

Howell Township Council
Regular Meeting Minutes
April 4, 2023
Executive Session 6:00 PM
Regular Session 7:00 PM

CALL TO ORDER

Mayor Berger called the meeting to order at 7:03 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.

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, Chief Financial Officer, Lou Palazzo, Assistant Finance Officer, Alexis Caulfield, Director of Community Development, Matt Howard and Township Clerk Diane Festino.

Motion to enter into Executive Session – R-23-161 motioned by Deputy Mayor O'Donnell, seconded by Councilman Gasior. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and 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 of our fallen heroes.

PROCLAMATION

- Alcohol Awareness Month – read into the record by Christa Riddle

ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS

- March 21, 2023 – Regular + Executive + Public Release

Deputy Mayor O'Donnell motioned to accept the minutes of March 21, 2023, seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. Abstain: Mayor Berger.

Mayor Berger congratulated Township Manager Clark, as well as the other departments, on all their hard work, which took place under Mr. Clark's leadership during the tornado.

REPORTS OF TOWNSHIP DEPARTMENT OFFICIALS

Township Manager, Joseph Clark – thanked DPW Director, Paul Novello, Brian Greenfield, Victor Cook, Police Chief Storrow and all the Police. The response was amazing and fast. They did a terrific job. Also thanks to:

Dispatchers Thomas Ford and Robert Deleo. OEM - Nick Borrillo, Rob Carmen, Helen Coorigan, Mark Friedman, Brian Foran, Brian Hodes, Bronson Jusino, Adam Lerner, Brady Pettit, Joe Pojero, Devin Rappleyea and Jim Rappleyea. DPW – Ken Harcraft, George McCoy, Anthony Bounovolnta, Bill Pitz, Charles Walsifer, Evan Schineder, Matt Flick, Kyle Beaudey, Kevin Sanberg, Steve Lane, Craig Meldrum, Kevin Milisauskas, Steve Rosenzweig, Mike Olszewski, Joe Clouse, Justin Byers and Frank Kessler.

Director of Community Development, Matthew Howard – Echoed Mr. Clark's comments and thanked Building Official Todd Morgano, Jean Verrier and Steve DeBrito for all their efforts. A reminder for tomorrow at 6 PM at the Farmingdale Municipal Building will be the 2nd meeting regarding 15 Marl Road and the hazardous waste investigation by the EPA.

Today we came across a 4-bedroom residential structure with four extra bedrooms constructed in the basement. It needs to stop and we will issue summonses. Landlords and tenants need to make it stop. Mayor Berger felt it is a very important topic and Mr. Howard feels it is a severe stress on Code Enforcement.

Township Attorney, Caitlin Harney – Waived comments.

Township Clerk, Diane Festino – Announced on May 11, 2023 at 11:00 AM there will be a Plenary Retail Consumption License Bid with a minimum bid of \$250,000. All applicants are required to submit their 12-page application, certification of proof of compliance and a certified check for \$25,000 on or before April 26, 2023. There will be an eligibility announcement on May 3rd at 11:00 AM announcing the prequalified bidders with an Award of Bid by resolution on May 23rd.

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.

Rose Mary Laubach, 34 Desai Court – regarding Fairfield/Howell Roads warehouse meetings.

1) Opposed the sewer items on this evening's agenda and had concerns with the virtual meetings. Updated impact standards regarding traffic, air, noise, environmental impact & property impact on the area. 2) sewer system – the cost to the residents and who will be responsible for putting it in, maintaining, 3) where is the money coming from and 4) wants a motion to suspend all aspects of Fairfield/Howell Road project.

Paul Rehberger, 147 Arnold Blvd. – 1) speeding on his road, safety issues with buses with a past meeting with the Township Manager and Mr. Clark advised the Township is waiting to hear from the State.

2) Mr. Rehberger advised of a new warehouse by his home with more trucks and 3) the zoom meeting with the Planning Board was misleading and they do not abide by their testified statements. He recommended added speed bumps. *Applause.*

Robert Gorbich, 11 Kay Lane – Green Acres Mobile Home Park – We have had no management for over a year now. We have no voice & looking for help, issues in the park & we have no place to go.

MJ Sepulveda, Desai Court – 1) sewer resolutions on the agenda. Asked Council/Manager what is the benefit of all the warehouses as we have 6 now. 2) she did her own traffic experiment today, with 80 cars/truck for a minute. The impact studies are old and we should request new ones 3) virtual Planning Board is not acceptable as they cut you off and not allow the public to speak more than once. 4) Fairfield Road cannot handle 2-way traffic even with the widening of the road. 5) where will the trucks load & unload? It is a 24/7 warehouse operation and the back-up beepers will go constantly. She requested the Township Council not approve tonight's sewer resolutions.

Marc Parisi, 2 Castle Court – Applauded the professionals on the handling of the tornado. Relating to the 2 resolutions for the sewer, the Planning Board has not adopted their resolution. He stated he has never seen this before in Howell's history. He read his email of March 8th email to the Council into the record regarding the warehouses, 29 Howell Road application. *Applause.*

Tom Cohean, 612 Third Avenue, Bradley Beach – I was the developer for the Monmouth Athletic Center and we met with MRRSA at the time, and the sewer was set to run down the street, Fairfield to Route 524. Developers do meet with MRRSA all the time and Howell put the entire property in the 208 plan. To use sewer as a tool to hurt the developer is not fair. I am hurt that it is going to be a warehouse. We also met with K Hovnanian and it was not chosen for Round 3 of Affordable Housing. This is not the proper time to go after the sewer. *Applause.*

Philip Langer, 286 Merrick Road – The developers are multi-million businesses out to make money. Regarding the gentlemen that spoke about the school buses and on Fairfield Road, the traffic is horrible and the traffic studies from the Planning Board are 3 years old. 1) 24/7 operations and why is it allowed? 2) at the last Planning Board meeting, there were more people questions and they were shut down, 3) why can't we formulate new questions? *Applause.*

Joan Osborne, 28 Bronia Street – was at the farmland preservation meeting and there are open positions as mentioned by Mr. Howard. Shade Tree & Environmental has open positions. The virtual Planning Board meetings are difficult to follow and it is a disservice to wait until June. The town's professionals are hired at the reorganization meeting and it seems they work for the applicant and not the residents. We are paying for these professionals and it should be discussed with them to be in favor of the residents and not the developers. *Applause.*

John Leggio, 9 Livingston Drive – we need to end the Planning Board zoom meetings. The residents don't understand some of the online issues. Suggested the Council ask the residents who come up to the podium with questions tonight. *Applause.*

As requested by Councilwoman Fischer, Attorney Harney explained Council has updated their Council Meeting protocol whereby each member has 5 minutes to make his or her comments/questions to

Council. It was unfair for some to get more time and now everyone gets 5 minutes with no extensions. Council is instructed not to interrupt your time so not to take time from you. We will follow up at the end of public comment. We do our best to answer your questions or we will provide answers at the next meeting.

Motion to close Public Comment by Councilman Gasior, seconded by Deputy Mayor O'Donnell. Ayes: Passed by unanimous vote.

RESPONSE TO PUBLIC COMMENTS

Mr. Howard stated we are not the Planning Board and each project has to sustain on its own merit. There are questions for the professionals and comments at the end. It is the law. Before COVID, repeat people we're not allowed to come back. It is in the bylaws of the Board. The cost of sewer is at the developers' expense. Maintenance – the systems are turned over to the Township after & we have a utility group to handle the systems. Suspending further hearings & applications, we do not have the right to do it. Virtual meetings will end in June and decorum must be kept. The warehouse in Ramtown/Reed Road, improving the driveways is not built yet as the site plan is not perfected.

Mr. Clark stated regarding Green Acres Mobile Home Park, we are aware that the new management is out of state and are in the processing of tracking them down. In addition, we are trying to find out if they have increased their rents without going to the Mobile Home Rent Board.

Mr. Howard explained with the Howell Road warehouse, the developer is to amend and we cannot set precedence for changing traffic patterns. We cannot ask the developer to come back as it is extremely expensive and unfair.

The 3 resolutions on tonight, the sewer plan has been approved and it allows the Township to sign off for outside agency approvals. There is no law that states it can't happen before resolution happens. It spells out all the conditions allowing the developer to start the process; it is at their own risk. You should not have concerns about approving it tonight.

Mayor Berger referred back to the homes building bedrooms downstairs and asked if we should publish their names. Mr. Howard informed the summonses are public. Attorney Harney did not recommend we publish names but instead look at the problems and let the public know we are pursuing these issues. Mayor Berger confirmed it is hard to tell who is staying in the bedrooms as Mr. Howard explained people are coming and going.

Councilman Gasior confirmed the fee amounts are under the new fine amounts.

CONSENT AGENDA RESOLUTIONS

Resolutions 23-152 through 23-158A may be adopted in one motion.

- R-23-152 AUTHORIZING THE RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS, CASE NO. C164-010
- R-23-153 AUTHORIZING TENTATIVE & FINAL SANITARY SEWER APPROVAL, CASE NO. SP-1095

- R-23-154 AUTHORIZING TENTATIVE & FINAL SANITARY SEWER APPROVAL, CASE. NO. SP-1085
- R-23-155 AUTHORIZING TENTATIVE & FINAL SANITARY SEWER APPROVAL, CASE NO. BA 22-03
- R-23-156 AUTHORIZING THE AWARD OF A REQUIRED DISCLOSURE CONTRACT TO LEADS ONLINE
- R-23-157 AUTHORIZING AN AGREEMENT WITH BRICK TOWNSHIP MUNICIPAL UTILITY AUTHORITY
- R-23-158 AWARDING A PROFESSIONAL SERVICE CONTRACT TO MOTT MACDONALD, THE TOWNSHIP OF HOWELL'S UTILITY ENGINEER, FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES TO UPDATE THE SANITARY SEWER RULES AND REGULATIONS, NOT TO EXCEED \$19,250.00
- R-23-158A AWARDING A PROFESSIONAL SERVICE CONTRACT TO CME ASSOCIATES FOR PROFESSIONAL SERVICES FOR A PLANTING AND MAINTENANCE PROJECT, \$11,500.00

Councilman Nadel questioned if it was beneficial to move the resolutions and Mr. Howard felt there was reason. After discussion, Resolutions R-23-153, R-23-154 and R-23-155 will be moved to Non-Consent Resolutions to be voted on separately.

Motion to vote on Resolutions R-23-153, R-23-154 and R-23-155 separately by Councilman Gasior; seconded by Councilwoman Fisher. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger.

Deputy Mayor O'Donnell motioned to adopt Resolutions 23-152 through 23-158A (excluding R-23-153, R-23-154 and R-23-155, moved to Non-Consent Resolutions) 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-23-153 AUTHORIZING TENTATIVE & FINAL SANITARY SEWER APPROVAL, CASE. NO. SP-1095

Deputy Mayor O'Donnell motioned to adopt Resolution R-23-153 seconded by Councilman Nadel.

Discussion: Deputy Mayor O'Donnell asked if to apprise Council, does not affirm sewer? Mr. Howard explained it only allows to them to start, as it is the first sign off. Deputy Mayor O'Donnell clarified it is not voting on the application to proceed. Mr. Clark explained the outside agencies (MRRSA, OCUA and NJ DEP) are still required; the process is lengthy. We don't recommend you pull but you decide your own agenda. Mr. Howard explained that once it is granted, it is all at their own risk to perfect their site plan. Councilwoman Fischer confirmed it could be challenged legally as anyone can sue for anything.

Councilwoman Fischer stated our professionals and Council are doing everything legally. We have strong professionals that strictly follow the rules. Councilman Gasior stated when projects are approved at

certain levels, there is not much we can do. We're not approving their sewer. Deputy Mayor O'Donnell stated she understands why their might be a misunderstanding, it appears one way. Trying to have the public understand there is no special consideration. She asked why the applicant needs it today and Mr. Howard explained it moves them forward and it is a lengthy process. It is the longest lead item in all the approvals. Deputy Mayor O'Donnell questioned if can they do this without us and Mr. Howard advised no. Councilman Gasior confirmed some warehouse on Fairfield are already built and the resolutions are for connections. Councilman Nadel stated he takes an issue on precedent and Mayor Berger agreed as it has not done this way in over 20 years. Manager Clark stated if you are uncomfortable, then table it as you control your own agenda.

Councilman Nadel motioned to table Resolutions R-23-153, R-23-154 and R-23-155 after the Planning Board resolution; seconded by Councilman Gasior. Ayes: Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. Abstain: Councilwoman Fischer. *Applause.*

Resolutions R-23-153, R-23-154 and R-23-155 have been tabled to a future Council Meeting.

UNFINISHED BUSINESS

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.

Public comment opened; No one came forward. Motion to Close Public Comment Motioned by Councilman Nadel, seconded by Deputy Mayor O'Donnell. Ayes: Voted by Unanimous Consent.

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

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

Public comment opened; No one came forward. Motion to Close Public Comment Motioned by Deputy Mayor O'Donnell, seconded by Councilwoman Fischer. Ayes: Voted by Unanimous Consent.

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

INTRODUCTION OF ORDINANCES

O-23-10 AN ORDINANCE AMENDING ARTICLE II DOMESTIC ANIMALS, CHAPTER 57 FEES, SUBSECTION 4(B) LICENSE AND REGISTRATION TAG OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

(Introduction – April 4, 2023)

(Public Hearing and Adoption – April 18, 2023)

Explanatory Statement: An Ordinance by the Township Council of the Township of Howell amending the license period to March 1st and ending upon February 28th of the following year and include the meanings of Licensing Age and Duration of Immunity.

Deputy Mayor O'Donnell motioned to introduce Ordinance O-23-10, seconded by Councilman Gasior. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. Absent. Mayor Berger. *Ordinance O-23-10 has been properly introduced.*

O-23-11 CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION OF SPORTS FIELD LIGHTING AT SOLDIER MEMORIAL PARK, AND APPROPRIATING \$1,200,000 THEREFOR, AUTHORIZED IN AND BY THE TOWNSHIP OF HOWELL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

(Introduction – April 4, 2023)

(Public Hearing and Adoption – April 18, 2023)

Explanatory Statement: An Ordinance by the Township Council of the Township of Howell Providing Installation of Sports Field Lighting at Soldier Memorial Park.

Councilman Gasior motioned to introduce Ordinance O-23-11, seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel and Deputy Mayor O'Donnell. Absent. Mayor Berger. *Ordinance O-23-11 has been properly introduced.*

O-23-12 AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL, MONMOUTH COUNTY AUTHORIZING THE LEASING OF A PORTION OF THE PROPERTY LOCATED AT 4567 ROUTE 9 NORTH AND AT ECHO LAKE PAVILION IN THE TOWNSHIP OF HOWELL PURSUANT TO N.J.S.A. 40:A:12-14

(Introduction – April 4, 2023)

(Public Hearing and Adoption – April 18, 2023)

Explanatory Statement: An Ordinance by the Township Council of the Township of Howell authorizing the leasing of a portion of the property located at 4567 Route 9 North and at Echo Lake Pavilion in the Township of Howell.

Deputy Mayor O'Donnell motioned to introduce Ordinance O-23-12, seconded by Councilman Gasior. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Ordinance O-23-12 has been properly introduced.*

INFORMATION AND COMMENTS BY ELECTED OFFICIALS

Deputy Mayor O'Donnell – Congressman Chris Smith had called me the morning after the tornado offering the Township with any assistance we may need. We had brought in all the professionals including the Red Cross. As a future need, he is just a phone call away. The Senior Center received new stove & new bus and are happy. Also, there is new paving near the center. The Chamber of Commerce had a guest speaker, Police Chief Storrow, also the FBI & Homeland Security were present to teach the businesses to further keep them safe in their establishments including terrorism. Everyone was stellar in the tornado process and putting information out to the public was great.

Councilwoman Fischer – echoed everyone's comments. TJ's Landscaping – kudos to digging Glen Arden out. The communications were stellar.

Councilman Gasior – sitting up here is not easy, people need to understand there are rules and Guidelines that we must adhere to. We could sit up here with 100 people and vote what they want, next day a lawsuit would be filed. We all need to follow the regulations.

Councilwoman Nadel – we did not expect a tornado and all departments handled it very well. Regarding rentals, don't come here and throw the rules out the window and redo houses creating unsafe conditions as we will come for you.

Mr. Howard announced an error regarding Resolution R-23-155 as it is the MOD wash car wash with a resolution in place for over a year. He recommended bringing it back for consideration.

R-23-155 AUTHORIZING TENTATIVE & FINAL SANITARY SEWER APPROVAL,
CASE NO. BA 22-03

Councilman Nadel motioned to bring R-23-155 back on for a vote and approval, seconded by Councilwoman Fischer. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *Resolution R-23-155 has been approved.*

5-Minute Recess Motioned by Councilman Nadel; seconded Councilwoman Fischer. Ayes: Voted by Unanimous Consent.

2023 MUNICIPAL BUDGET

2023 Budget Presentation – Township Manager Clark / Council Discussion

Chief Finance Officer, Louis Palazzo, gave an overview of last years' financials. Township Manager gave a presentation on the 2023 budget with highlights on sewer utility, the budget timeline, 2023 budget goals, ratables and how the tax rate is calculated.

The entire 2022 Financial Report & 2023 Budget Introduction Presentation is available on our website for view at [Microsoft PowerPoint - 2023 Budget Presentation 4-4-2023 \[Compatibility Mode\] \(howell.nj.us\)](#)

Resolution

R-23-159

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL ESTABLISHING THREE-YEAR AVERAGING METHOD IN COMPUTING THE RESERVE FOR UNCOLLECTED TAXES

Councilwoman Fischer motioned to adopt Resolution 23-159; seconded by Deputy Mayor O'Donnell. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *The Resolution has passed.*

Resolution

R-23-160

INTRODUCTION OF THE 2023 MUNICIPAL BUDGET

(Introduction – April 4, 2023)

(Public Hearing and Adoption – May 9, 2023)

Deputy Mayor O'Donnell motioned to adopt Resolution 23-160; seconded by Councilman Nadel. Ayes: Councilwoman Fischer, Councilman Gasior, Councilman Nadel, Deputy Mayor O'Donnell and Mayor Berger. *The Resolution has passed.*

MEETING DATES

The next regularly scheduled Council meeting will take place on Tuesday, April 18, 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 APRIL 4, 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 April 18, 2023. WITNESS my hand this 19th day of April 2023.

Diane Festino, RMC
Municipal Clerk
Township of Howell