1. Meeting Called to Order
Deputy Mayor O’Donnell called this meeting to order at 5:33 PM.

2. Opening Statement and Roll Call
Deputy 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 May 10, 2019. (2) By copy of said notice to the Tri Town News and Star Ledger for information and publication on May 10, 2019. (3) By the filing of a copy of said form of notice in the Township Clerk’s office on May 10, 2019. The public will be allowed to attend and will be allowed to participate pursuant to the Open Public Meetings Law. The public is reminded that civility and decorum will be maintained during the meeting. 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 (6:43 PM), Deputy Mayor Evelyn O’Donnell, Councilman John Bonevich (6:34 PM), Councilwoman Pamela Richmond, Councilman Thomas Russo. Also present: Township Manager Brian Geoghegan, Chief Financial Officer Louis Palazzo (7:30 PM), Community Development Director James Herman, Township Attorney Joseph Clark, Assistant Finance Officer Alexis Caufield (7:30 PM), Township Clerk Penny Wollman, Deputy Township Clerk Allison Ciranni.

• ABC Hearing. The purpose of said Hearing is for Council to hear the objection filed against an ABC Place to Place Transfer Application for License Holder Rijeeth, LLC, t/a Wine O Land.

Sean Gertner, of Gertner & Gertner, LLC, Attorney for the Objector, addressed the Governing Body. Mr. Gertner explained the Objector is concerned there is an undisclosed interest that will provide an unfair advantage to the Applicant and Saker ShopRite. Mr. Gertner stated that Saker ShopRite is not the landlord but rather a sub-landlord, subletting to the Applicant. He went on to say Saker ShopRite already owns two liquor licenses and cannot own another in Howell. Objector is concerned that an undisclosed interest and unfair advantage will devalue other liquor licenses in Howell, including his own. Objector’s attorney requested that upon review, if Council is so inclined to grant the transfer, that they include conditions on the license that Applicant provide a roadmap to enforcement personnel that there is no joint advertising, that there are separate entrances to ShopRite and Applicant’s store, and that there is no commingling of assets to create an unfair advantage.

Jason Michael Ross, of Stone Mandia, LLC, Attorney for the Applicant. Mr. Ross stated that the place to place transfer should be based on the suitability of the site. ShopRite is a tenant that is a sub-landlord, leasing the space to the Applicant. Only rent is being received. Mr. Ross stated that the objection should be disregarded. Regarding the statement about special conditions, the store has a separate entrance from ShopRite and there should be no special conditions on the license
Mr. Ross stated that the objector has no right to see the lease of a competitor. He also stated that his client would not enter into arrangement that would jeopardize licenses including his own.

Councilman Russo asked Mr. Ross if his client is associated with ShopRite. Mr. Ross responded that he is not associated with ShopRite except as a tenant. Township Attorney Clark asked Mr. Ross if the Applicant’s lease with Saker ShopRite is for a fixed amount per month. Mr. Ross responded in the affirmative. Attorney Clark then asked if it is required for a fixed sum rental lease to be disclosed to which Mr. Ross responded that it is not.

Mr. Gertner presented his rebuttal. He stated that the Governing Body should have a copy of the lease on file and that the resolution should contain certain conditions. He continued that there should also be representation that there is no other arrangement such as a trade name, joint advertising, etc. Mr. Gertner stated that the Township should do due diligence that there are no undisclosed interests.

Mr. Ross presented his rebuttal. He stated that the objection is based on speculation and special conditions would be overreaching. Mr. Ross also stated that his client knows his obligations to the ABC in the state of New Jersey and that the objection is without merit.

Township Attorney Clark stated that all documents have been read, arguments have been heard, and feels the Applicant has done what was required of him. Fixed rent leases need not be disclosed and allow less chance of inappropriate actions. Mr. Clark stated that the response by the Applicant was very thorough; Council can act this evening to approve.

Councilwoman Richmond made a motion to approve the Application for ABC Place to Place Transfer, Rijeeth, LLC, t/a Wine O Land, 4586, Route 9, seconded by Councilman Russo. Roll Call: Ayes: Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.

Mr. Gertner asked if this resolution is without any conditions, which Attorney Clark confirmed.

3. Executive Session
There is a need to go into executive session for subjects to be discussed per N.J.S.A. 10:4-12, specifically under Personnel and Attorney Client Privilege. The Township Council will reconvene in public session at 7:30 PM. Councilwoman Richmond made a motion, seconded by Councilman Russo. Roll Call: Ayes: Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell. Meeting reconvened 7:30 PM.

Mayor Berger announced that the Executive Session Minutes from tonight’s meeting can be disclosed to the public at the next Regular Meeting, providing the need for confidentiality no longer exists.

4. Pledge of Allegiance to the Flag
5. Acceptance of Minutes of Previous Meetings
   - May 21, 2019  Regular Meeting + Executive Session + Public Release
Councilman Russo made a motion to accept the above minutes, seconded by Councilman Bonevich. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell, Mayor Berger.

6. Reports of Township Officials

   - Recognition – Howell First Aid

Recognition of first responders involved in saving the life of Patricia Sinquet on May 30, 2018. Honored this evening were: Zack Peras, Anthony DeMatteo, Gloria Abbas-Zedah, Shlomo Stern, Yehuda Spiegel, Michael Foran Sr., Brett Kyle, Robert Ortenzi and David Gilliland.

   - Presentation – Howell Chamber of Commerce

Chamber of Commerce President Tom Comer announced the Howell Business Expo which will be held Tuesday, July 16, 2019 from 4-8 PM at the former Barnes & Noble store in the Lanes Mill Marketplace shopping center. The purpose is to promote business in Howell. Admission is free, however, the Taste of Howell Food Tasting costs $5.00 per person. There will be giveaways and prizes including a grand prize of 20 tickets to a Blue Claws luxury suite. Winner will need to be present for drawing of grand prize.

   - Presentation – Monmouth County Community Development Block Grant Program (Kathi Novak, CDBG Citizens Committee Chairperson)

Kathi Novak, CDBG Citizens Participation Committee Chairperson, presented the Fiscal Year 2019 Community Development Block Grant application known as “Resurfacing a Portion of Havens Bridge Road.”

On May 9, 2019, the Citizens Participation Committee met to discuss several potential projects for this year’s application. After much discussion, the Committee determined that the resurfacing of Havens Bridge Road would best qualify for funding and therefore would be pursued under this year’s funding request.

This project will consist of milling and repaving a portion of Havens Bridge Road between Adelphia-Farmingdale Road, Monmouth County Route 524 and the Manasquan River bridge. Under the Township’s Master Plan, Havens Bridge Road is designated as a collector street, which are roadways that provide links between our local residential streets and primary arterials. This CDBG application is for approximately a half mile of the roadway and includes the portion adjacent to Griebing Elementary School.
The intent of the project is to surface mill the roadway, repair any failed sub-base, and install a 2" minimum thick top course of pavement. Any damaged concrete curb will be replaced as necessary to support the new roadway.

In anticipation of continuing with the recommendation of the Citizen’s Participation Committee, the Department of Community Development created a rough cost estimate for the project. Based on this estimate, we are requesting the maximum grant amount of $200,000 from the County. The Department anticipates preparing the engineering plans and specifications utilizing in-house staff.

If the Council agrees with our presentation, the CDBG rules require a quick straw poll vote of the Council members to approve or deny the application. No formal resolution is required. The meeting will also be opened to the public for comments. No comments.

The Township Council supported the submission of the Fiscal Year 2019 Community Development Block Grant application known as “Resurfacing a Portion of Havens Bridge Road.”

Deputy Township Clerk Ciranni stated that changes on the agenda from Preliminary to Final Agenda include:

**Removed from the Agenda**

Resolution:
R-19-107 9A.9 Authorize Developer’s Agreement for Townhomes @ Eagle Oaks LLC, Block 218, Lots 20.12 – 20.21 and Lots 20.23 – 20.40, Case No. BA 10-17SP
R-19-190 9A.11 Support of Path to Progress Recommendations made by New Jersey Economic and Fiscal Policy Workgroup

**7. Discussion**

None

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

Tina Smilek, 33 Charles Street. Ms. Smilek thanked the Governing Body for providing the final agenda to the public the day before the meeting. Ms. Smilek questioned various agenda items; Township professionals responded.

Sondra Solly, Birdsall Road. Ms. Solly questioned the Howell Pop Warner and American Youth Football and Cheer lease. Manager Geoghegan responded.

Mark Parisi, 2 Castle Court. Mr. Parisi read a prepared statement from Barbara Dixel that he agreed to read because she could not attend the meeting.
Jerry Barron, 37 Danella Way. Mr. Barron inquired as to the status of a farmers market ordinance; Attorney Clark stated that he is looking into it.

Close Hearing of Citizens

9. Consent Agenda
Council reviewed and discussed the Consent Agenda. Councilman Bonevich made a motion to approve the Consent Agenda with the exception of Items 9A.9 and 9A.11, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O'Donnell, Mayor Berger.

Resolutions
R-19-180 9A.1 Authorize Renewal of 2019/2020 Alcoholic Beverage Control Licenses
R-19-181 9A.2 Authorize Amendment to the 2019 Temporary Budget
R-19-182 9A.3 Authorize a Permit for Fireworks Display at Festival Da Cultura Portuguesa (Festival of Portuguese Culture) on July 7, 2019
R-19-183 9A.4 Authorize Refund of Overpaid Taxes, Various
R-19-184 9A.5 Authorize Refund of Unused Planning Board Escrow Fees, Chet Atkins (Jersey Outdoor Media), Block 144, Lots 100 & 101, US Highway 9 North, (between West Farms and Casino Road), $360.11, Case No. SP-967
R-19-185 9A.6 Authorize Return of Unused Zoning Board Escrow Fees, Amerco Real Estate Company, Block 144, Lot 95.01, US Highway 9 North, (between West Farms and Casino Road), $2,251.85, Case No. BA16-03
R-19-186 9A.7 Authorize Additional Not-To-Exceed Limitation to Andrew Bayer, Esq. with regard to duties as Affordable Housing Counsel, $15,000.00
R-19-187 9A.8 Authorize Use of Educational Services Commission of NJ, Turn Key Generator Install at the Senior Center and Monopole, Foley Power Systems, in the amount of $161,920.00
R-19-188 9A.9 Removed from agenda.
R-19-189 9A.10 Confirm the purchase price of land known as Block 42, Lot 88, adjacent to Deerwood Park on Lakewood–Allenwood Road, in the amount of $450,000.00
R-19-190 9A.11 Removed from agenda.
R-19-191 9A.12 Authorize Renewal of a Lease Agreement between the Township of Howell and Howell Pop Warner and Howell American Youth Football and Cheer for a portion of property at Block 51.01, Lot 18, Old Tavern Road
R-19-192 9A.13 Authorize Acceptance of a Certified List from the Farmingdale-Howell First Aid Squad, Howell First Aid & Rescue Squad #1, and Ramtown First Aid Squad for eligibility in Length Of Service Awards Program (LOSAP) for the service year of 2018 pursuant to the requirement of N.J.A.C 5:30-14.10(b)
R-19-193 9A.14 Authorize Award of Contract with Public Safety Corporation – Cry Wolf for Alarm Billing Services, One (1) Year Contract, not to exceed $24,000.00
R-19-194 9A.15 Authorize a Refund of Unused Park & Ride Fees, Stacey Robinson, $134.00
R-19-195 9A.16 Authorize Refund of Recreation Program Fees
R-19-196 9A.17 Authorize Release of Performance Guarantee, Developer’s Agreement, Unused Planning Board Escrow Funds and Unused Inspection Escrow Funds, Middlesex Development Group, Inc., Reservoir Woods, Block 155, Lots 6, 7, 8; Casino Drive, Case No. SD-2433A

R-19-197 9A.18 Authorize Release of Maintenance Guarantee, DeVirgilio Subdivision, Block 79.09, Lot 70 (New Lots 70.01 & 70.02), Friendship Road, Sanitary Sewer Improvements, Case No. SD-2918

R-19-198 9A.19 Authorize Release of Maintenance Guarantee, TAL Holdings 1, LLC, Block 175, Lot 34, Route 33 & Brickyard Road, Case No. BA-14-07A

R-19-199 9A.20 Authorize Relief from a Road Opening Moratorium at 116 Waverly Place, Block 22, Lot 16.01, Permit #RO-19-083 for the purpose of installing a new natural gas service line by New Jersey Natural Gas

R-19-200 9A.21 Authorize Relief from a Road Opening Moratorium at 16 Nantucket Court, Block 84.01, Lot 50, Permit #RO-19-047 for the purpose of installing a new natural gas service line by New Jersey Natural Gas

R-19-201 9A.22 Authorize Award of Contract, E-Citation Software and Support, Police Department, Contract No. 19-08, Mobizent, LLC, $31,164.60


R-19-203 9A.24 Authorize Acceptance of Performance, John D. Pittenger Builder, Inc., Sanitary Sewer Connection, Block 78.06, Lot 42.05, 4 Sweet Gum Road, Case No. APP-01-335

Motions
9B.1 Accept resignation of Zoning Board Member Michael Sanclimenti, Term Expires 12/31/2019 and appoint new member

Deputy Mayor O’Donnell made a motion to accept the resignation of Zoning Board Member Michael Sanclimenti and made the following appointments, seconded by Councilman Russo. Roll Call: Ayes: Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell. Nays: Councilman Bonevich, Mayor Berger.
• Member, Term Expires 12/31/2019, Paul Sayah
• Alternate I Member, Term Expires 12/31/2020, James Moretti
• Alternate II Member, Term Expires 12/31/2019, Glenn Cantor

10. Public Hearing on Ordinances
10.1 **O-19-32** 2019 Assignment of Van Schoick Deed from MCF to Howell – Sale and Purchase of Real Property, $10, 800.00

Mayor Berger read Ordinance Adoption Statement. Ordinance No. O-19-32 introduced and passed on first reading on 5/21/19 and published, according to law, is now being taken up for further consideration and public hearing. Affidavit of publication of this ordinance in the Asbury Park Press on 5/10/19 and is submitted and it is noted that a copy of the ordinance has been posted on the bulletin board in the municipal building and that copies were available to the general public upon request.

Deputy Township Clerk Ciranni read title of ordinance. **ORDINANCE AUTHORIZING THE ACQUISITION OF LANDS FROM MONMOUTH CONSERVATION FOUNDATION FOR OPEN SPACE IN THE TOWNSHIP OF HOWELL KNOWN AS BLOCK 51 LOT 36.04 (VAN SCHOICK PROPERTY) APPROXIMATELY 4 ACRES ON PREVENTORIUM ROAD**

**Public Hearing on Ordinance O-19-32**

No public comment.

Councilman Bonevich made a motion to adopt Ordinance O-19-32 and that notice of its passage and adoption be published in the 6/14/19 issue of the Asbury Park Press, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell, Mayor Berger.

10.2 **O-19-33** Salary Ordinance – Township Manager

Mayor Berger read Ordinance Adoption Statement. Ordinance No. O-19-33 introduced and passed on first reading on 5/7/19 and published, according to law, is now being taken up for further consideration and public hearing. Affidavit of publication of this ordinance in the Asbury Park Press on 5/10/19 and is submitted and it is noted that a copy of the ordinance has been posted on the bulletin board in the municipal building and that copies were available to the general public upon request.

Township Clerk Wollman read title of ordinance. **AN ORDINANCE SETTING FORTH AND AMENDING AND SUPPLEMENTING THE SALARY RANGE SCHEDULE FOR THE TOWNSHIP MANAGER OF THE TOWNSHIP OF HOWELL**

**Public Hearing on Ordinance O-19-33**

Tina Smilek, 33 Charles Street. Ms. Smilek spoke against adopting this ordinance.
Deputy Mayor O'Donnell stated that this contract has been signed and is already in effect. Councilwoman Richmond added that Council forgets this is about an ordinance memorializing a contract that was signed last year. Councilman Bonevich stated that Council is dealing with a contract that was signed prior to some of them. Council discussion. Councilman Russo addressed questions to Township Attorney Clark. He asked if the contract conditions save the Township money; Attorney Clark explained his interpretation. Councilman Russo also asked if the stipend portion of contract were found to be invalid would it void contract in its entirety. Attorney Clark responded that it would not; contract is signed, valid and enforceable. Remedy to avoid litigation discussed.

Deputy Mayor O'Donnell made a motion to adopt Ordinance O-19-33 and that notice of its passage and adoption be published in the 6/14/19 issue of the Asbury Park Press, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilwoman Richmond, Councilman Russo, Deputy Mayor O'Donnell. Nays: Councilman Bonevich, Mayor Berger.

11. Introduction of Ordinances
11.1 O-19-34 An Ordinance Creating Chapter 252 Entitled Sewer and Water Article III Entitled Water Service in Freewood Acres
Councilman Bonevich read Ordinance Introduction Statement. Motion to introduce Ordinance No. O-19-34 on first reading by title and to order the same to be published in the 6/14/19 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 7/16/19 at 7:30 PM, prevailing time, in the Municipal Building. Councilwoman Richmond seconded the motion.

Deputy Township Clerk Ciranni read title of ordinance. AN ORDINANCE OF THE TOWNSHIP OF HOWELL, MONMOUTH COUNTY, NEW JERSEY CREATING CHAPTER 252 ENTITLED SEWER AND WATER ARTICLE III ENTITLED WATER SERVICE IN FREEWOOD ACRES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

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

2019 Municipal Budget
Resolution R-19-204 Adoption of the 2019 Municipal Budget

12. Unfinished Business
13. Information

- Municipal Offices Closed Thursday, July 4, 2019 observance of Independence Day

14. Meeting Dates

Regular Meeting - Tuesday, July 16, 2019
  Executive Session  6:30 P.M.
  Regular Session  7:30 P.M.

15. Adjournment
Councilman Bonevich made a motion to adjourn the meeting, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell, Mayor Berger. Meeting adjourned at 8:40 PM.

Respectfully submitted,

Allison Ciranni
Deputy Township Clerk
Township of Howell
Present: Mayor Theresa Berger (6:43 PM), Deputy Mayor Evelyn O’Donnell, Councilman John Bonevich, Councilwoman Pamela Richmond, Councilman Thomas Russo. Also present: Township Manager Brian Geoghegan, Community Development Director Jim Herman, Township Attorney Joseph Clark, Township Clerk Penny Wollman, Deputy Township Clerk Allison Ciranni.

Personnel –  

Attorney Client Privilege – 

Motion to adjourn, moved by Deputy Mayor O’Donnell, seconded by Councilwoman Richmond. All aye. Meeting adjourned at 7:30 P.M.

Allison Ciranni  
Deputy Township Clerk  
Township of Howell

ORIGINAL MINUTES APPROVED  
ON: 7/16/2019