

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

CALL TO ORDER

Deputy Mayor O'Donnell called the meeting to order at 6:03 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.

Present: Councilman Fred Gasior, Councilman Ian Nadel, Deputy Mayor Evelyn O'Donnell. Also present: Township Manager Joseph Clark, Township Attorney Caitlin Harney and Township Clerk Diane Festino. Absent: Councilwoman Susan Fischer and Mayor Theresa Berger.

ROLLCALL

EXECUTIVE SESSION

Councilman Gasior motioned to go into Executive Session, seconded by Councilman Nadel Ayes: Councilman Fred Gasior, Councilman Ian Nadel and Deputy Mayor Evelyn O'Donnell. Resolution R-23-111 is approved for discussion in Executive Session; Items: Litigation/Potential Litigation, Personnel and Contracts.

MEETING RECONVENED AT 7:11 PM

PLEDGE OF ALLEGIANCE TO THE FLAG

Deputy Mayor O'Donnell led the Pledge of Allegiance to the Flag with a moment of silence keeping former Mayor Massa's family in your thoughts and prayers on his passing. Also guidance for our Country, so the government will remain strong and safe as well.

PROCLAMATIONS

- Congenital Heart Defect Awareness Week – read into the record by Councilman Gasior
- National Burn Awareness Week – read into the record by Councilman Nadel

Deputy Mayor O'Donnell stated these proclamations bring awareness in making us more knowledgeable and not only bringing the safety issues to the forefront.

REPORTS OF TOWNSHIP OFFICIALS

Director of Community Development, Matthew Howard – regarding the large house fire on Lanes Pond Road about 2 ½ weeks ago. The Building Department has issued an unsafe structure and the Building Department has issued four violations of the code. Code Enforcement has issued six summonses for alleged ordinance violations, which are alleged until heard in Municipal Court in the future. A clarification of what and what is not permitted with some recent complaints.

Gatherings – are not illegal and does not constitute changes on a property. Even if it is recurring for any purpose, it doesn't constitute an ordinance violation. The Right to Gather is inherent in the Constitution. The Township does not discriminate. We are reviewing many of our ordinances and over occupancy of houses and rentals are becoming an issue. Ordinance O-23-04 is on tonight for introduction we documented & codified how to calculate occupancy & what constitutes over occupancy based on the State housing law. In our rental code, we will require that the occupancy load be stated on a rental certificate, posted inside the home, which gives first responders, or code enforcement issues that requires and legal allows us to go to and check on the occupancy. This will be for all new construction, additions, increase in living space, we will calculate the occupancy to make sure it is known.

In addition, the minimum fines are being increased for failure to register a rental property and failure to obtain a C/O. After the ordinance is adopted, it will be a \$2,000 minimum violation. State law dictates how long we have to cure a violation. We want compliance and for it to act as a deterrent. We will not tolerate complaints that are targeted against groups of religious, race, ethnicity or any affiliation or any protected class.

Township Manager Clark – Over the past 2 ½ weeks, we had six structure fires in the Town. Our Fire Bureau is investigating the causing of the fires. We're working on a bike path at Bear Swamp. DPW started clearing & grading behind Oakland Park. More work is happening on Softball fields. We recently acquired a stone & asphalt spreader, which will help to put down & maintain paths in Town. We're working on various park improvements & will start at Echo Lake and potentially Monmouth Ridings for inclusive type of playground equipment. Echo Lake will be the test site for foam material. Part of the parking lot at the Senior Center will be paved this spring as well as curbing/sidewalk repair.

The stage trailer is being repaired and once completed, we will put the stage to use with bands & theater groups. Bottle filling stations - 2624 plastic bottles have been eliminated at Town Hall. The archery range will be completed in the spring. The windows at Echo Lake will be replaced this year. 141 trees have been removed from the hazardous tree survey. 70 roads of roadside trash have been cleaned; a total of 779 bags. 696 potholes have been filled. Manager Clark thanked the first responders, fire districts & fire bureau, Police and OEM who have all been working around the clock on these fires.

Township Clerk Festino - On March 1, 2023 at 11:00 AM there will be a plenary retail consumption license bid with a minimum bid of \$350,000. On February 10, 2023 applicants are required to submit their 12-page application, certification of proof of compliance & a certified check for \$35,000. There will be an eligibility announcement on February 17, 2023 at 11:00 AM announcing the prequalified bidders with an award of bid by resolution on March 7th.

Township Attorney Harney explained the circumstance of Doctrine of Necessity whereby the new Council Members have read the minutes of December 13th & 16th as well as attending both meeting dates.

ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS

- December 13, 2022 – Regular + Executive + Public Release
- December 16, 2022 – Regular

Councilman Gasior made a motion to accept the minutes of December 13 & 16, 2022, seconded by Councilman Nadel. Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell.

ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS

- January 2, 2023 – Regular
- January 17, 2023 – Regular + Executive + Public Release

Councilman Gasior made a motion to accept the minutes of January 2, 2023 & January 17, 2023, seconded by Councilman Nadel. Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell.

COMMENTS BY ELECTED OFFICIALS

Councilman Gasior stated he echoes Mr. Howard statement and if you are a property owner in town or plan on purchasing property and plan on it being a rental, we welcome you. We will not tolerate how those rentals properties are being mishandled. We have sat down in budget meetings with the Chief Financial Officer and the State is planning a health benefit increase of over 20% for all that fall under State healthcare. I have prepared a letter that will be forwarded to every member of the New Jersey Legislature and I want answers. The biggest budget starts with Schools, salaries and then healthcare costs. The legislature has proposed a one-time \$300,000,000 supplemental bill to help pay all the towns for one year. We are working hard to fight down these costs as it effects everyone.

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.

Mary McBath, Howell Resident – noted she hasn't seen much Police through the neighborhood or in Town. She has issues with rentals in her neighborhood especially changing over throughout the week and mattresses on their lawns. Many additional cars, running cars with headlights into windows and no one is mandating. Parking issues on both sides of the road on Fridays and perhaps we need ordinances for one-side parking. Concerned why no one is questioning the changes in her development and starting not to feel safe. *Applause.*

Sandra Viera, Howell Resident – I love Howell because it has a neighborhood feel. She also has concerns with the amount of renters. If I wanted that feel, I would have moved elsewhere. Her and her family feels harassed for being approached, re-approached & begged to purchase her home. Reserves the right that

the Howell residents have the right to live peacefully and to continue to preserve the neighborhood feel. *Applause.*

Nelson Guscono, 35 Forrest Hill Drive – I moved here many years ago from Jersey City and Howell is not a city. *Applause.* Believes in 3-5 years we will need more Police, firefighters, teachers, EMS and bus drivers. I won't move. *Applause.*

Pam Richmond, 185 Locust Avenue – regarding Resolution 23-110, I have worked with Joe Clark for 4 years who has done amazing things and in my opinion, is the best for Howell. From Township Attorney turned Township Manager, Joe Clark & his team can figure it out and get the job done. *Applause.*

Motion to close Public Comment by Councilman Gasior, seconded by Deputy Mayor O'Donnell. Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell.

RESPONSE TO PUBLIC COMMENTS

Manager Clark responded to the public comment questions: Regarding solicitation, an ordinance was passed last year and if that is happening, you may reach out to the Clerk, Mr. Howard or myself.

Mr. Howard referred to the mattresses to call him on day one. Violations have to be put in writing to the owner via regular & certified mail, and there is a cure period. Single side parking – we can look into certain areas and currently there are no ordinances in place. Glen Arden has a HOA that has jurisdiction over their roads. We cannot limit the number of rentals in Town. There is a 20% of rental increase this year. Hopefully our new ordinances will create better properties.

CONSENT AGENDA RESOLUTIONS

Resolutions 23-84 through 23-112 (excluding 23-111 & R-23-92) may be adopted in one motion.

R-23-84 AUTHORIZING THE RETURN OF UNUSED SANITARY SEWER REVIEW AND WATER REVIEW ESCROW FUNDS, CASE NO. SD-2988

R-23-85 AUTHORIZING THE RETURN OF A DRIVEWAY GUARANTEE, CASE NO. SD-2771

R-23-86 AUTHORIZING REDUCTION #1 OF THE PERFORMANCE GUARANTEE, CASE NO. SD-2981

R-23-87 AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE, WAIVER OF THE MAINTENANCE GUARANTEE, AND ACCEPTANCE OF THE TOWER REMOVAL BOND, CASE NO. BA-21-03

R-23-88 AUTHORIZING A REFUND OF A PERMIT APPLICATION FEE

R-23-89 AUTHORIZING A REFUND OF RECREATIONAL PROGRAM FEES

R-23-90 AUTHORIZING THE MONMOUTH COUNTY MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN HOWELL TOWNSHIP

- R-23-91 AUTHORIZING THE TOWNSHIP OF HOWELL TO APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY
- R-23-92 *MOVED TO RESOLUTIONS TO BE VOTED ON SEPARATELY.*
- R-23-93 AUTHORIZING RENEWAL OF A TAXI OWNER LICENSE FOR JERSEY TRANSPORTATION TAXI & CAR SERVICE
- R-23-94 AUTHORIZING THE RENEWAL OF JOHN BLEWETT INC. JUNKYARD LICENSES
- R-23-95 CORRECTING THE MUNICIPAL PUBLIC DEFENDER CONTRACT AMOUNT FOR THE YEAR 2023
- R-23-96 APPOINTING MEMBERS TO THE HOWELL TOWNSHIP ALLIANCE
- R-23-97 APPOINTING A MEMBER TO THE FARMERS ADVISORY COMMITTEE
- R-23-98 AWARDING A FAIR AND OPEN CONTRACT TO EARLE ASPHALT COMPANY FOR THE FY 2021/2022 CDBG PROJECT – FORT PLAINS ROAD IMPROVEMENTS
- R-23-99 RESOLUTION REJECTING BIDS FOR AUCTION SERVICES, BID# 22-11
- R-23-100 AUTHORIZING THE PURCHASE OF OPEN SPACE MOWER NO. 1
- R-23-101 AUTHORIZING THE PURCHASE OF OPEN SPACE MOWER NO. 2
- R-23-102 AUTHORIZING THE AWARD OF REQUIRED DISCLOSURE CONTRACTS
- R-23-103 AUTHORIZING THE PURCHASE OF A ROADSIDE MOWER
- R-23-104 AUTHORIZING THE PURCHASE OF A MINI EXCAVATOR
- R-23-105 AUTHORIZING THE EXTENSION OF BID 21-01 AWARD FOR COLLECTION, REMOVAL AND DISPOSAL OF RECYCLABLES
- R-23-106 TAX OVERPAYMENTS
- R-23-107 UNCOLLECTABLE TAXES
- R-23-108 VETERAN REFUNDS
- R-23-109 AUTHORIZING THE RETURN OF INSPECTION ESCROW, SD-2963/ENG.19-100
- R-23-110 AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF HOWELL AND THE TOWNSHIP OF HOWELL MANAGER JOSEPH A. CLARK

R-23-112 AUTHORIZING AWARD OF FAIR AND OPEN CONTRACT FOR AUCTION SERVICES –
CONTRACT #22-12

Councilman Gasior motioned to adopt Resolutions 23-84 through 23-112 (excluding R-23-111 & R-23-92) seconded by Councilman Nadel. Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. *The Consent Resolutions passed.*

NON-CONSENT RESOLUTIONS [to be voted separately]

R-23-92 SUPPORTING THE TOWNSHIP OF MIDDLETOWN'S COMPLAINT WITH THE STATE COUNCIL ON LOCAL MANDATES IN RELATION TO EXCESS COSTS ASSOCIATED WITH MOTOR VEHICLE THEFTS AND ASSOCIATED CRIMES RESULTING FROM BAIL REFORM

Councilman Nadel stated the bail reform had changed and since then crime statistics have been spiking throughout the State, more specifically vehicle thefts in Monmouth County. Since 2017, Howell has seen significant numbers. A comparison since 2017 when the reform was changed on vehicle thefts:

2018 a 33% increase
2019 a 100% increase
2020 a 50% increase
2021 a 266% increase
2022 a 150% increase.

In addition to these vehicle thefts in Town, 2022 has been the highest in several years. Under criminals fear imprisonment, crime will continue to grow. As a retired Police Officer, I have a number of concerns in allowing criminals to be free on the streets while their cases are pending trial. The Governor's policy has a major impact on the Officers safety and the safety and security of our residents. Each time a Police Officer responds to a call there is risk involved, which is significantly increased when dealing with career criminals. These reckless policies also have an impact on Officers safety when taken out of service to take the criminal report. The result is fewer Officers on the street with less back up for other calls to service. They need to stop treating crime as a partisan issue and realize that criminals don't care about your party affiliation. The only thing criminals fear is imprisonment and that is what the current State bail policy has taken away.

This isn't the only problem being created, millions of dollars being cut to our schools coinciding with major increase in health benefit costs, will lead to a level of higher taxes in town. Forcing municipalities to destroy open space and overdevelop our towns with affordable housing are a few more problems that Trenton is forcing on us. Adding this to a pro-criminal policy makes New Jersey and Howell less safe. I refuse to sit idly by while more harmful policies could continue to come from Trenton that are nothing but bad for Howell. The local governments are the ones left holding the bag when in fact, we don't want these harmful policies being imposed on our residents. The State needs to be held accountable for their actions that are having a significant negative impact on local towns. Things need to change whether appealing to the Democratic majority in Trenton or through litigation.

I would like to thank Middletown Township for taking the lead in holding the State accountable for the current crime issue. I am proud to extend our resolution and pass a resolution in favor of forcing new

bail reform. In less than 2 months since taking office, we have seen first-hand the impact of the Murphy policies on Howell, which is a disgrace. I would also ask that Mayor Berger join me in condemning Governor Murphy's protocol on criminal policies. I am asking her to step up and join the fight by sending a message to her party that these outrageous policies must stop now. I've had enough of those reckless policies and will fight to defend Howell no matter what. Tonight is just a start of our efforts to push back and stand up for Howell. Thank you. *Applause.*

Councilman Gasior motioned to adopt Resolution R-23-92, seconded by Councilman Nadel. Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. *Resolution R-23-92 is approved.*

UNFINISHED BUSINESS

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.

Public Comment Opened.

Suzanne Brennan, 59 Camelot Drive – spoke on both the ordinance and the resolution appointing Joe Clark as Manager. It has been a big difference since Joe Clark has come aboard. He's building a team, which is impressive. I have all the confidence for him to sit in this position. I trust and believe that they are addressing these positions. *Applause.*

Motion to Close Public Comment by Councilman Gasior, seconded by Councilman Nadel. Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell.

Councilman Nadel motioned to adopt Ordinance O-23-01, seconded by Councilman Gasior. Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell.
Ordinance O-23-01 has been properly adopted.

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

Public Comment Opened; no one came forward. Motion to Close Public Comment by Councilman Gasior, seconded by Councilman Nadel.

Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell.

Councilman Gasior motioned to adopt Ordinance O-23-02, seconded by Councilman Nadel. Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell.
Ordinance O-23-02 has been properly adopted.

INTRODUCTION OF ORDINANCES

O-23-03 **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

(Introduction – February 7, 2023)

(Public Hearing and Adoption – March 7, 2023)

Explanatory Statement: The ordinance allows for any used amount to be “banked” and used for CAP adjustment in the next two fiscal years.

Councilman Nadel motioned to introduce Ordinance O-23-03, seconded by Councilman Gasior. Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell.
Ordinance O-23-03 has been properly introduced.

O-23-04 **AN ORDINANCE OF THE TOWNSHIP OF HOWELL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 178 OF THE TOWNSHIP CODE ENTITLED “HOUSING CODE; RENTAL PROPERTY”**

(Introduction – February 7, 2023)

(Public Hearing and Adoption – February 21, 2023)

Explanatory Statement: This ordinance revises Chapter 178, Housing Code; Rental Property to define maximum occupancy, define bedroom and increase the minimum fines for violation of the Housing Code and Rental Code chapter. The ordinance also specifies the calculation of a structure’s maximum occupancy.

Councilman Gasior motioned to introduce Ordinance O-23-04, seconded by Councilman Nadel. Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell.
Ordinance O-23-04 has been properly introduced.

O-23-05 **AN ORDINANCE OF THE TOWNSHIP OF HOWELL CLARIFYING IMPLEMENTING ORDINANCE O-22-24**

(Introduction – February 7, 2023)

(Public Hearing and Adoption – February 21, 2023)

Explanatory Statement: This Ordinance clarifies the original rezoning of portions of the Township to SED-1 through O-22-24 to include all parcels as shown on the 2022 Zone Change Map as referenced in the Land Use Plan Element of the Howell Township Master Plan.

Councilman Gasior motioned to introduce Ordinance O-23-05, seconded by Councilman Nadel. Ayes: Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell.
Ordinance O-23-05 has been properly introduced.

INFORMATION

Township Manager Clark asked that Council be on call as we will be working on many ordinances over the next few months and may have special meetings to move things along. We will all be working swiftly to get things done.

Deputy Mayor O'Donnell stated we made settlements on the Kollal property and that particular property triggered some thoughts from me and I have been discussing with Administration on some Veteran housing. Is there a possibility, on that particular site, if we may look into that area if we may be able to go forward with some housing for Veterans only? Township Manager Clark stated yes, we can speak to our affordable housing counsel to figure out those parameters on what we are looking to do. It is a good area and will speak to counsel. Deputy Mayor O'Donnell stated the need is tremendous and would like to expedite this process.

Deputy Mayor O'Donnell reminded that the Former Mayor Dan Massa had passed away. He left a huge footprint in Howell Township. A proclamation will be held on February 21, 2023 to be sensitive to his family to attend and receive this proclamation.

She advised she would continue to be the liaison to the Senior Center & Library. She reminded everyone of the Senior Gazette. The center overs something for everyone every day. Feel free to contact Melanie Decker at 732-938-4500 Ext. 2555 for assistance.

We are revamping our website to make it more user friendly. There are many things on social media, which is a matter of opinion. Our official website is www.twp.howell.nj.us to get accurate information and without opinion.

The next Regular Council meeting will take place on Tuesday, February 21, 2023 at 7:00 PM.

ADJOURNMENT at 8:22 PM

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

Respectfully submitted,

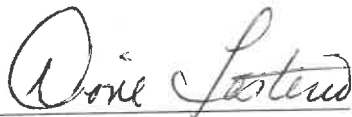


Diane Festino, RMC
Municipal Clerk
Township of Howell

APPROVAL OF FEBRUARY 7, 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			
<i>Deputy Mayor O'Donnell</i>		X	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 21, 2023. WITNESS my hand this 22nd day of February 2023.



Diane Festino, RMC
Municipal Clerk
Township of Howell