

Howell Township Council
Regular Meeting Minutes
January 17, 2023
Executive Session 6:00 PM
Regular Session 7:00 PM

CALL TO ORDER

Mayor Theresa Berger called the meeting to order at 6:05 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 December 23, 2022. This agenda is complete to the extent known and formal action will be taken.

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 and Township Clerk Diane Festino.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

EXECUTIVE SESSION

Councilman Gasior motioned to go into Executive Session, seconded by Deputy Mayor O'Donnell. Ayes: Councilwoman Susan Fischer, Councilman Fred Gasior, Councilman Ian Nadel, Deputy Mayor Evelyn O'Donnell and Mayor Theresa Berger. Resolution R-23-83 is approved for discussion in Executive Session; Items: Litigation/Potential Litigation and Personnel.

MEETING RECONVENED AT 7:18 PM

Mayor Berger congratulated & welcomed everyone to the meeting. She welcomed all the new Council Members to their new appointments including welcoming Deputy Mayor O'Donnell back.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

Mayor Berger announced the Reports of Township Officials will be moved until the end of the meeting. She read the following statement out of the Howell Township Meeting Protocol Policy:

The manner of addressing the Council, each person addressing the Council shall come to the microphone and give his or her name and address in an audible tone of voice for the record and they shall limit their statement to three minutes. *(We now have five minutes)*. All comments shall be addressed to the Council

as a body and a riot of any individual person thereof. No members other than the Council and the member having the floor shall be permitted to enter into any discussion either directly or through a member of the Council without the permission of the presiding officer. No questions shall be asked of a Council Member except through the presiding officer. Decorum by Council Members and the members must present order and decorum and a member, neither from conversation or otherwise except, or herein provide a delay or interrupt the proceedings. The peace of the Council and disturb any member while speaking or refuse to obey the orders of the Council or its presiding office.

Decorum by Persons – any person making impertinent or slanderous remarks or who shall become victorious while addressing the Council, shall forthwith be barred from further audience before the Council by the presiding officer unless permission to continue or again address the Council be granted by majority vote of Council.

Enforcement of Decorum – the Chief of Police or such members of the Police Department which the Chief of Police may designate shall be the Sargent of Arms at Council Meetings. They shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council Meeting.

Mayor Berger stated there were a tumultuous couple of years and I personally would like to enjoy the conversation as opposed to bickering.

Another comment was concerning not enough AEDs in our parks. I believe it is unsafe not to have the devices for life saving. I propose to Council that we make a recommendation to provide AEDs in all public areas for safety.

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.

Barbara Dixel, Howell Resident – Wished the Council well. R-23-59 & Ordinance O-23-01 & O-23-02.

Township Manager Clark explained the questions will be addressed after the public comment section.

Tina Smilek, Howell Resident – Wished everyone a Happy New Year. She went over the protocol and questioned what if there is a follow up question after the question has been answered. Manager Clark explained the point of the meeting is for the Governing Body to transact Township business and you have a right to comment but it is not a question and answer session. Manager Clark advised a person may email, call or make an appointment for a visit with any of us to have your questions addressed.

Mrs. Smilek stated the new signs here and at Soldier Memorial look great. Questioned if the recreation camp is moving to PAL. R-23-64, upkeep and maintenance. R-23-69, nothing attached for the amendment. What is our funded capital amount vs. our unfunded capital amount? R-23-79, what kind

of expansion is it. R-23-75, Ramtown First Aid Building, what will happen to the Ramtown First Aid. R-23-80, pickle ball on the skate parks, maybe those courts moving away from the resident.

Public Comment has been closed.

RESPONSE TO PUBLIC COMMENTS

Manager Clark responded to the public comment questions:

R-23-59 – Appointing Ed Runyon as Chair as there was an oversight at the Reorganization Meeting.

O-23-01 – yearly salary ordinance in accordance with the Teamsters and TWU contracts. It also has a provision for my salary, so if there are specific questions, they may be addressed at the public hearing at the next meeting.

O-23-02 – Explained by Matt Howard, a commercial site the former Pizza Hut site. Back in the 80's approval, the pump station was to be dedicated to the Township. Everything was inline but a deed and transfer of ownership was never handled. They will transfer and we will handle going forward. The costs of owning it going forward, we have our sewer department and contractors to assist us with maintenance as needed. Mayor Berger confirmed there is no revenue.

R-23-69 – includes the development rights by Weapons Station Earle, where the homeowner retains the home with life rights and they give us the development aspect.

R-23-79 - Explained by Matt Howard, when DOT bought up a lot of properties these two properties (orphan lots) are a couple of hundred square feet in size. Because we don't own them and the work that is happening on Fairfield Road would not be able to improve roadways. If we own it, the developer can make it a uniform road.

Manager Clark stated the amended for the capital budget is to cover the acquisition of those development rights.

R-23-75 – Ramtown First Aid is defunked and the property once owned was originally the Townships. Upon their dissolution, it reverted to the Township.

R-23-80

CONSENT AGENDA RESOLUTIONS

Resolutions 23-54 through 23-80 may be adopted in one motion.

Mayor Berger requesting moving Resolution 23-62 to be voted on separately.

R-23-54 AUTHORIZING THE ACCEPTANCE OF THE PERFORMANCE GUARANTEE, CASE SD-2990

R-23-55 AUTHORIZING REDUCTION #1 OF THE PERFORMANCE GUARANTEE, CASE BA-08-14F

R-23-56 AUTHORIZING THE ACCEPTANCE OF THE PERFORMANCE GUARANTEE, CASE SP-1080

R-23-57 AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE AND ACCEPTANCE OF THE MAINTENANCE GUARANTEE, CASE NO. BA-18-26

R-23-58 APPOINTING MEMBER TO THE HOWELL TOWNSHIP ALLIANCE

- R-23-59 AMENDING AND APPOINTING MEMBER TO THE HOWELL TOWNSHIP LAKE RESTORATION & WILDLIFE MANAGEMENT COMMITTEE
- R-23-60 ESTABLISHING THE COMPENSATION FOR MEMBERS OF THE BOARD OF FIRE COMMISSIONERS FOR FIRE DISTRICT NO. 5
- R-23-61 AUTHORIZING EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF HOWELL & THE BOROUGH OF FARMINGDALE FOR PUBLIC WORKS RELATED SERVICES
- R-23-62 *MOVED TO NON-CONSENT AGENDA*
- R-23-63 AUTHORIZING AND RATIFYING AGREEMENT WITH HOWELL FIRST AID RESCUE SQUAD FOR EMERGENCY MEDICAL SERVICES
- R-23-64 AUTHORIZING THE TOWNSHIP TO OBTAIN A PHASE I ENVIRONMENTAL ASSESSMENT AND EXECUTE A RIGHT OF ENTRY AGREEMENT FOR A PROPERTY DONATION
- R-23-65 ACCEPTING AND AUTHORIZING EXECUTION OF THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE CONCLUDING LITIGATION INITIATED BY COUNTRYSIDE DEVELOPERS, INC.
- R-23-66 PARTICIPATION IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE 1033 PROGRAM ENABLING THE HOWELL POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT
- R-23-67 AUTHORIZING SUBMISSION OF EQUITABLE SHARING AGREEMENT OF FORFEITED ASSETS WITH DEPARTMENT OF JUSTICE
- R-23-68 2021 CAPITAL PROGRAM #2 - PROJECT CLOSEOUT
- R-23-69 AMENDING THE 2022 CAPITAL BUDGET
- R-23-70 APPROVING THE PERSON-TO-PERSON & PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE 1319-33-007-006 FROM RUBY TUESDAY OPERATIONS, LLC TO 2 GL1 YELLOWBROOK, LLC
- R-23-71 AUTHORIZING RENEWAL OF SECOND HAND DEALER LICENSES
- R-23-72 AUTHORIZING RENEWAL OF A TAXI OWNER AND DRIVER LICENSE
- R-23-73 AUTHORIZING RENEWAL OF LIMO OWNER LICENSE
- R-23-74 TAX OVERPAYMENT REFUNDS
- R-23-75 UNCOLLECTABLE TAXES
- R-23-76 ACCEPTANCE OF THE PERFORMANCE GURANTEES, SD-2959

- R-23-77 AWARDING A PROFESSIONAL SERVICE CONTRACT TO T&M ASSOCIATES FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES RELATED TO THE 2023 CURB & APRON PROGRAM, NOT TO EXCEED \$19,000
- R-23-78 AUTHORIZING THE RETURN OF UNUSED ZONING BOARD ESCROWFUNDS, BA18-34
- R-23-79 ACKNOWLEDGEMENT AND ENDORSEMENT OF THE TOWNSHIP OF HOWELL SUBMITTING AN EXCESS LAND REQUEST TO NEW JERSEY DEPARTMENT OF TRANSPORTATION TO OBTAIN OWNERSHIP OF BLOCK 168, LOT 19.09 AND BLOCK 177, LOT 5.03
- R-23-80 AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (NJDC) FOR PARTICIPATION IN THE LOCAL RECREATION IMPROVEMENT GRANT (LRIG)

Councilman Gasior motioned to adopt Resolutions 23-54 through 23-80 (excluding R-23-62 & R-23-70) seconded by Councilman Nadel. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *The Consent Resolutions passed.*

NON-CONSENT RESOLUTIONS [to be voted separately]

- R-23-62 AUTHORIZING EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE MANASQUAN RIVER REGIONAL SEWERAGE AUTHORITY FOR VEHICLE REFUELING

Deputy Mayor O'Donnell motioned to adopt Resolution R-23-62, seconded by Councilman Gasior. Ayes: Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. Abstain: Councilwoman Fischer. *Resolution R-23-62 is approved.*

- R-23-81 APPOINT MEMBER TO THE HOWELL TOWNSHIP PLANNING BOARD

Mayor Berger appointed Randy Bishop as Class I Member, Term Concurrent with Mayor's Term.
Motion to accept Randy Bishop motioned by Deputy Mayor O'Donnell, seconded by Councilman Gasior. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Resolution R-23-81 is approved.*

- R-23-82 PROVIDING FOR TRANSFERS BETWEEN BUDGET APPROPRIATIONS CONTAINED IN THE 2022 APPROPRIATION RESERVES MUNICIPAL BUDGET

Deputy Mayor O'Donnell motioned to adopt Resolution R-23-82, seconded by Councilman Gasior. Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Resolution R-23-82 is approved.*

UNFINISHED BUSINESS

None at this time.

INTRODUCTION OF ORDINANCES

O-23-01 AN ORDINANCE SETTING FORTH AND AMENDING AND SUPPLEMENTING THE SALARY RANGE SCHEDULE FOR THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HOWELL

Introduction – January 17, 2023

(Public Hearing and Adoption – February 7, 2023)

Explanatory Statement: Setting the salaries, wages or compensation of the officers and employees of the Township, who, by law, are entitled to salaries, wages or compensation subject to any respective collective bargaining agreement applicable to such positions for the year 2023.

Deputy O'Donnell motioned to introduce Ordinance O-23-01, seconded by Councilman Gasior. Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell. Nays: Mayor Berger. *Ordinance O-23-01 has been properly introduced.*

O-23-02 AN ORDINANCE OF HOWELL TOWNSHIP AUTHORIZING THE ACCEPTANCE BY THE TOWNSHIP OF A DONATION OF THE KENT PLAZA SEWER PUMP STATION

Introduction – January 17, 2023

(Public Hearing and Adoption – February 7, 2023)

Explanatory Statement: Acceptance by the Township of Howell to accept a donation of the Kent Plaza Sewer Pump Station located at Block 74 Lot 3

Councilman Nadel motioned to introduce Ordinance O-23-02, seconded by Councilman Gasior. Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Ordinance O-23-02 has been properly introduced.*

REPORTS OF OFFICIALS

Director of Community Development, Matthew Howard - Fifty-six properties were identified on our vacant/abandoned ordinance. All were inspected with 20 or so to go. Within the next month, the initial letters will go out to those property owners and I anticipate 75-100 properties. They will have to register within 30 days. Mayor Berger confirmed the fees increase for the 2nd year. Councilwoman Fischer had concerns regarding the rental ordinance to include maximum occupancy with raising landlord fines and Mr. Howard agreed and advised it is hard to enforce as Code Enforcement only has so many rights. We will look into it and perhaps modeling after shore towns.

Farm Events – The land use law is strict on changing the use of a property. We've found rodeos, apartments, travelers and mechanics on properties. We need to look at certain things and discuss and I have stopped weddings. Mayor Berger wanted to look into as an economic development for farms and the Town. We can look at those types of parties and keep those farms in business and not sell for development. We've had full scale vendor flea markets with parking overflow on a commercial site. We need to make sure the public is safe. Mayor Berger felt Echo Lake's Holiday Event was dangerous with the parking.

Township Manager Clark - stated with Echo Lake we had shuttles running and we are looking to expand the parking and do it better. The LED signs are installed and look great. Two completed leaf passes finished on December 19th with 658 loads collected and the Christmas Tree collection is complete. The bottle filling stations at Town Hall a total of 1875 plastic bottles. We are coordinating the installation of targets at the Archery Range and it should be up and running soon. Four hundred four potholes have been filled and 133 trees removed from the hazardous tree survey. Road closure – just west of Friendship with no access starting January 23rd at 7:00 AM and reopened by the mid-September; Ford & Kent Roads will be utilized as detour routes during this construction.

The railroad is running frequently and new company has acquired more routes and are updating them. They are working to reestablish freight rail service from Freehold to Farmingdale. The right-of-way is typically 66 feet from the center of the track and they will be clearing 24 feet of brush from the center. In the Spring & Summer they will be working on several roadway crossings to repair/install the tracks. NJNG has completed the main replacement within Aldrich Road and started connecting properties to the new main and this work will continue to the end of March with Aldrich Road repaved in June. Right now we are working on the budget and would like to introduce it late February/early March with perhaps a special meeting for it. I anticipate having a little bit more of a presentation this year including remarks of the State of the Township. Mayor Berger confirmed the budget hearings were completed in November and perhaps some internal meetings will be set up.

Mayor Berger recommended placing AEDs in all public places and Township Manager Clark will connect with Freehold Township to see how it is done there. Manager Clark referred to Mrs. Smilek's question on the recreation camps at PAL and confirmed PAL will handle them with more information coming soon.

Township Clerk Festino informed the Rabies Clinic will be held on Saturday, February 4th at the DWP Garage located at 278 Old Tavern Road from 9 AM to Noon with a snow inclement date of February 11th.

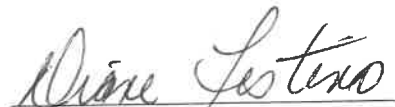
INFORMATION

The next Regular Council meeting will take place on Tuesday, February 7, 2023 at 7:00 PM.

ADJOURNMENT at 5:57 PM

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

Respectfully submitted,



Diane Festino, RMC
Municipal Clerk
Township of Howell

APPROVAL OF JANUARY 17, 2023 MINUTES:

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

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 February 7, 2023. WITNESS my hand this 8th day of February 2023.



Diane Festino, RMC
Municipal Clerk
Township of Howell