

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

CALL TO ORDER

Deputy Mayor O'Donnell called the meeting to order at 8:00 P.M. The meeting began due to the previous meeting for "Community Event Meeting relating to 15 Marl Road"

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. Absent: Mayor Theresa Berger. Also present: Township Manager Joseph Clark, Township Attorney Caitlin Harney, Chief Financial Officer, Lou Palazzo, Director of Community Development, Matt Howard and Township Clerk Diane Festino.

PLEDGE OF ALLEGIANCE TO THE FLAG

Deputy Mayor O'Donnell led the Pledge of Allegiance to the Flag with a moment of silence to pray for peace, community, harmony and forgiveness.

ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS

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

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

REPORTS OF TOWNSHIP DEPARTMENT OFFICIALS

Township Manager Clark – Our website is being updated. We are working on the budget and expect it to be introduced in April.

Director of Community Development, Matthew Howard – Waived comments.

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.

Mike Kalel, 40 Vienna Road – A gentleman on Route 547/Oak Glen Road who dances around & plays an air guitar. He feels it is a safety issue. Township Manager Clark who will discuss this with Chief Storrow and Township Attorney Harney.

Motion to close public comment by Councilman Nadel, seconded by Councilman Gasior. Ayes: passed by unanimous vote.

CONSENT AGENDA RESOLUTIONS

Resolutions 23-140 through 23-149 may be adopted in one motion.

- R-23-140 AUTHORIZING RENEWAL OF SECOND HAND DEALER LICENSE
- R-23-141 AUTHORIZING RENEWAL OF MASSAGE BUSINESS/ESTABLISHMENT LICENSE
- R-23-142 AUTHORIZING THE RETURN OF A PORTION OF THE PLANNING BOARD AND INSPECTION ESCROW FUNDS, CASE NO. SP-1018
- R-23-143 AUTHORIZING THE ACCEPTANCE OF THE PERFORMANCE GUARANTEE, CASE NO. SD-2928F
- R-23-144 AUTHORIZING THE RETURN OF UNUSED INSPECTION ESCROW FUNDS CASE NO. SD-2945
- R-23-145 AUTHORIZING THE ACCEPTANCE OF A REPLACEMENT PERFORMANCE GUARANTEE AND RELEASE OF THE EXISTING PERFORMANCE GUARANTEE AND AUTHORIZING THE RE-EXECUTION OF A DEVELOPER'S AGREEMENT WITH HOWELL DEV AMS, LLC, CASE NO. SP-805 A2F
- R-23-146 AUTHORITY FOR APPROVAL OF CERTAIN PURCHASES IN EXCESS OF THE BID THRESHOLD THROUGH NEW JERSEY STATE CONTRACTS AND/OR PURCHASING COOPERATIVES FOR 2023
- R-23-147 AUTHORIZING A SETTLEMENT AS TO PROPERTY DAMAGES AT BLOCK NO. 144, LOT 93 AND 94, TWIN PONDS FARM, LLC
- R-23-148 OVERPAYMENT REFUNDS
- R-23-149 VETERAN EXEMPTION REFUNDS

Councilman Gasior motioned to adopt Resolutions 23-140 through 23-149 seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. Absent: Mayor Berger. *The Consent Resolutions passed.*

NON-CONSENT RESOLUTIONS [to be voted separately]

R-23-150 AMENDING THE 2023 TEMPORARY APPROPRIATIONS, PURSUANT TO N.J.S.A 40A:4-20, PRIOR TO THE ADOPTION OF THE 2023 MUNICIPAL BUDGET

Councilman Nadel motioned to adopt Resolution R-23-150 seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. Absent: Mayor Berger. *Resolution R-23-150 passed.*

R-23-151 PROVIDING FOR TRANSFERS BETWEEN BUDGET APPROPRIATIONS CONTAINED IN THE 2022 APPROPRIATION RESERVES MUNICIPAL BUDGET

Councilman Gasior motioned to adopt Resolution R-23-151 seconded by Councilman Nadel. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. Absent: Mayor Berger. *Resolution R-23-151 passed.*

UNFINISHED BUSINESS

O-23-06 AN ORDINANCE OF THE TOWNSHIP OF HOWELL SUPPLEMENTING CHAPTER 188, ARTICLE X ZONES SUPPLEMENTING SECTION 188-77 ENTITLED HIGHWAY DEVELOPMENT 1 (HD-1) TO INCLUDE SELF-STORAGE FACILITIES AS A PERMITTED USE

(Introduction – March 7, 2023).

(Public Hearing and Adoption – March 21, 2023)

Explanatory Statement: This ordinance modifies the Highway Development 1 (HD-1) zone by adding self-storage facilities as a principal permitted use.

Public comment opened; No one came forward. Public Comment Closed.

Councilwoman Fischer motioned to adopt Ordinance O-23-06, seconded by Councilman Nadel. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. Absent: Mayor Berger. *Ordinance O-23-06 has been properly adopted.*

O-23-07 AN ORDINANCE AMENDING CHAPTER 188 LAND USE, ARTICLE I TITLE; PURPOSE; DEFINITIONS, SECTION 4, ENTITLED DEFINITIONS AND RULES OF GENERAL APPLICABILITY OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

(Introduction – March 7, 2023)

(Public Hearing and Adoption – March 21, 2023)

Explanatory Statement: An Ordinance by the Township Council of the Township of Howell Amending Chapter 188 Land Use, Article I Title; Purpose; Definitions, Section

4, entitled Definitions and rules of general applicability of the Revised General Ordinances of the Township of Howell to add a definition for self-storage facilities.

Public comment opened; No one came forward. Public Comment Closed.

Councilman Gasior motioned to adopt Ordinance O-23-07, seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. Absent. Mayor Berger. *Ordinance O-23-07 has been properly adopted.*

INTRODUCTION OF ORDINANCES

O-23-08 AN ORDINANCE AMENDING CHAPTER 302, ENTITLED SMOKING IN PUBLIC PLACES; ELECTRONIC SMOKING DEVICE USE AND SALES; TOBACCO SALES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

(Introduction – March 21, 2023)

(Public Hearing and Adoption – April 4, 2023)

Explanatory Statement: An Ordinance by the Township Council of the Township of Howell Amending Chapter 302, Article II, Smoking on Public Property. Addition of Article III Retail Electronic Smoking Device Establishments & Licensing Fees, applications, display and transferability. Update on Article IV – Cigarette Vending Machines.

Councilwoman Fischer motioned to introduce Ordinance O-23-08, seconded by Councilman Gasior. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. Absent. Mayor Berger. *Ordinance O-23-8 has been properly introduced.*

O-23-09 AN ORDINANCE AUTHORIZING THE PURCHASE OF 139 ASBURY AVENUE (BLOCK 174, LOT 1) IN THE TOWNSHIP OF HOWELL, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

(Introduction – March 21, 2023)

(Public Hearing and Adoption – April 4, 2023)

Explanatory Statement: An Ordinance by the Township Council of the Township of Howell wishing to acquire approximately a one-half acre of land that is designated as Block 174, Lot 1 on the Township's Tax Map, more commonly known as 139 Asbury Avenue

Councilman Gasior motioned to introduce Ordinance O-23-09, seconded by Councilman Nadel. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. Absent. Mayor Berger. *Ordinance O-23-9 has been properly introduced.*

INFORMATION AND COMMENTS BY ELECTED OFFICIALS

Councilwoman Fischer – As a Council Member and long-time resident, this whole situation was very frustrating for us as the State took over and we were not able to say too much. I'm very eager to get more information from the folks present at the previous meeting. I recommend a meeting to be held

as soon as possible in Farmingdale. We want the community to know this was taken out of our hands early on. The fire was on February 9th and the EPA got involved on February 15th. Our professionals were on top of this from the beginning and unfortunately, it was taken out of our hands. My hope that it is resolved as soon as possible.

Councilwoman Nadel – Waived comments.

Councilman Gasior – Echoed the comments of Councilwoman Fischer on the Marl Site. We expect information to be forthcoming in a timely manner.

Deputy Mayor O'Donnell – we were all very concerned when the fire occurred and more concerned when we found out it was thoroughly out of our hands. We had received no knowledge of that in that point in time. There was nothing to disseminate to the public. It is very scary when you don't know what is happening. Future transparency will be robust.

The next regularly scheduled Council meeting will take place on Tuesday, April 4, 2023. Executive Session at 6:00 PM and Regular Session at 7:00 PM.

ADJOURNMENT at 8:13 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 MARCH 7, 2023 MINUTES:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>		X	X			
<i>Councilman Gasior</i>	X		X			
<i>Councilman Nadel</i>			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 March 21, 2023. WITNESS my hand this 22nd day of March 2023.

Diane Festino, RMC
Municipal Clerk
Township of Howell