

**Howell Township Council**  
**Regular Meeting Minutes**  
**February 21, 2023**  
**Executive Session 6:00 PM**  
**Regular Session 7:00 PM**

**CALL TO ORDER**

Mayor Berger called the meeting to order at 6:01 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 and Township Clerk Diane Festino.

**EXECUTIVE SESSION**

Councilman Gasior motioned to go into Executive Session, seconded by Councilwoman Fischer. Ayes: Councilwoman Fisher, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. Resolution R-23-128 is approved for discussion in Executive Session; Items: Contracts and Attorney Client Privilege.

**MEETING RECONVENED AT 7:01 PM**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Berger led the Pledge of Allegiance to the Flag with a moment of silence marking one year Ukraine has been at War and for all the fallen soldiers around the world.

**PROCLAMATION**

Former Mayor Dante "Dan" Massa read into the record by Councilwoman Fischer. Former Mayor Massa's Son, Dante Massa, Jr., thanked Council for honoring his Father as well as his family for attending this evening.

**ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS**

- February 7, 2023 – Regular + Executive + Public Release

Councilman Gasior motioned to accept the minutes of February 7, 2023, seconded by Deputy Mayor O'Donnell. Ayes: Councilman Gasior, Councilman Nadel, and Deputy Mayor O'Donnell Abstain: Councilwoman Fischer and Mayor Berger.

## **REPORTS OF TOWNSHIP DEPARTMENT OFFICIALS**

Director of Community Development, Matthew Howard – The County is finalizing their easement for the purchase of the Linney Farm, 22 Five Points Road.

Township Manager Clark – We will begin expanding the parking at Echo Lake Park for the accommodation of more vehicles. The stage trailer is being repaired and Mayor Berger confirmed it would be available for rentals. We received quotes for AEDs in some of the parks and we will be finalizing that shortly. Parks such as Soldier Memorial, Deerwood and Oak Glen Parks will receive the AEDs.

Christa Riddle, Municipal Alliance Coordinator – gave an update to what today’s youth is facing as well as the spending on the Opioid Settlement.

## **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.*

Township Manager Clark read a statement regarding Facebook pictures from Team Howell as requested by Kathy Novak who couldn’t be here this evening. Kudos to Steven Fetcher on his job on events and glad to see the Echo Lake Pavilion being used more often.

Sheri Reavis, Howell Resident – read a statement regarding a loss of faith in both political parties. The statements and vote regarding R-23-92 was a disappointment to her as she is a Social Worker. Time ended with no extension and a recommendation by Township Attorney Harney to follow up with an email to Council or Administration for continuing comments.

Marc Parisi, Howell Resident – stated he read the NJ Council on Mandates, which already address the constitutionality of the Bail Reform back in April 2017. He asked if we would be utilizing any legal resources or paying attorney fees to work with Middletown regarding Resolution R-23-92 joining in the complaint. He felt the Planning and Zoning Boards should not be virtual any longer and it is time to have in-person meetings. He advised of surrounding towns that have in-person meetings and Howell is the largest Township in Monmouth & Ocean Counties that still continue virtual meetings. Mayor Berger agreed.

Motion to close Public Comment by Councilman Gasior, seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O’Donnell and Mayor Berger.

## **RESPONSE TO PUBLIC COMMENTS**

Manager Clark responded to the public comment questions: Regarding Mr. Parisi’s question, no we have not expended any funds.

*Mayor Berger announced John Leggio as the Class I Planning Board Designee.*

**CONSENT AGENDA RESOLUTIONS**

*Resolutions 23-113 through 23-126 may be adopted in one motion.*

- R-23-113 AUTHORIZING THE RETURN OF UNUSED ZONING BOARD, SEWER REVIEW AND INSPECTION ESCROW FUNDS, CASE NO. BA-20-115
- R-23-114 AUTHORIZING THE RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. C163-084
- R-23-115 AUTHORIZING THE RETURN OF UNUSED COAH REVIEW, SEWER REVIEW, WATER REVIEW AND PLANNING BOARD ESCROW FUNDS CASE NO. SP-1019 & SP-1039
- R-23-116 AUTHORIZING THE RETURN OF UNUSED SANITARY SEWER REVIEW, WATER REVIEW, PLANNING BOARD AND INSPECTION ESCROW FUNDS, CASE NO. SD-2964
- R-23-117 AUTHORIZING THE RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. SP-1035
- R-23-118 APPOINTING MEMBER TO THE HOWELL TOWNSHIP ALLIANCE
- R-23-119 AUTHORIZING PAYMENT OF BACK CHARGES TO RECONCILE WASTEWATER FLOW BILLING WITH THE MANASQUAN RIVER REGIONAL SEWAGE AUTHORITY (MRRSA) FOR 2018, 2019 AND 2020
- R-23-120 AUTHORIZING THE SUSTAINABLE JERSEY® GRANT FUNDED BY PSEG
- R-23-121 AUTHORIZING THE AWARD OF REQUIRED DISCLOSURE CONTRACT TO HIGHWAY EQUIPMENT COMPANY OF NEW JERSEY, INC.
- R-23-122 AUTHORIZING THE PURCHASE OF (2) TWO VEHICLES FROM ENTERPRISE FLEET MANAGEMENT SERVICES, INC.
- R-23-123 AWARDING A PROFESSIONAL SERVICE CONTRACT TO FRENCH & PARRELLO ASSOCIATES, THE TOWNSHIP OF HOWELL'S CONSULTING ENGINEER, FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES RELATED TO THE LANES POND ROAD IMPROVEMENT PROJECT – NJDOT LOCAL AID, NOT TO EXCEED \$22,360.00.
- R-23-124 AUTHORIZING THE EXECUTION AND DELIVERY OF A SHARED SERVICES AGREEMENT AND DOCUMENTS RELATING TO THE 2021 EQUIPMENT LEASING TRANSACTION WITH THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY, RELATIVE TO THE COST OF VARIOUS IMPROVEMENTS TO THE TOWNSHIP'S COMMUNICATIONS INFRASTRUCTURE, INCLUDING CONSTRUCTION OF A NEW TOWER AND ACQUISITION OF VARIOUS ITEMS OF COMMUNICATIONS EQUIPMENT
- R-23-125 PROVIDING FOR AN ISSUE OF GENERAL OBLIGATION BONDS AND AUTHORIZING THE SALE OF \$3,350,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2023, AUTHORIZING ADVERTISEMENT OF A NOTICE OF SALE; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SELL AND AWARD THE BONDS; DETERMINING THE FORM AND OTHER DETAILS OF THE BONDS; AND AUTHORIZING OTHER MATTERS RELATING THERETO
- R-23-126 AN EXTENSION AUTHORIZING AND RATIFYING AGREEMENT WITH HOWELL FIRST AID RESCUE SQUAD FOR EMERGENCY MEDICAL SERVICES

Deputy Mayor O'Donnell motioned to adopt Resolutions 23-113 through 23-126 seconded by Councilman Gasior. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. Abstention: Councilwoman Fisher to R-23-119. *The Consent Resolutions passed.*

**NON-CONSENT RESOLUTIONS [to be voted separately]**

**R-23-127** PROVIDING FOR TRANSFERS BETWEEN BUDGET APPROPRIATIONS CONTAINED IN THE 2022 APPROPRIATION RESERVES MUNICIPAL BUDGET

Councilman Gasior motioned to adopt Resolution R-23-127 seconded by Councilman Nadel. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Resolution R-23-127 passed.*

**UNFINISHED BUSINESS**

**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.

Public comment opened; No one came forward. Motion to Close Public Comment by Councilman Nadel, seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger.

Deputy Mayor O'Donnell motioned to adopt Ordinance O-23-04, seconded by Councilman Gasior. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Ordinance O-23-04 has been properly adopted.*

**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.

Public comment opened; No one came forward. Motion to Close Public Comment by Deputy Mayor O'Donnell, seconded by Councilman Gasior. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger.

Councilman Nadel motioned to adopt Ordinance O-23-05, seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Ordinance O-23-05 has been properly adopted.*

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

**INFORMATION AND COMMENTS BY ELECTED OFFICIALS**

Mayor Berger – informed March 1<sup>st</sup> begins registration for PAL Camp for Pre-K through Grade 5. Township Manager Clark advised the information is available online. The Leprechaun Scavenger Hunt is scheduled for Saturday, March 18<sup>th</sup> with information available online. The play, Matilda at Howell, will take place on March 2<sup>nd</sup> & 3<sup>rd</sup>.

Deputy Mayor O'Donnell - thanked Farm Land Preservation along with Matt Howard for acquisition of the Linney Farm. Twenty-six acres for \$100,000 is an excellent price. She thanked Christa Riddle for her work on the Narcan devices at the schools.

Councilwoman Fischer – Waived comments.

Councilman Gasior – Thanked Sheri for reaching out to discuss the ordinance, which brought items out to light.

Councilman Nadel – Spring sports are beginning their registrations. Enjoy the weather and play outside.

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

**ADJOURNMENT** at 7:47 PM

Councilman Nadel motioned to adjourn the meeting, seconded by Deputy Mayor O'Donnell and passed by unanimous consent.

Respectfully submitted,




Diane Festino, RMC  
Municipal Clerk  
Township of Howell

**APPROVAL OF FEBRUARY 21, 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>	<b>X</b>			
<i>Councilman Gasior</i>	<b>X</b>		<b>X</b>			
<i>Councilman Nadel</i>			<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 March 7, 2023. WITNESS my hand this 8th day of March 2023.



Diane Festino, RMC  
Municipal Clerk  
Township of Howell