger thanked everyone for the time and effort put into the budget. I do not take away the difficulty involved in the preparation. I cannot vote yes in all good faith and in my own conscious and for the people who voted me in to vote yes for a 4% increase. That is my reason for voting no.

Township Manager Clark offered another explanation of the budget and Mayor Berger felt all her questions were answered. Discussions ensued and Township Manager Clark offered an amendment process to the budget. Mayor Berger was not in agreement with the budget presented.

Deputy Mayor O'Donnell stated that management did give the opportunity for Council to meet with the Township Manager and the departments. Manager Clark provided the dates of those emails as Mayor Berger stated she did not receive such emails. Deputy Mayor O'Donnell appreciated the time Manager Clark spent with Council. She discussed the upcoming PBA contract negotiations.

Councilwoman Fischer stated she would like to hire more Police Officers and Code Enforcement Officers. Trenton has imposed a 23% health benefit raise. She noted administration did a great job on

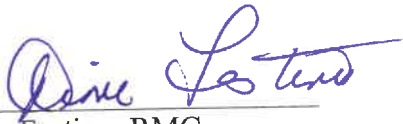


the budget. She questioned if Mayor Berger would like to cut any services. Councilwoman Fischer was not happy that her taxes went up but didn't want to cut services. Manager Clark explained we have to be reasonable and anticipate what may be coming along. Mayor Berger stated we increase our revenues every year and that something she asks for every year to realize the actual of the prior year. Manager Clark explained the Township needs to be conservative.

**ADJOURNMENT** at 8:31 PM

Councilwoman Fischer motioned to adjourn the meeting, seconded by Councilman Gasior and passed by unanimous consent.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Diane Festino", written over a horizontal line.

Diane Festino, RMC  
Municipal Clerk  
Township of Howell

**APPROVAL OF MAY 9, 2023 MINUTES:**

<b>COUNCIL</b>	<b>MOTION</b>	<b>2ND</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<i>Councilwoman Fischer</i>			<b>X</b>			
<i>Councilman Gasior</i>	<b>X</b>		<b>X</b>			
<i>Councilman Nadel</i>		<b>X</b>	<b>X</b>			
<i>Deputy Mayor O'Donnell</i>			<b>X</b>			
<i>Mayor Berger</i>					<b>X</b>	

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held May 23, 2023. WITNESS my hand this 24<sup>th</sup> day of May 2023.

Diane Festino, RMC  
Municipal Clerk  
Township of Howell