

1. Meeting Called to Order

Mayor Berger called this meeting to order at 6:00 PM.

2. Opening Statement and Roll Call

Township Clerk Ciranni read the opening statement. Adequate notice of the holding of this meeting of the Howell Township Council was provided for in the following manner: (1) By the posting of a copy of said notice upon the bulletin board in the Township Municipal Building on January 8, 2020; amended notice on March 20, 2020. (2) By copy of said notice to the Asbury Park Press, Tri Town News and Star Ledger for information and publication on January 8, 2020; amended notice emailed on March 20, 2020 for information only. (3) By the filing of a copy of said form of notice in the Township Clerk's office on January 8, 2020; amended notice on March 20, 2020. The public will be allowed to participate electronically pursuant to the Open Public Meetings Law. Any contracts awarded at this meeting, or between now and the next meeting will be required to comply with the requirements of Public Law 1975 Chapter 127 (NJAC 17:27).

Roll Call: Present: Mayor Theresa Berger, Deputy Mayor Evelyn O'Donnell, Councilman John Bonevich (via telephone), Councilwoman Pamela Richmond, Councilman Thomas Russo. Also present: Township Manager Brian Geoghegan, Township Attorney Joseph Clark, Chief Financial Officer Louis Palazzo (via telephone), Township Clerk Allison Ciranni.

3. Executive Session

Cancelled.

4. Pledge of Allegiance to the Flag

5. Acceptance of Minutes of Previous Meetings

- February 25, 2020 Special Budget Meeting

Councilman Russo made a motion to accept the above minutes, seconded by Councilman Bonevich. Roll Call: Ayes: Councilman Bonevich, Councilman Russo, Mayor Berger. Abstain: Councilwoman Richmond, Deputy Mayor O'Donnell.

- March 3, 2020 Regular Meeting + Executive Session + Public Release

Councilman Russo made a motion to accept the above minutes, seconded by Deputy Mayor O'Donnell. Roll Call: Ayes: Councilman Bonevich, Councilman Russo, Deputy Mayor O'Donnell, Mayor Berger. Abstain: Councilwoman Richmond.

6. Reports of Township Officials

Township Manager Geoghegan stated that he has undertaken the task of finding new ways to conduct business by using various manager forums and input from professionals, legal advisors, and Department of Community Affairs guidance, which is how we were able to come up with this format; he thanked the IT staff for accommodating the process as well as everyone else for their input to finally get this meeting together. Manager Geoghegan wished to inform everyone that the Howell Food Pantry's supply is running very low and suggested that anyone who is able to donate contact the Senior Center at the main Township phone number extension 2555 or OEM at extension 2906. Deputy Mayor O'Donnell inquired if the food pantry could open one additional day per month and added that it supports a lot of our senior citizens.

Councilwoman Richmond advised that the blood banks are running historically low; there is one located on Route 9 in Howell and asked that everyone get the word out that it is important to donate blood especially at this time. Mayor Berger requested that this be posted on the website and urged people to call and get guidelines for giving blood first.

Councilman Russo stated that last week he put out a request on social media for volunteers to help deliver groceries to senior citizens and received more volunteers than people in need. Councilman Russo also stated he has received calls from local businesses that have closed their doors due to the Coronavirus wishing to donate food to residents, friends and neighbors wishing to donate items, and residents displaying uplifting messages on their properties. Councilman Russo stated that the many acts of kindness and charity have taught him that Howell is a charitable and good town where people look out for one another.

Manager Geoghegan stated that the current number of positive cases is always a big question; the current number of reported cases in Howell is 17. He stated there have been some discrepancies with reporting mainly due to the Township having multiple zip codes but the Police Department and OEM are working on that issue.

Mayor Berger asked if the Township can cut late fees. Township Manager Geoghegan stated he will have to check on that as some fees are required by state law. Mayor Berger stated that at this time a lot of regulations are being relaxed somewhat. Manager Geoghegan stated he will have to make sure it can be done legally; he will look into it and advise the Governing Body of his findings.

7. Discussion

None

8. Hearing of Citizens & Public Comment on Consent Agenda Items

Mayor Berger opened the meeting to public comment. Public comments were received via email and telephone; they will be read into the record by Township Manager Brian Geoghegan and addressed as appropriate. They have been divided into three categories, General, Fire District 2 Budget, and Ordinance Public Hearing.

Public Comment - General

Dee Lindsey (via email). Howell Resident of 26 years. a) How can Howell help our hospitals with needed supplies? b) For residents who are not following the guidelines and thus putting other residents at risk, there should be repercussions; c) Make a plan for town workers at home working to develop a plan to reach out to seniors that live alone; d) Pray for our town, state and country; e) We are Americans, stop and unite us no longer political slander against Democrats or Republicans!

Manager Geoghegan stated that he responded to Ms. Lindsey and explained some of the actions that have been taken including the following: our Office of Emergency Management (OEM) is part of a network that answer to the County, they are all working in concert for supply chains; we are making sure we are only ordering what we need to equip our first responders to avoid the hoarding issue that is depriving others of getting equipment. As far as some residents not following guidelines, our Police Department and Code Enforcement have been very active enforcing the directives offered by Governor Murphy; the Police Department has shut down a few businesses that were operating outside of his directives. As far as our town workers, we had closed town hall about week and a half ago to public access and since that time have scaled back further with limited staff in the building and most working remotely from home. The Senior Center has reassigned a number of personnel who have been very active with the senior community, contacting them on a regular basis; bus drivers have been reassigned to work with the Meals On Wheels program.

Dawn Van Brunt (via email). Howell Planning Board Member. Question for memorialization of resolution for Monmouth Commerce Center.

Township Manager Geoghegan responded that it will be memorialized at the next Planning Board meeting which is potentially scheduled for April 2nd but is subject to cancellation depending on the conditions at that time. Mayor Berger asked if the Planning Board has to meet in person or if they can meet remotely. Manager Geoghegan stated they can meet remotely but it is complicated as they have to look at maps but they are trying to find a solution; there are a variety of programs out there that are being looked into which may work for them.

Tina Smilek (via email). Agenda Item 9A.3 FP Howell to give Howell \$800,000 plus confirm 92 units of affordable housing in return of Howell providing public water and sewer to the property. What is needed to provide water to the property, and how much will it cost us? Will this be a capital project and would the costs be charged to our utility or regular township fund? Agenda Item 9A.4 Tyrpak Road Group, Howell will ensure public water and public sewer is provided at the property which includes approval in the waste water management plan? Where is the closest public water and sewer connection to this area? How much will this cost? Will it be charged to utility or regular township fund? Has any council member actually looked at the Wastewater Management Plan? And who conducted and reviewed the environmental impact considering you are giving your approval to the Department of Environmental Protection? Will this still allow the planning board to deny aspects of the project if it turns out to have an environmental impact?

Manager Geoghegan read a comment from another resident as it is similar in nature to the above:

Dave Schulz (via phone call). Mr. Schulz called to express his concern for having Resolutions 9A.3 and 9A.4 on the consent agenda. Mr. Schulz feels that anything having to do with the Wastewater Management Plan should be held as a public hearing and not in consent. Any sewer and water changes carry more gravity and should not be in consent.

Regarding the above questions and comments, Manager Geoghegan stated he had asked Township Attorney Clark to contact Andy Bayer, the Township's Affordable Housing attorney, and therefore asked Mr. Clark to respond. Township Attorney Clark stated this type of resolution, where we ask for an amendment to our Wastewater Management Plan to include someone in the sewer service area, is done fairly frequently. Mr. Clark added a similar resolution was done as recently as January of this year. It is not typically done by public comment; there is a process for this and it starts with the Township passing a resolution saying we are not objecting to the inclusion of it in the Wastewater Management Plan, then it still has to go to MRRSA for approval, then to the County for approval, then to the state DEP so at every step of the way there are certain regulations or qualifications that somebody looking to be included has to satisfy and ours is just the first step down a long road for them. With regard to Ms. Smilek's questions on Item 9A.3, Attorney Clark stated the determination of what is needed to provide water and sewer to the property is the developer's responsibility. None of this is going to cost the Township any money, we are not responsible for paying for any part of their development. The Township is also not paying for any of their sewer and water. With regard to Item 9A.4, Attorney Clark stated Tyrpak Road Group will not have any responsibility to provide public water and sewer; again it is the developer's responsibility. The Township's responsibility in the developer's agreements is limited to supporting the project and to supporting their inclusion in the Wastewater Management Plan and the sewer service area, which is what we are doing. The Township is not giving approval to the DEP; we are the first step. They still need to get approval from the DEP; at that point the County and the DEP will do the environmental impact. Regarding the Planning Board still being able to deny aspects of the project if there is environmental impact, Attorney Clark stated in that case it probably would not get past the DEP so it would be a moot point.

Ms. Smilek: Agenda Items 9A.5 through 9A.7. Engineering fees for roadwork. Has there been any changes from when it was originally pulled from the agenda over 3 months ago and now? I am deeply troubled by what I consider to be a political game with these resolutions. I'm starting to see a very defined correlation between some of our new council members with some of our past council members. Those of you who choose to play with a person's career and livelihood for political reasons should be ashamed of yourself.

Manager Geoghegan stated there have been no changes in the work itself; there have been additional reviews that have been enacted and that is why these were recommended to you for consideration at this meeting.

Ms. Smilek: Now that this matter is settled, I would like to receive a copy of the RFP's that Councilwoman Richmond was reviewing. Do I need to OPRA them or is it possible to send them to me?

Manager Geoghegan asked that Ms. Smilek OPRA them so we understand clearly what she is looking for and can fill that request.

Ms. Smilek: Agenda Item 9A.12 what project is he working on? Will this project be completed soon or is it completed with this payment?

Manager Geoghegan explained this resolution is regarding a payment to one of the Township's Special Counsel, Chris Dasti, who has been working on a project with our Code Enforcement department in demolishing long-time nuisance abandoned homes and then assessing that fee back to the property owner. We have had great compliance so far with three of the five property owners choosing to take action. We selected some of the worst homes around Howell that had been neglected for years where the owners disregarded any notices from Code Enforcement or the Court. As far as future work, that may be reeled in based on economic factors, but we found it to be a successful program so far.

Ms. Smilek: In conclusion, I would like to thank the majority of council who have been working tirelessly for the community and residents for this pandemic we are going through. Seeing your videos, updates and community interaction has been comforting to many residents. And as always, Chief Kudrick is the pillar of the community. His leadership in his department and in our town is beyond compare. To the employees of Howell Township in all departments, thank you for all your hard work during this difficult time and always. Wishing everyone and their families remain healthy and well. And prayers to all those who are fighting this invisible enemy. As the Mayor continues to say, we will all get through this together.

Joan Osborne, Environmental Commission Chair (via email). The Environmental Commission, in conjunction with the Department of Public Works, has reached the conclusion that the planning for and potential to have the Earth Day planting for the of the trees grant we obtained for Winston Park which was to be around April 25 cannot go forward then. We have contacted the Pinelands Nursery and they have adjusted the delivery date for early June. We hope that will work out and that the Town will continue its coordination with the County's project, if that is possible, and keep us advised of the status of those efforts. We will formalize a new date as soon as possible. The Environmental Commission also thanks the Council for putting the resolution of support for another grant opportunity that the Environmental Commission is pursuing on today's agenda. If anyone has any questions about it, Lisa Doud is spearheading that effort to have a pollinator garden added to the Howell Organic Community Garden. We are always happy to pursue the growth of this important asset in Howell and hope that we will again be

successful in getting a grant to expand the ability of that garden to produce food in a sustainable way. The Environmental Commission would like to address its concern that its meetings have been cancelled. This is not a problem as long as no projects are going forward to Planning or Zoning approvals without having been reviewed by the Environmental Commission. If planning or zoning board meetings are to resume during this crisis, we would like to work out an alternative arrangement to hold our meetings and do the work that we have been appointed to do.

Township Manager Geoghegan stated that almost all Township meetings have been cancelled, including Environmental Commission as well as Planning and Zoning boards, so there will probably be no issue going forward.

Close Hearing of Citizens

Public Comment - Fire District 2 Budget

Township Manager Geoghegan addressed the Governing Body regarding the failed Fire District 2 Budget. He explained that the budget failed before the voters on February 15, 2020. When a fire district budget fails by the voters, it then comes to the Governing Body for consideration. Township CFO Palazzo and Manager Geoghegan met with fire district representatives and their attorney and were able to come up with a few cuts. Their budget, as presented to the voters, was flat from last year - there was no increase. But in further discussions we were able to make some recommendations and, therefore, I am recommending a total of \$50,000 in cuts. It would be a total of \$49,000 to their capital appropriations; this is money that they set aside for future purchases. The fire district carries zero debt so every year they budget a certain amount then in five, six, or seven years when they need a new truck the money is there and they are essentially paying cash, which is extremely sound financial practice. We are taking \$49,000 from their capital appropriation line and \$1,000 from their salary and wage line for a total of \$50,000 in cuts. The fire commissioners were all in agreement that this would not have negative impact on their operations in that district. By law we have to open the meeting for public hearing.

Public Hearing on Resolution R-20-138

Mayor Berger opened the meeting for public comment on the failed fire budget, which Manager Geoghegan will read into the record. Manager Geoghegan wished to first read a letter dated March 13, 2020 from the fire commissioners themselves:

Mr. Brian Geoghegan:

Sir, thank you very much for reviewing our 2020 budget and recommending a reduction in the Capital Reserve line of \$50,000.00 in order for our budget to be accepted. We couldn't have asked for a more fair conclusion and yes we agree with it completely and accept it as you recommended. We also agree that the reduction will not have a negative impact on the Fire Service in our Howell Fire District #2.

Also be informed that Dr. Harry Carter, the chairman of our Board of Fire Commissioners, is completing a Capital Spending Plan to support future purchases.

Again, thank you very much for being reasonable with the reduction plan for our 2020 Budget.

*The Board of Fire Commissioners Howell Fire District 2
Frank E. Biddle III, Clerk of The Board*

Tina Smilek (via email). 9A.1 District 2 Fire Budget. Very sad to see this didn't pass as they didn't request an increase. That being said, how are people supposed to vote when no one has any information unless they search different websites? We never know anything about the candidates or the budget unless you get a mail in ballot. I would like to see the township or fire departments post to their website a sample ballot for each district. It would be nice if the Township would post them on the township website. And when the election is over, how about posting the results somewhere? Our newspapers don't even cover these elections anymore. Please look into doing a better job at getting the info out to the voters. With the new mail in ballot laws, residents need to be motivated to vote. Or consider moving the elections to November like the school board.

Township Manager Geoghegan stated that Fire District 2 is actually very transparent; they maintain a website that contains the budget. Manager Geoghegan stated he was not sure what was advertised about the candidates in advance or if they posted a sample ballot, but the last several years' budgets are posted for the public to review. Fire districts do have the option of moving the election to November but then the voters would lose the right to have direct input into their budget; this is something that came about under Governor Christie. Some fire districts have moved their election but others have refrained from doing so.

Close Public Hearing

R-20-138 9A.1 Establish the Amount of the 2020 Budget of Fire District No. 2 pursuant to N.J.S.A. 40A:14-78.5 et seq and Certifying the Amount to be Raised by Taxation in support thereof

Deputy Mayor O'Donnell made a motion to approve Resolution R-20-138, 2020 Budget of Fire District No. 2, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O'Donnell, Mayor Berger.

9. Consent Agenda

Council reviewed and discussed the Consent Agenda. Deputy Mayor O'Donnell made a motion to approve Consent Agenda Items 9A.7 through 9A.16 and 9B.1, later amending the motion to include Agenda Items 9A.2* through 9A.16, and 9B.1, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilwoman Richmond, Councilman Russo, Deputy Mayor O'Donnell. Nays: Councilman Bonevich, Mayor Berger.

***Note:** Agenda Item 9A.2, Resolution R-20-139, was erroneously included in the Consent Agenda, therefore a separate vote was taken after approval of the Consent Agenda. Deputy Mayor O'Donnell made a motion to approve Resolution R-20-139, Authorize Amendment of the 2020 Temporary Appropriations pursuant to N.J.S.A. 40A:4-20, prior to the Adoption of the 2020 Municipal Budget, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O'Donnell, Mayor Berger.

Resolutions

- R-20-140 9A.3 Authorize Amendment to the Howell Township Wastewater Management Plan for property known as Block 110, Lots 166, 181 and 182 (FP Howell, LLC.)
- R-20-141 9A.4 Authorize Amendment to the Howell Township Wastewater Management Plan for property known as Block 143 Lots 6 and 6.01 ("North Parcel"); and Block 144 Lots 8, 9, 10, 11, 12, 14, 15, 20, 35, 111, 112, 142, 145-150, 160-165, 165.01, 167, 177, 178, 178.01 and 178.02 ("South Parcel") (Tyrapak Road Group, LLC)
- R-20-142 9A.5 Authorize Award of Professional Services Contract, 2020 Capital Program #2 – Developments, CME Associates, \$39,400.00
- R-20-143 9A.6 Authorize Award of Professional Services Contract, 2020 Capital Program #3 – Various Out Roads, T&M Associates, \$64,800.00
- R-20-144 9A.7 Authorize Award of Professional Services Contract, 2020 Capital Program #4 – NJAW Roadway Improvements, T&M Associates, \$71,600.00
- R-20-145 9A.8 Authorize Refund of Unused Park and Ride Fee, Rebecca Carroll, \$190.00
- R-20-146 9A.9 Authorize Return of Unused Planning Board Escrow Funds, Desai Development Corp, Howell Road (Five Points Road) (between Route 33 and Tobi Court), Block 175 Lots 46, 46.01, 47 and 48, Case No. SD-2420 Desai Estates – Majestic Oaks, \$1,170.12
- R-20-147 9A.10 Authorize Return of Unused Zoning Board Escrow Funds, Deepak Gaiwad, 39 Bracken Court (off Arrowwood Court), Block 138.13 Lot 9, Case No. BA18-15, \$47.22
- R-20-148 9A.11 Authorize Award of Contract, American Wear Inc., Supply and Cleaning of DPW Uniforms, Contract #20-05
- R-20-149 9A.12 Authorize Additional Not-To-Exceed Limitation to Christopher Dasti, Esq. with regard to Duties as Special Counsel, \$5,000.00
- R-20-150 9A.13 Authorize Return of Site Improvements and Sanitary Sewer Improvements Inspection Escrow Funds, Saveria Builders, LLC, Pine Hill III, Block 59 Lots 3 and 3.01 (new Lots 3.02-3.18), Saveria Court (off Aldrich Road), Case No. SD-2817
- R-20-151 9A.14 Authorize Acceptance of Performance Guarantee, NJ American Water Company, NJAW Howell 2020 Candlewood Neighborhood - Phase 4 DSIC Program, Northgate Drive, Southgate Drive, Hampton Road, Kensington Drive, Arlington Drive, Chatham Drive, Newport Drive, Chestnut Hill Road, Brunswick Drive, Brunswick Circle and North Longview Road, Road Opening Permit No. RO-20-048

- R-20-152 9A.15 Authorize Relief from Road Opening Moratorium, Southgate Drive and Arlington Drive
- R-20-153 9A.16 Authorize Howell Township Environmental Commission to Prepare and Submit an ANJEC Open Space Stewardship Grant Application

Motions

- 9B.1** 2020 Renewal, Second Hand Dealer License, Twin City Jewelers II, 4435 Route 9
- 9B.2** Appoint Planning Board Alternate 1 Member, Unexpired 2 Year Term Expiring 12/31/21
- 9B.3** Accept Resignation of Municipal Green Team Member Rich Mertens and Appoint Member to Municipal Green Team, Unexpired 1 Year Term Expiring 12/31/20
- Councilwoman Richmond made a motion to table Agenda Items 9B.2 and 9B.3, seconded by Deputy Mayor O'Donnell. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O'Donnell, Mayor Berger.

10. Public Hearing on Ordinances

10.1 O-20-5 Ordinance Amending Chapter 139 Fees, Article XVII Land Use, Section 55, Annual Landlord Registration and Registration for Abandoned Residential Property

Deputy Mayor O'Donnell made a motion to table the public hearing and adoption of Agenda Item 10.1 Ordinance O-20-5 until economic conditions improve after the COVID-19 pandemic, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O'Donnell, Mayor Berger.

11. Introduction of Ordinances

None.

12. Unfinished Business

13. Information

Township Manager Geoghegan announced that citizens can find COVID-19 information on the website at www.twp.howell.nj.us/covid19. For those who do not have internet access, they may call 732-961-5111 and hear a recorded message that is usually the most recent letter from the Governing Body to the public. Manager Geoghegan also reiterated that any donations for the Food Pantry can be accepted either through the Senior Center or OEM. Mayor Berger stated that if anybody is struggling with fear or anxiety and needs some help, they may find the Municipal Alliance provides helpful resources. Their page can also be found on the Township website. Mayor Berger thanked our first responders and the team that has been working on COVID-19 with OEM and the Chief of Police and Manager Geoghegan. She thanked everyone for including the Governing Body in all the information and added that it is very important that the citizens know we all are working very hard to try and make sure we keep our Township safe.

Councilman Russo also thanked everyone for their hard work during these crazy times and asked Manager Geoghegan to speak briefly about testing facility in Howell. Manager Geoghegan stated he become aware that a local medical clinic across the street from town hall, My Instadoc, had the ability to conduct about 200-250 tests for COVID-19 per day. Anticipating that we may have some traffic or crowding issues at their location, Manager Geoghegan had asked OEM to meet with them to see if the Township could help coordinate things rather than having them start testing and then the Township having to react to problems. School representatives were on board, and after reviewing a number of locations, we decided on Middle School North for the operation to occur. Manager Geoghegan stated the first testing event occurred yesterday. The general public is not entering the school, this is a drive through system. Approximately 150 tests were done yesterday between 9 AM and 5 PM and they are planning to do it again Wednesday and Friday. Councilwoman Richmond asked if this is for Howell residents only and if insurance is required. Manager Geoghegan stated they cannot restrict it to residents, the doctors involved need to treat whoever comes to them. He was told that 90 percent of people tested yesterday were Howell residents. Mayor Berger stated she was in contact with one of the doctors involved and they have worked out a special program for seniors or those without insurance. There is a charge for the service and insurance is accepted. There is a strict process to follow with a series of questions about symptoms and based on the outcome individuals may be instructed to visit a local clinic or schedule an appointment at the testing site. Only those with an appointment will be allowed into the testing site. Councilman Russo asked if first responders get preference. Manager Geoghegan stated that any first responders who feel they may have been exposed receive preference.

14. Meeting Dates

Regular Meeting

- Tuesday, March 24, 2020

Executive Session 6:30 P.M.

Regular Session 7:30 P.M.

15. Adjournment

Councilwoman Richmond made a motion to adjourn the meeting, seconded by Deputy Mayor O'Donnell. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O'Donnell, Mayor Berger. Meeting adjourned at 7:00 P.M.

Respectfully,

Allison Ciranni
Township Clerk
Township of Howell