

1. Meeting Called to Order

Mayor Berger called this meeting to order at 5:00 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. (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. (3) By the filing of a copy of said form of notice in the Township Clerk's office on January 8, 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), Affordable Housing Attorney Andrew Bayer (via telephone), Township Clerk Allison Ciranni.

3. Executive Session

Cancelled.

4. Pledge of Allegiance to the Flag

5. Acceptance of Minutes of Previous Meetings

- March 16, 2020 Special Emergency Meeting

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

6. Reports of Township Officials

Township Manager Geoghegan stated tonight's council meeting agenda lists approval of the 2020 municipal budget; however the Governing Body expressed a desire to table it to a later date due to the COVID-19 pandemic situation. Resolutions R-20-161, R-20-162 and R-20-163 and Ordinance O-20-6 all pertain to the budget and will be tabled to a future meeting. Manager Geoghegan stated he was asked to read into the record the following statement from the Howell Municipal Alliance: *Feeling sad or overwhelmed during COVID-19? The Howell Township Municipal Alliance website and Friends of the Municipal Alliance Facebook page provide a comprehensive, current list of mental health and substance use prevention, recovery, and treatment resources during these uncertain times of COVID-19 or any time you or a loved one need support. The resources range from youth and general population helplines to crisis intervention services at the local, state and national levels. Never be afraid to ask for help or*

seek support. Never be afraid to ask a friend or coworker if everything is okay. Social distancing does not put a stop to offering compassion and concern. Manager Geoghegan added this statement will be posted on the Township website, on the Alliance page and their Facebook page.

Manager Geoghegan advised the Governing Body of the most recent COVID-19 numbers: 242 confirmed cases affecting Howell residents and 9 cases affecting Farmingdale residents. Howell reports both because our OEM oversees Farmingdale as well. Manager Geoghegan stated as of today the Governor has closed all state and county parks so Howell Township followed suit and closed all municipal parks. The Department of Public Works will be working to post barricades and signs at all parks. Manager Geoghegan also stated the Senior Center has been receiving a number of donations, including some significant financial donations obtained by Deputy Mayor O'Donnell and Councilman Russo. Director Melanie Decker has been doing a phenomenal job working with Chris Hill from the PAL securing food donations which are being divided between the Senior Center and Food Pantry to support our seniors and needy families. Puglisi Egg Farm has lent the Township their refrigeration systems to store some of the food products.

Manager Geoghegan stated that he and CFO Palazzo have been working on a resolution for the Governing Body's consideration at the next meeting. With having so little snowfall this year, the snow trust has built up quite a bit; the resolution would allow us to use those funds for an emergency, namely the COVID-19 crisis, and would make that money available for any expending that may need to be done. Currently there is approximately \$800,000 in that fund. Manager Geoghegan continued that the last time this was done was during Hurricane Sandy.

Manager Geoghegan stated that a number of Governing Body members have been asking about our tax deadline and if we have the ability to extend it. He explained, we as a township cannot legally extend it and are awaiting direction from the State. Manager Geoghegan advised the Governing Body that there is a resolution on tonight's agenda that allows the Tax Collector to accept less than a 100 percent payment, which is something the Tax Collector was working on prior to this emergency. It may lend some relief to our taxpayers; the only restriction is that any interest would have to be paid in full and up front.

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.

Public Comment

Marc Parisi. Manager Geoghegan stated that Mr. Parisi had emailed regarding a typographical error in the ordinance that is being considered tonight. It has been corrected and a revised copy circulated.

Barbara Dixel. What is the Board of Education paying in rent to the Township for moving into the Municipal Building? Mrs. Dixel wants them to pay their fair share. The seniors cannot afford to live here due to the Board of Education tax increases this year. Manager Geoghegan responded that the Board of Education is not paying rent to the Township, they are paying an amount that is equal to what they were getting for their energy credits in the old building; approximately \$30,000 that will be used toward utilities. Discussions will take place regarding a number of shared service agreements which have unfortunately been delayed due to other priorities.

Joan Osborne, Environmental Commission Chair. Do the Council and Manager have any information on whether we can anticipate the Farmer's Market beginning on May 31, 2020, as is currently planned? Should the Farmer's Market Association continue to seek vendors and plan for this start date? Or is it the Council's preference that we wait until mid-May to see where we are at before deciding anything? Mayor Berger responded that we need to wait until we are allowed to be in a group setting; until social distancing has stopped we cannot move forward. Manager Geoghegan recommended that they hold off on seeking additional vendors at this point.

Tina Smilek. Why wasn't there any discussion between council concerning the motion for approving the resolutions? It seems Councilman Bonevich had a concern with resolution 9A4 that he wanted to separate out from the grouping of resolutions for discussion. What is the reason those that voted yes and rushed this through did not care what Councilman Bonevich's issue was? What was Councilman Bonevich's issue with 9A4? Councilman Bonevich responded that he was looking for clarification from Special Counsel Andrew Bayer prior to the last meeting that was not received. Councilman Bonevich asked Mr. Bayer to clarify about adding to the five parcels the water service area. Mr. Bayer clarified that this is in connection with the Tyrpak Road Group project. Mr. Bayer stated the developer's counsel contacted the Township about adding those parcels to the sewer service area and that there would be no additional housing units; the parcels are for the purpose of another ingress and egress from the proposed project. Councilman Bonevich asked if we have it in writing that there will be no additional building on those parcels. Mr. Bayer stated what we would have to do is, putting aside the sewer service, the Township would have to enter into an amended developers agreement and also have to consider amending the zoning for the site, subject to the restrictions of those lots that they would only be for ingress and egress to the proposed project.

Tina Smilek. After reviewing the last meeting, I would like to know if the Deputy Mayor purposely motioned to approve 9A7-9A16 including 9B1 and then adding 9A2 and disregarding 9A3-9A6? It seems there was no vote on 9A3-9A6? Are they not approved? Township Attorney Clark responded that they are approved. He explained that he watched the meeting

video and at about the 25 minute mark, Deputy Mayor O'Donnell made a motion to approve agenda items 9A.7 through 9A.16 and 9B.1, which was seconded by Councilwoman Richmond. At that point Councilman Bonevich interjected a motion to approve 9A.2 through 9A.16 excluding 9A.4 and including 9B.1; however, when there is a motion and second pending, another motion is not proper. A motion to amend can be made but that must be specifically stated. The motion to amend must be called a motion to amend, there has to be a second, then there has to be a vote on it and if it passes, then the original vote it sought to amend is amended and there is debate or discussion on that motion, none of which happened. Basically, Deputy Mayor O'Donnell amended her own motion, which she is able to do without a motion to amend on her own, up until the motion is stated by the chair, which it was not, therefore Deputy Mayor O'Donnell's ultimate motion was to approve 9A.2 through 9A.16 including 9B.1; Councilwoman Richmond indicated that she had seconded it, there was a vote on it and it passed by a vote of three to two. We then later had a motion to reconsider 9A.2 because it was a financial resolution that required four votes, which then passed unanimously.

Tina Smilek. On top of that, do the professionals sitting on the side truly not know how to fix the issues or is this just another instance of employees unsure how to react and not wanting to be the next victim of the political game being played by some current and past council members? Slow down and understand what you are making a motion on and voting on. Listen to each others concerns. Hastily pushing things through ends up with mistakes as you have once again proved. My questions on 9A3-9A4 were never answered. What is the closest public water and sewer connection to FP Howell and Tyrpak Road Group projects? I understand the property owners are responsible for the water and sewer in their developments, but are they required to run the water and sewer lines on roads closest connections? I do not want to see us take on another water/sewer project that we the taxpayers will have to fund. With Jim Hermann not there, who is overseeing all these projects? Township Attorney Clark responded that he spoke with Justin Yost, Deputy Director of Community Development today and with regard to the Tyrpak Group, they have met with MRRSA and were told they would have to extend the sewer just south of the Havens Bridge Road bridge. The proposed sewer would connect to MRRSA's interceptor main under the bridge to extend south to Casino Drive and west to the proposed site. Mr. Yost's understanding is that this new main would be installed by the developer and become part of Howell's sewer system. For water, New Jersey American Water (NJAW) has an 18 inch main on Casino Drive on the front of the property that could be tapped for the new development. NJAW will ultimately have to review the size of the proposed project. It may require Tyrpak Group to install new mains on West Farms Road to Route 9 to loop the water system. With regard to FP Howell, they are going to connect their sewer at West Fifth which was recently installed as part of the Freewood Acres project. With regard to water, they are talking to NJAW. There is water at Sunnyside and Gristmill; NJAW may require FP Howell to loop the system as well, which prevents a dead end on the line but is expensive so it is something FP Howell and NJAW are working through. Those are the nearest sewer and water connections. Township Manager Geoghegan stated as far as who is overseeing the project now, it is a combination. Andrew Bayer is still involved as well as Joseph Clark and Justin Yost. Regarding the cost of installation and sewer connection, Mr. Bayer wished to clarify that the developers agreement the

Council had previously approved makes it clear the developer is responsible to pay for the connection even with the Township project that is there.

Tina Smilek. Who is overseeing the Freewood Acres Sewer Project and do you have a status update? Manager Geoghegan responded that Justin Yost is overseeing the project. The majority of the sewer main has been installed for Freewood Acres, final testing is being completed this week, and all residents should be able to begin connecting next week. Only the residents on the west side of Route 9 have been able to connect at this point. The water company is completing laterals on Georgia Tavern Road this week. Georgia Tavern Road will be repaved and open to traffic once the lateral work is complete.

Tina Smilek. When is Jim Hermann going to be back at work and who is running Community Development right now? Manager Geoghegan responded that there can be no comment on Mr. Herrman's status as it is a personnel matter. Justin Yost is running the department as Deputy Director.

Tina Smilek. Will Walter's Group Affordable Housing have to put applications on hold until after the pandemic? Still haven't received an answer as if veterans will have preference? I want to make sure residents are made aware of this as soon as it is available. Manager Geoghegan responded that they are most likely modifying how they are operating but he believes Governor Murphy still wants to move forward with affordable housing projects wherever available, especially in light of the current status of the economy. Veterans do have a preference as part of the marketing plan. Walters Group was supposed to hold an informational session here at Town Hall that had to be cancelled because of the current situation.

Kathi Novak. With the State and Monmouth County parks closed people will be flooding the beautiful Howell parks. Please consider closing the Howell parks for everyone's safety. Thank you. Manager Geoghegan stated a response was sent to Ms. Novak by the Deputy Township Clerk that all Howell parks were closed earlier today.

Councilwoman Richmond stated that the Township parks had already been essentially closed. Manager Geoghegan stated that the Township had followed the State's lead; the parks had been open for passive recreation such as walking and biking as long as people maintained social distancing practices. The playground equipment, basketball courts, and such had been closed off as it would have been harder for people to avoid being in close proximity in those areas. Councilwoman Richmond asked if this would help in the renovating and updating of the parks. Manager Geoghegan stated that the Department of Public Works has completed most of the work they were going to be doing, which was a lot of the removal of old equipment, and are waiting on new equipment to be delivered so that work will still be going ahead.

Councilwoman Richmond requested that Manager Geoghegan provide Council with a prioritized list regarding initiatives connected with the COVID-19 pandemic that Council can review to determine what may be essential or not, down the road, in reference to projects, jobs, etc. Manager Geoghegan agreed and stated that in the meantime we have stopped all non-essential

spending and are not filling any full time positions or doing any hiring at this point for vacancies or approved positions.

Regarding the donations Manager Geoghegan mentioned earlier, Councilman Russo wished to recognize Mr. Dick Clark of Howell who donated \$1,000. Councilman Russo thanked the volunteers who have been helping him deliver food to seniors including Billy Stahnten, Rob Seaman, John Leggio and Anna Marie Scotson who was one of the first volunteers. Councilman Russo also mentioned a recent act of kindness by Jenna Marcia, and Brandon, Alex and Jenna Morciglio, employees of Howell ShopRite. An elderly gentleman was trying to check out with his groceries but his credit card was not working. This group of caring young employees paid from their own pockets for this individual's food.

Deputy Mayor O'Donnell stated that an individual who sits on one of the Township's boards has also made a generous donation but she was not given permission to give his name. She stated that it is truly an act of selflessness when somebody does not ask to be thanked. Deputy Mayor O'Donnell also stated that our Township employees are incredibly dedicated; when she was recently involved with deliveries from the Senior Center to people in need, she could not believe the busyness going on inside, the cleaning, the gathering of food, putting things together for other people.

Mayor Berger stated that today is World Health Day and social distancing is a big deal; it is not a vacation. Mayor Berger stressed the need to keep children with the family so they are not sharing germs while playing or bicycling together. Mayor Berger also reminded that we are being asked to wear a mask when out shopping so please wear a mask and gloves. There are YouTube videos that show how to make your own mask. Mayor Berger complimented the Township employees and first responders. Mayor Berger advised that currently there are more negative tests than positives out there and there are only more positives because we are testing more people, so if numbers seem high it is because we are testing more people than are being tested in other countries.

Councilman Bonevich thanked the Governing Body for postponing the budget adoption. He requested clarification on dates in connection with the passage of A3851, which permits the extension of budget adoption but does not specify a date. CFO Palazzo explained that the Township operates on a calendar year fiscal year, January 1 to December 31. The original deadline to adopt the budget was April 30 or the next council meeting thereafter; the Division of Local Government Services (DLGS) has revised the deadline to May 30 or the next council meeting thereafter. The State fiscal year ends on June 30, which they have pushed forward three months to September 30. CFO Palazzo stated the DLGS will still review budgets and still try to get that work done so we may be able to try to send out tax bills for the August 1 deadline but it will be a trying task. Councilman Bonevich reiterated that we can extend tax payments without a penalty from May 1 to May 10, but we should adopt the budget by May 30. CFO Palazzo confirmed.

9. Consent Agenda

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

Resolutions

- R-20-154 9A.1 Certify Compliance with the US Equal Opportunity Commission's "Enforcement Guidance" & Sign Group Affidavit
- R-20-155 9A.2 Authorize Return of Driveway and/or Stabilization (Winter) Guarantee, Emes Equities, LLC/Hollywood Oaks, LLC, Subdivision of Block 213 Lots 1 & 2, Block 216 Lots 1 through 6, Willow Ave, Hollywood Ave, Catalpa Ave, Schulte Ave, Beechwood Ave, Case No. SD-2961F, \$1,500.00
- R-20-156 9A.3 Authorize Acceptance of Performance Guarantee, SMC Properties, LLC, Assisted Living Facility, Block 183 Lot 22, Route 33 (approx. ½ mile east of Brickyard Rd), Case No. BA-16-10
- R-20-157 9A.4 Authorize Release of Maintenance Guarantee, Mill Club at Greenleaf Shopping Center, LA Fitness, Block 25 Lots 54.02, 54.03, 54.04, 70 & 71, Case No. BA-08-06 SP-A2
- R-20-158 9A.5 Authorize Tax Collector to Accept Payment of Less Than One Hundred Percent (100%) of the Amount Due but No Less Than the Full Amount of Interest Due
- R-20-159 9A.6 Authorize 2019 Emergency Management Agency Assistance (EMAA) Grant Execution
- R-20-160 9A.7 Authorize Acceptance of the Project, Acceptance of the Final Change Order and Acceptance of the Maintenance Bond for the 2018 Capital Program #2 – Mill & Overlay Project

Motions

- 9B.1 2020 Renewal, Coin-Operated Games License, Rivoli's Grill & Chill, 8 Ramtown-Greenville Rd
- 9B.2 2020 License, Coin-Operated Games License, Ice Cream On 9, 2300 Route 9 South

10. Public Hearing on Ordinances

None.

11. Introduction of Ordinances

11.1 O-20-7 Amend Chapter 7-10, Turn Prohibitions of the Revised General Ordinances of the Township of Howell

Councilwoman Richmond read Ordinance Introduction Statement. Motion to introduce Ordinance No. O-20-7 on first reading by title and to order the same to be published in the 4/10/20 issue of the Asbury Park Press together with notice of its introduction and passage on first reading by title only, and that it will be further considered for final passage after public hearing at a meeting of the Township Council to be held on 4/21/20 at 7:30 PM, prevailing time, in the Municipal Building. Deputy Mayor O'Donnell seconded the motion.

Township Clerk Ciranni read title of ordinance. **AN ORDINANCE AMENDING CHAPTER 7-10 TURN PROHIBITIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL TO ADD CHAPTER 7-10.4 ENTITLED RIGHT TURN ON RED PROHIBITION AND SCHEDULE XIX**

Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O'Donnell, Mayor Berger.

2020 MUNICIPAL BUDGET Tabled due to COVID-19 pandemic.

Resolutions

~~R 20 161~~ ————— ~~2020 Municipal Budget~~ — ~~Local Examination~~

~~R 20 162~~ ————— ~~2020 Municipal Budget~~ — ~~Read by Title Only~~

Ordinance

~~O 20 6~~ ————— ~~Exceed the Municipal Budget Appropriation Limits and Establish a CAP Bank~~

————— ~~(Introduction on March 3, 2020)~~

————— ~~(Public Hearing & Adoption on April 7, 2020)~~

————— ~~Explanatory Statement:~~

————— ~~This Ordinance exceeds the Municipal Budget Appropriation Limits and Establishes a CAP Bank (N.J.S.A. 40A: 4-45.14).~~

Resolution

~~R 20 163~~ ————— ~~Adoption of 2020 Municipal Budget~~

12. Unfinished Business

Deputy Mayor O'Donnell stated she had reached out to Township Attorney Clark about an emergency resolution concerning people in stores wearing a mask and gloves. She added that she thought Hoboken may have done something similar but is not sure if it would be legal or appropriate and if not, could we at least strongly encourage stores to engage in safer practices when dealing with the public. Attorney Clark stated he thinks we can and should encourage stores to do that; the question is whether or not any action we take would run afoul of Governor Murphy's executive order 108 which prohibits us from doing anything contrary. Attorney Clark continued that if we can do it by resolution or ordinance then we would consider it, but we should encourage stores to do it just as good practice for both workers and the public. Manager Geoghegan stated that message would most likely be communicated through our OEM and Code

Enforcement, as they have been visiting the stores. The information could also be provided on the website and social media. Manager Geoghegan added that a number of complaints have been received about nonessential businesses operating and they have been contacted by OEM and/or Code Enforcement.

Councilwoman Richmond wished to mention that the 2020 Census is due and since we are home looking for something to do it is a great opportunity to fill out your census. She explained that it is so beneficial to our Township as far as funding and grants. Councilwoman Richmond also stated that she had recently asked for people to sit with their children and write letters to seniors who may be lonely and isolated at this time. Letters can be scanned and emailed to Councilwoman Richmond and she will get them to assisted living facilities. Councilwoman Richmond also wanted to let teachers know that they are missed, and thanked all the parents and healthcare providers.

Mayor Berger mentioned the Schoology website but added that parents or students should also contact the teachers themselves. Mayor Berger also announced the Easter Bunny Ride-By will take place Saturday, April 11th and the website shows where they will be going.

Councilwoman Richmond thanked CFO Palazzo and Manager Geoghegan for postponing the budget adoption. She also mentioned that the important information shared by Christa Riddle, Municipal Alliance Coordinator, is especially warranted during these times for our mental health.

Councilman Russo stated he has received phone calls about people having trouble applying for unemployment. He asked if a letter could be sent from the Governing Body to Senator Singer or one of our Assemblymen to request help. Manager Geoghegan agreed. Councilman Bonevich advised that tomorrow at 4:30 PM, Senator Gopal is having a Facebook Live event detailing how self-employed and 1099 employees can receive unemployment benefits.

Councilwoman Richmond inquired how the Township is communicating important information to people who are not tech savvy, who are not senior citizens but may be homebound. Manager Geoghegan stated that we have published the information on Channel 77 and we have a Nixle alert system that residents can sign up for to receive an automated call; this can be done with a cell phone number or regular phone number. He added there is also a specific Township phone number residents can call to hear a recorded version of the most recent notice from the Governing Body.

Councilman Bonevich asked who should be informed if people are seen ignoring the closed parks order. Manager Geoghegan stated they can call the Police Department non-emergency number.

13. Information

14. Meeting Dates

Regular Meeting

- Tuesday, April 21, 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 6:00 P.M.

Respectfully,

Allison Ciranni
Township Clerk
Township of Howell