

**\*\* WORKSHOP AGENDA \*\***

**December 21, 2020**

**6:30 P.M.**

**Work Session of the Mayor and Council of the Borough of Englishtown, 15 Main Street, Englishtown, New Jersey 07726.**

1. Meeting Called to Order and Roll Call time was
2. Discussion Items: I T Discussion, Rich Thompson
3. Adjournment

The meeting was called to order by Mayor Reynolds at 6:30 P.M.

Roll Call: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn  
Also Present: Deputy Municipal Clerk Laurie Finger, Attorney Joseph Youssouf

Rich Thompson reviewed proposal for computers

Adjournment: There being no further business, a motion to adjourn the workshop was offered by C/Mann, seconded by C/Krawiec. Passed unanimously. The time being 7:05

**\*\* AGENDA \*\***

**Regular Meeting of the Mayor and Council of the Borough of Englishtown, 15 Main Street, Englishtown, New Jersey 07726.**

1. Meeting Called to Order and Roll Call
2. Statement of Compliance with Sunshine Law
3. Moment of Silence and Salute to the Flag
4. Approval of Minutes-November 21, 2020
5. Committee Reports
6. Correspondence
7. Open Public Portion/Limited to Agenda Items Only  
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.

8. Old Business:

Ordinance No. 2020-06 – Public Hearing & Adoption

Ordinance Amending and Supplementing Chapter 2 of the Code of the Borough of Englishtown Adding New Section 2.136 “Garage Sales in the Borough of Englishtown

Ordinance No. 2020-07 - Public Hearing & Adoption

Ordinance Amending and Supplementing the “Code of the Borough of Englishtown Establishing Chapter 2.94 “Towing”

Ordinance No. 2020-08 Public Hearing & Adoption

Ordinance Authorizing a Special Emergency Appropriation Pursuant to N.J.S.A. 40A:4-53(m) for the Expected Deficit in Operations Related to COVID 19 of the Borough of Englishtown, County of Monmouth, New Jersey

New Business:

Resolution No. 2020-132

Resolution No. 2020-133

Resolution No. 2020-134

Resolution No. 2020-135

Resolution No. 2020-136

Resolution No. 2020-137

Resolution No. 2020-138

Resolution No. 2020-139

Resolution No. 2020-140

Resolution No. 2020-141

Resolution No. 2020-142

9. Tax Collector’s Report November - 2020

10. Open Public Portion/Limited to Non Agenda Items Only Limited to Five (5) Minutes per citizen to be determined at Borough Council’s discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.

11. Executive Session

12. Adjournment

The meeting was called to order by Mayor Reynolds at 6:36 P.M.

Roll Call: C/Francisco, C /Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Also present, Municipal Clerk Peter Gorbatuk, Deputy Municipal Clerk Laurie Finger and CFO Sylvia Eryan-Hawileh,

Mayor Reynolds stated pursuant to N.J.S.A. 10 4-6 notification of this meeting has been (1) Published in the Asbury Park Press and the News Transcript the Official Newspapers of the Borough, (2) Posted to the Public at Borough Hall, (3) Copy has been filed with the Municipal Clerk, (4) Copy of this agenda and the Sunshine Statement has been filed with the Mayor and Council. Thus this meeting tonight is deemed in compliance with the Open Public Meetings Act.

There was a moment of silence and salute to the flag.

Approval of Minutes: November 16, 2020

A motion to approve the November 16, 2020 meeting minutes and Executive Minutes by C/Robilotti and Seconded by C/Krawiec.

Roll Call: Ayes: C/Francisco, C/Mann, C/Marter, C/Robilotti, C/Wojyn, C/Krawiec  
Nays: None  
Abstain: None  
Absent: None

Committee Reports:

Code Enforcement, Public Health, Public Events

Councilman Francisco reported: Nothing at this time.

Technology

Councilman Marter reported: Rich Thompson Resolutions at end of meeting for Technology.

Legislative, Insurance & Licenses

Councilman Marter reported: There were some web site issues that have been addressed.

Public Safety

Councilman Wojyn reported: Read monthly Police report.

Public Utilities

Councilwoman Krawiec reported: No report at this time.

Public Buildings & Grounds

Councilman Mann reported: No report at this time.

Administration, Finance & Personnel

Councilwoman Robilotti reported: No report.

Correspondence

The Monthly Budget Report for November has been received and was forwarded to Mayor and Council.

Letter was received regarding State aid for West Dey Street Improvements.

Informed Mayor and Council our present contract with Suburban Disposal will be terminating at the end of 2021.

Public Portion – Agenda Items Only

Meetings going forward will be addressed so anyone calling in will be able to hear better as we are trying to get rid of the bugs.

Old Business:

BOROUGH OF ENGLISHTOWN  
ORDINANCE NO. 2020-06

PUBLIC HEARING & ADOPTION

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 OF THE CODE OF THE BOROUGH OF ENGLISHTOWN ADDING NEW SECTION 2.136 “GARAGE AND YARD SALES IN THE BOROUGH OF ENGLISHTOWN”

Be it Hereby Ordained by the Mayor and Council of the Borough of Englishtown that Chapter 2 is hereby amended as follows:

ARTICLE I

(New Section) 2.136 GARAGE AND YARD SALES

**LEGISLATIVE FINDINGS:** The Mayor and Council of the Borough of Englishtown hereby find and declare that problems created by garage and yard sales, blocking sidewalks and obstructing the normal flow of traffic, and that such obstructions are or can become dangerous when not properly controlled. In order to better promote the public health, safety, peace and welfare, it is necessary to enact such guiding principles whereas the aforementioned potential problems may be prevented and avoided.

**SECTION 1- PURPOSE:** The purpose of this Section is to establish controls and regulations directed toward the safe and expeditious movement of pedestrian and vehicular

traffic throughout the Borough of Englishtown and to provide for the safety of the general public.

## ARTICLE II

- A. DEFINITIONS: As used in this chapter, the following terms shall have the meanings indicated.

“Garage Sale” means and includes all sales entitled “garage sale”, “lawn sale”, “yard sale”, “attic sale”, “rummage sale”, or any similar casual sale of tangible personal property that is advertised by any means whereby the public at large is or can be made aware of the sale. Such sales are on occasion whereby used items owned by the resident of the premises are offered for sale on the premises.

“Goods” means and includes any goods, or other property capable of being the object of a sale regulated hereunder.

“Person” means and includes individuals, groups, partnerships, corporations and other voluntary associations.

## ARTICLE III

- A. Licenses Required.

It shall not be lawful for any person to carry on or conduct a garage sale without first having obtained a license to do so from the Borough Clerk.

- B. Application for license.

The person making application for a garage sale shall file a completed application with the Borough Clerk at least two (2) days prior to the first day of the proposed sale in order to provide adequate time for the processing of the license. As application for a license shall be made on the forms provided by the Borough Clerk and shall be accompanied by a payment of the required license fee. The information submitted with the license shall include the following items:

1. The name, address and telephone number of the person conducting the sale;
2. The name, address and telephone number of the owner of the property on which the sale is to be conducted;
3. The location at which the sale is to be conducted;
4. The dates of the proposed sale and the hours of the sale;
5. Whether or not applicant has been issued any other vendor’s license by any other governmental agency;
6. Such other information as the Clerk deems necessary to properly process the application;
7. An affirmation or sworn statement by the person signing the application that the information as given is complete and truthful.

C. FEES.

The fee for the issuance of a license for a garage sale shall be \$5.00 per day payable to the Borough of Englishtown and delivered to the Clerk with the application.

D. DESIGNATED HOURS OF SALE.

No garage sale shall be conducted before eight a.m. nor after six p.m.

E. LICENSE RESTRICTIONS.

1. The license shall be issued only to the premises upon which a residential dwelling is located, it being the intention to prohibit garage sales on vacant lots and further to limit the issuance of licenses to specified premises rather than to any individual. The license may be issued to any premises only twice within any (12) month period, and the license shall be issued for no more than two consecutive calendar days except with the approval of mayor and council, the license may be issued for three (3) consecutive calendar days. Furthermore, no person shall directly or indirectly conduct a garage sale at any premises within the Borough more than twice in any twelve month period.

2. Nonprofit charitable, religious, educational and other civic organizations may be allowed more than two licenses within any twelve month period with the approval of the Mayor and Council and for good cause shown.

3. Any person to whom a license is granted shall be required to exhibit such license whenever called upon to do so.

F. REGULATIONS.

1. No display of items for sale and any garage sale shall be displayed on the sidewalk, between the sidewalk and curb; or within (10) feet of the sidewalk on the applicant's property; provided, however, the Clerk in writing may waive this requirement upon a showing by the applicant that (a) space for the display of items is not otherwise reasonably available; and (b) that the granting of the waiver will not create any potential safety problem.

2. Every license for a garage sale shall be valid and remain in effect for the day or dates issued and shall apply only to the person to whom granted and shall not be transferable.

G. SIGNS.

A. All persons are prohibited from making, causing to be made or erecting any signs to be used in conjunction with any sale under this chapter other than as authorized herein.

- B. No sign concerning the proposed sale shall be displayed more than five (5) days prior to the proposed sale.
- C. No signs shall be posted or permitted on public or utility poles, on trees, located off the premises licensed for the sale nor at any location that will create any potential safety problem.
- D. Any sign concerning the sale shall be remove within twelve (12) hours of the conclusion of the sale.

#### H. EXCEPTIONS.

The provisions of this chapter shall not apply to or affect the following persons or sales:

- A. Persons selling goods according to an order or process of a court;
- B. Persons acting in accordance with their duties and powers as public officials;
- C. Persons selling or advertising for sale an item or times of personal property which are specifically named or described in the advertisement and which items do not exceed five in number.

#### I. ENFORCEMENT.

A. This chapter shall be enforced by the police department and code enforcement office of the Borough. It shall be the duty of the Chief of Police and the Code Enforcement office, or their designated agent, to investigate any violation of this chapter.

B. The persons to whom a license is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance or good order and decorum on the premises during the sale hours. No such person shall permit any loud or boisterous conduct on the premises during the sale hours. No such person shall permit any loud or boisterous conduct on the premises nor permit vehicles to impeded the passage of traffic on any roads or streets or interfere with the orderly passage of pedestrian traffic on sidewalks in the area of such premises. In order

to maintain the public health safety and welfare all such persons shall obey the orders of any member of the police department, including orders to terminate the sale.

#### J. PENALTIES.

Any person convicted of violating any provision of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor exceeding five hundred dollars (\$500.00) for each violation. Each day that such violation shall continue shall be considered a separate violation.

This Ordinance shall take effect immediately upon final passage, adoption and publication according to law.

Public Hearing Motion C/Mann, Seconded C/Robilotti

Mayor Reynolds opened the floor to the public for questions or comments on the above titled ordinance.

Steven Bloom borough resident asked, how many complaints have been received regarding Yard Sales? Mayor Reynolds said yard sales need to be regulated. Recently a local had a yard sale that lasted about a month with many items out on the front lawn during that time. This needs to be addressed.

Applications can be mailed to any resident if they cannot make it during the day..

Attorney Youssouf and Mayor and Council find that many Yard Sales in the Borough are not controlled. Traffic has been a factor concerning the Council.

Change will go from \$25.00 for the license to \$5.00 with 1 Garage Sale per quarter.

There being no questions or comments, a motion to close the public portion was offered by C/Mann and seconded by C/Robilotti.

There being no questions or comments, a motion to close the public hearing was offered by C/Mann, Seconded by C/Robilotti.

Adoption as amended.

Offered By: C/Robilotti

Seconded By: C/Mann

Roll Call: Ayes: C/Krawiec, C/Wojyn, C/Mann, C/Marter, C/Francisco, C/Robilotti

Nays: None

Abstain: None

Absent: None

This ordinance amendment shall take effect upon final passage and after publication as required by law

**\*\* This vote was later amended by vote of the Borough Council on June 23, 2021 to reflect that Councilmember Francisco voted in opposition of the ordinance**

**BOROUGH OF ENGLISHTOWN  
ORDINANCE NO. 2020-07**

**PUBLIC HEARING & ADOPTION**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
THE CODE OF THE BOROUGH OF ENGLISHTOWN  
ESTABLISHING CHAPTER 2.94 "TOWING"**



WHEREAS, the Mayor and Council of the Borough of Englishtown have reviewed amendments to the Predatory Towing Prevention Act, N.J.S.A. 56:13-1 et seq., regarding the charging of reasonable fees for certain non-consensual tows; and

WHEREAS, N.J.S.A. 56:13-16(I) permits towing companies to charge any and all fees authorized by a fee schedule established by a municipality when performing a non-consensual law enforcement tow, and any fee charged in performing a non-consensual law enforcement tow in accordance with such duly authorized fee schedules will be presumed reasonable and not excessive; and

WHEREAS, in order to be in compliance with N.J.S.A. 56:13-16(i) the Mayor and Council of the Borough of Englishtown deem it necessary, proper and in the public interest to amend and supplement the Code of the Borough of Englishtown by establishing Chapter 2.94 titled "TOWING".

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the Code of the Borough of Englishtown is hereby amended to establish Chapter 2.94 title "TOWING" as follows:

## ARTICLE I

### SECTION 2.94.1 PURPOSE

The purpose of this chapter is to establish, pursuant to the provisions of N.J.S.A. 40A:11-5(1)(u) a list of towing operators to provide towing services for the Borough of Englishtown on a rotating basis and to establish, pursuant to N.J.S.A. 40:48-2.49 regulations governing operators engaged in the removal and storage of motor vehicles that are abandoned, disabled, illegally parked or stolen, involved in accidents and/or suspected or identified by the borough as being involved in criminal activities.

### SECTION 2.94.2 DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the following meanings, except where the context clearly indicates a different meaning:

#### ABANDONED VEHICLE

Any motor vehicle or vessel partially dismantled or not readily capable of operation under its own power or not currently licensed or wrecked or junked. It shall also mean any vehicle whose owner has terminated the use and care of the vehicle and has either indicated by his words or actions and intent to leave it and no longer claim ownership of it or left it without making arrangements for the storage with the owner, occupant or person in control of the premises on which it is located.

#### ABSORBENTS

Any group of products used to soak up spills or vehicle fluids. These would include oil dry, absorbent pads, socks, booms, etc.

#### ADMINISTRATION CHARGES

A one-time charge Tow Operators may charge for services including but not limited to physical inspection, telephone, email and/or fax calls, copying of documentation and additional office paperwork beyond the initial towing bill.

#### ADMINISTRATIVE FEE

A one-time fee charged by the Borough for the return/release of all impounded vehicles.

#### AFTER HOURS RELEASE

Releasing vehicles after normal business hours.

#### AIR CUSHION RECOVERY

Use of any number of inflatable lifting apparatus (commonly referred to as air cushions and/or air bags). Used to lift, under controlled recovery movements, any objects (e.g. automobiles, trucks, tractors, tractor and semi-trailer combinations) either on and/or off the roadway, aircraft, underwater recovery and realignment of shifted loads inside semi-trailers.

#### ANSI

American National Standards Institute oversees standards and conformity assessment activities in the United States.

#### APPLICANT

Any person who applies for a permit to engage in the activity of towing and storing motor vehicles at the direction of the borough pursuant to the provisions of this chapter.

#### BASE OF OPERATION

The towing operator's principal place of business where the tow vehicle is stationed when not in use.

BASIC TOWING SERVICE

Any removal and transportation of a motor vehicle from a highway, street or other public or private road or a parking area, or from a storage facility, and other services normally incident

thereto, but does not include recovery of a motor vehicle from a position beyond the right-of-way or berm or from being impaled upon any other object within the right-of-way or berm.

BOROUGH

The Borough of Englishtown

BOROUGH STORAGE FACILITY

A storage area or lot owned and operated by the Borough of Englishtown.

BUSINESS LOCATION

A base of operation for the Towing Operator that is staffed during normal business hours every weekday and Saturdays, excluding holidays. The business location must be clearly marked with signs identifying the name of the Towing Operator and the hours of operation. The business location must also be the location of the Storage Facility of all vehicles towed by the Towing Operator on any Non-Consent Tow. The Business Location must meet the location requirements set forth in 2.94.7 as applicable

CALENDAR YEAR

The period of time from January 1 through December 31 in any given year

CAR CARRIER

A tow vehicle outfitted with the following equipment:

1. Commercial manufactured chassis rated not less than 10,000 pounds GVWR or equally rated by a certified rating company.
2. One hydraulically powered winch with a pulling capacity of not less than four tons.
3. 50 feet of 3/8 cable.
4. A hydraulically operated slide back or tilt bed which is at least 19 feet in length.
5. One snatch block, four ton capacity.
6. Tie down chains.

CLEAN UP

Removal and/or disposal of any debris left on roadway or property as result of a motor vehicle crash or recovery.

COLLECTION EXPENSE

Cost of fees spent in an attempt to secure payment for services rendered.

COLLISION WRAP/TARPING

Covering exposed areas from the weather elements or unauthorized access.

CONSENT TOW

When the owner, operator or agent of the owner requests a Towing Operator services for the purpose of removing a vehicle.

CONSUMABLES

Items necessary for the proper function of a motor vehicle including but not limited to gasoline, oil, antifreeze, transmission fluid and brake fluid.

CRANE/ROTATOR

A specially manufactured vehicle that has an extendable boom that rotates to recover vehicles that need to be recovered from unusual situations.

CRUISING

The operation of an unengaged wrecker along public streets in any fashion intended likely or calculated to solicit business

DISABLED VEHICLE

A vehicle which has been abandoned, impounded or rendered inoperable as a result of mechanical failure, involvement in an accident or criminal activity. A vehicle, the location of which constitutes a hazard to the motoring public, shall be deemed disabled for the purpose of this chapter.

DISPOSABLE BAGS

Used to carry away used absorbents, car parts, glass, etc.

DOCUMENTATION FEE

Cost of photocopying, maintaining timeline, written explanations used to explain nature of crash/recovery to assist insurance company/vehicle owner understand the incident and substantiate charges.

EXTRA PERSON/LABORER

Additional manpower needed to complete a recovery, winching or towing of a vehicle. Labor charged for additional manpower shall be based on the New Jersey State Police Rates.

### FUEL SURCHARGES

Applied to towing bill when cost of fuel is over the predetermined amount.

### HEAVY DUTY RECOVERY VEHICLE

A heavy duty tow vehicle outfitted with a commercially manufactured lifting apparatus with a minimum capacity of 25 tons.

### HEAVY DUTY TOW TRUCK

A tow vehicle outfitted with the following equipment:

1. Commercially manufactured wrecker with chassis, hydraulic in nature, with a capacity of not less than 26,001 pounds Gross Vehicle Weight Rating with under reach capabilities, and axle lift with minimum 25,000 pounds lift capability and 80,000 pounds tow capability.
2. Air brakes.
3. Air transfer system — means of controlling the air brakes of towed vehicle.
4. Power take-off controlled winch with a minimum cable thickness of five-eighths (5/8) of an inch and 200 feet in length.
5. Amber emergency lights, with proper amber light permit.
6. Safety chains, minimum 1/2 inch.

### HEAVY DUTY TOWING

The removal and transportation from a highway, street or other private or public road or a parking area or from a storage area any of the following vehicles: school buses, step vans, mason-type dump truck, straight body truck, tractor trailer, large commercial buses, concrete mixers, tandem dump trucks, and any other vehicle with more than two axles that an ordinary tow vehicle is not designed to handle.

### HIGHWAY

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

HYDRAULIC FLATBED CAR CARRIER

Commercial motor vehicle designed exclusively to transport motor vehicles that have become disabled, wrecked, recovered stolen and police impounded by means of bodily winching motor vehicles from roadway level up onto hydraulic bed for transporting purposes.

IMPOUNDED VEHICLE

A vehicle which, at the direction of the police department, is taken into police custody because the operator was alleged by a police officer to be engaged in violation of the law, including but not limited to, DWI offenses and any other alleged violation of Title 39, or the vehicle having been involved in a serious accident.

IMPOUNDMENT

The act of storing and confining a vehicle upon an order of the Police Department at either the tow operator's storage area or at a Borough facility as a result of abandonment, involvement in an accident, suspected criminal activity or any other alleged violation of Title 39.

INCIDENT

Any recurring or non-recurring event that created a diminished capacity to roadway function or threatens environment.

INCIDENT MANAGEMENT ESCORT & SUPPORT VEHICLE

A truck or trailer containing assorted supplies to mitigate the impact of incidents i.e. spill control, traffic control, auxiliary lighting, clean-up materials and equipment.

INDOOR SECURED STORAGE

When a motor vehicle is placed inside a secured facility at the request of the vehicle/owner/operator or at the request of law enforcement agency for preservation purposes; e.g. owner/operator request antique or classic motor vehicle and/or an expensive luxury motor vehicle and/or law enforcement request for preservation of further law enforcement investigation.

LABOR

The additional work done at the scene by the tow truck operator that is beyond that required to perform a basic tow, or any additional manpower needed to complete a recovery, winching or towing a vehicle. Labor charge for additional manpower shall be based on a per-man, per hourly rate with a one-hour minimum.

#### LIGHT DUTY TOW TRUCK

A tow vehicle outfitted with the following equipment:

1. Commercially manufactured chassis, rated capacity of not less than 10,000 pounds GVWR, or equally rated by a certified rating company.
2. Commercially manufactured lifting apparatus with a minimum capacity of four tons, or equally rated by a certified rating company.
3. Dual rear wheels.
4. Universal tow sling or wheel lift with Grade 70 safety chains.
5. One snatch block, three ton rating.

#### MEDIUM DUTY TOW TRUCK

Used to tow and recover small commercial type vehicles up to 26,000 lbs. GVW or passenger vehicles unable to be recovered with light duty tow truck or flatbed.

#### MILEAGE CHARGES

A per mile fee charged when, at the request of the vehicle owner or authorized representative, a vehicle is towed from the scene of a call to a place other than the towing operator's storage facility, e.g. vehicle owner residence, mechanical repair facility, auto body repair facility or any other destination.

#### MOTOR VEHICLE

Includes all vehicles propelled otherwise than by muscular power except vehicles run only upon rails or tracks, or motorized bicycles.

#### MOTOR VEHICLE ACCIDENT

An occurrence in which a motor vehicle comes in contact with any other object from which a motor vehicle must be towed or removed for placement in a storage facility.

#### NON-CONSENT TOW

When the police department or its agents/representatives contact a Towing Operator to remove and/or impound a vehicle at the request of the police department.

#### OFF-ROAD RECOVERY

Use of specialized equipment or tow truck to retrieve a vehicle that has left the roadway.

ON-CALL TOW LIST

A list of towing and storage contractors maintained by the Police Department of the Borough of Englishtown containing the names and addresses of towing and storage contractors who will be called on a rotating basis when the Police Department determines that the assistance of such operators are required within the Borough.

OUTSIDE SECURED STORAGE

A vehicle storage facility that is not indoors and is secured by a fence, walls or other man-made barrier that is at least six feet high and is installed with a passive alarm system or a similar on-site security measure. The facility is to be lighted at night. Such facility shall maintain adequate lighting to protect stored vehicles from vandalism.

OWNER

A person, firm or corporation who owns and/or operates a vehicle on the roads of the highways within the Borough of Englishtown, which vehicle, by reason of being disabled or being unlawfully upon side roads, requires towing services.

PERMIT

License to engage in the activity of towing and storing motor vehicles at the direction of the Borough Police Department.

PERMIT HOLDER

Any person who obtained a permit to engage in the activity of towing and storing motor vehicles at the direction of the Borough Police Department pursuant to the provisions of this chapter.

PERSON

Any individual, firm, association, partnership or corporation or any group of two or more of them or anyone acting on behalf of said person.

POLICE TOW

The transportation of a vehicle at the request of the Police Department via a tow vehicle.

PORTABLE DOLLYS AND/OR PORTABLE GO-JAC TYPE DOLLYS AND/OR SKATES

A set of wheels installed under either end of a vehicle in order to facilitate its movement. Use of this type equipment would incur an additional labor charge.



### POST INCIDENT EXPENSES

A host the services provided to the customer's vehicle after the vehicle has been removed from the scene.

### RECOVERY

When the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while winching and/or lifting the damage vehicle back to a normal towing or loading position.

### RECOVERY SUPERVISOR/COORDINATOR

A trained individual who utilizes his expertise to facilitate a safe and effective response to an incident through direct instruction to other employees dealing with the other responders or physically creating the conditions needed to terminate an incident.

### ROAD SERVICE

Use of a tow truck or service vehicle to respond to the point of breakdown to render aid to a disabled vehicle to include but not limited to a vehicle in the need of consumables, need a flat tire fixed, keys locked in car, etc.

### SPECIALIZED EQUIPMENT

Use of a wide variety of primarily, but not limited to, construction type equipment not normally considered towing equipment used to access or clean-up a recovery scene of wreckage.

### SPECIALIZED FLATBED CARRIER EQUIPPED WITH SPECIAL HYDRAULIC OSCILLATION KNUCKLE BOOM CRANE

Commercial motor vehicle exclusively designed for special recovery procedures when needed and also to bodily lift and transport motor vehicles.

### STORAGE

“Storage charges for a 24-hour period” means the maximum allowable amount to be charged by a storage facility for a 24-hour period or fraction thereof. Storage rates start 12 hours after the arrival of the towed vehicle to the storage facility.

### STORAGE FACILITY

A secure, fenced in lot for the storage of towed vehicles located at the Business Location of the Towing Operator and which complies with all provisions of the zoning or other ordinances of the municipality in which it is located.

#### SUBCONTRACTOR

Use of other commercial business to provide services needed that tower does not possess. Tower invoices a handling charge on top of subcontractors invoice charge.

#### TARPING

Covering or re-covering a vehicle to prevent against further weather damage or unauthorized access.

#### TOW DAY

The twenty-four-hour period beginning at 8:00 a.m. on the towing business's scheduled towing date.

#### TOW RATES

Rates for all towing and towing related services shall be as set forth in the New Jersey State Police Schedule of Services approved by the New Jersey Attorney General and implemented by the New Jersey State Police, as shall be amended. NJSP rates are annually recalculated based upon a random sampling of reasonable fees utilized by commercial and municipal towers. NJSP has determined that the average rate per category based upon the census is reasonable and acceptable. A current listing of rates shall be maintained by the Borough Clerk, the Chief of Police and all tow operators permitted to operate within the Borough of Englishtown.

#### TOW TRUCK

Commercial motor vehicle designed exclusively to lift motor vehicles that have become disabled, wrecked, recovered stolen and police impounded by means of lifting from the front or rear by the following methods:

1. Sling type: mechanical or hydraulic
2. Wheel lift type: mechanical or hydraulic.

#### TOWING

When a tow truck and/or hydraulic flatbed carrier takes in its possession the care, control and custody of a motor vehicle by means of standard industry procedures.

#### TOWING OPERATOR

A person, firm or corporation engaged in the business of providing towing services, which are made available to the general public and which owns or operates any two or more tow vehicles as defined in this section. At a minimum, each business must have at least two tow vehicles in order to be maintained on the towing list. Such business must also have gasoline available for disabled vehicles.

#### TRAILERING

The use of Landoll/lowboy type recovery unit to transport anything that is too large to be flat-bedded or would be damaged if towed in another manner.

#### VEHICLE ACCESS CHARGE

Owner and/or insurance representative must be accompanied into the secured storage yard facility to inspect, remove personal belongings, adjust and take photographs. Documentation such as driver license of vehicle owner or business card of insurance representative must be photocopied and time-stamped when this additional auxiliary service is performed.

#### VEHICLE REMOVAL CHARGE (LOT REMOVAL)

Charge for a motor vehicle towed into the storage facility of the primary tower that is not movable and must be towed out of the primary towers storage facility to a designated unsecured staging area for towing by the secondary tower.

#### WAITING TIME

Additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery after 30 minutes of being on scene

#### WATER RECOVERY

The process of recovering a vehicle or any other object as requested that is in water or under water.

#### WILLFUL ABANDONMENT

An action deliberately taken by an owner or insurance company to leave a vehicle or vessel at a storage yard in order to attempt to avoid paying the towing, recovery, storage etc. charges due against the vehicle. See NJ Statute 39:4-56.5 and 56.6.

#### WINCHING

The process of moving a motor vehicle by the use of additional chains, nylon slings and additional lengths of winch cable from a position that is not accessible for direct hook up by conventional means for towing and/or loading onto a tow vehicle. Winching is not pulling a vehicle onto a flatbed carrier or lifting a motor vehicle by conventional means (tow sling, wheel lift, etc.).

## WRECKING

The process of removing wreckage from the roadway, e.g. the vehicle and its debris, that includes the removal of pieces of vehicles from a crash scene with the end result being to return the roadway back to pre-crash conditions.

## ARTICLE II

### SECTION 2.94.3 PERMIT REQUIRED

It shall be unlawful for any person to engage in the activity of towing or storing motor vehicles at the direction of the Borough without first having obtained a permit therefor in accordance with the requirements of this chapter. Nothing in this chapter shall be construed to require a permit for the rendering of road service or for the provision of towing and storage services within the Borough other than at the request of the Borough.

### SECTION 2.94.4 APPLICATION FOR PERMIT

- A. Applications for permits required by this chapter shall be upon forms provided by the Borough Clerk, shall be signed and verified by the applicant, and shall set forth or be accompanied by the information set forth in Section 2.94.5 of this chapter. The original application and four copies thereof must be filed with the Borough Clerk and shall be accompanied by the fee prescribed in Section 2.94.6 of this chapter and the insurance certificate prescribed in Section 2.94.10 of this chapter.
- B. A maximum of six towing operator's permits shall be issued.
- C. Only one towing operator shall apply for any one address.
- D. Initial applications for calendar year 2021 must be completed and submitted to the Borough Clerk by February 15, 2021.

- E. Thereafter, all new applications must be completed and submitted to the Borough Clerk by October 15 of the calendar year preceding the year the towing operator desires to be included on the towing list.
- F. Each towing permit shall run for a term of (3) three years, commencing on January 1 and terminating on December 31 of the third year.
- G. By filing such application, the applicant agrees to the terms and conditions outlined in the application, including compliance with this chapter.
- H. At the time of the initial permit period a maximum number of six (6) permits shall be issued. If in the event there are more qualified towers than the six (6) permits to be
- I. issued, a review of the applications will be conducted by the Chief of Police to determine the best qualified applicant to fill the remaining openings on the list for the permit period.

#### SECTION 2.94.5 APPLICATION REQUIREMENTS

An application for a towing permit shall set forth or be accompanied by the following information:

- A. The full name, address and phone number of the applicant.
- B. The company name, address and phone number.
- C. If applicant is a corporation the names, addresses and phone numbers of the officers, directors, registered agents and each stockholder owning 10 percent or more of the issued stock.
- D. A 24 hour / 7 days a week emergency contact number.
- E. For each tow vehicle utilized by the tow operator in conducting his business, the year, make, model, vehicle identification number, type of vehicle, proof of registration and proof of insurance for the vehicle.
- F. The size and security features of the storage lot or space in which towed vehicles will be stored, including the number of spaces available and a designation of the lot as either "inside secured storage facility," or "outside secured storage facility."
- G. A listing of all equipment used or to be used in the towing operation.
- H. A listing of all personnel who are authorized by the applicant to provide services on behalf of the applicant.
- I. The applicant will provide proof of proper zoning and land use approval for base of service.

- J. All towing operators and their drivers shall be fully trained and knowledgeable in the operation of all required equipment and necessary tools to perform all facets of the safe and efficient removal of all types of motor vehicles regardless of the physical condition of the vehicle.
- K. All towing operators and their agents and/or employees are required to wear reflectorized ANSI class 2 traffic safety vests when working at the scene.

#### SECTION 2.94.6 APPLICATION FEE

The application fee shall be \$250 for regular towing, \$300 for Heavy Duty Towing and \$350 for Regular and Heavy Duty Towing.

#### SECTION 2.94.7 APPLICATION REVIEW

- A. The Borough Clerk shall forward all completed applications to the Chief of Police, who shall conduct or cause to be conducted such investigation as he deems necessary to determine the truth and accuracy of the information contained in the application and whether the applicant meets the following minimum standards:
  - (1) Neither the applicant nor any tow vehicle operator has any criminal convictions or prior motor vehicle infractions which might adversely affect the safety or welfare of the public.
  - (2) The applicant has the ability to respond to any request for assistance within the time enumerated in Section 2.94.13.
  - (3) The applicant can provide on-call towing services 24 hours per day, seven days per week.
  - (4) The tow trucks and equipment are in safe and sound condition and in compliance with all applicable federal, state and local laws, rules and regulations.
  - (5) The applicant has the ability to perform mechanical inspections of and minor repairs to disabled vehicles.
  - (6) The applicant's business location/storage facility is within the Borough boundaries or within 7.5 miles of the Borough of Englishtown Corporate Boundaries in an area legally zoned for such use, and such storage facility includes a minimum of 10 outside spaces.
  - (7) The applicant is in compliance with and/or has the ability to comply with all other requirements and standards set forth in this chapter.

- B. Within 30 days of receipt of the application, the Chief of Police shall give a written recommendation to the Borough Council that the application be approved or denied. If the Chief of Police recommends disapproval of the application, he shall set forth reasons for same.

SECTION 2.94.8 ISSUANCE OF PERMIT

- A. Upon approval of the application by the Borough Council, a permit, valid for the duration of three (3) calendar years, shall be issued by the Borough Clerk.
- B. Each permit shall be valid for the duration of three (3) calendar years and shall not be transferable to any other person.
- C. Within 10 days of the issuance of the permit, the Borough Clerk shall send a copy of the permit to the Police Department. Within five days of receipt of a copy of the permit, the permit holder shall be placed on the on-call tow list established in Section 2.94.12 of this chapter.

SECTION 2.94.9 RENEWAL OF PERMIT

- A. The permit holder shall be solely responsible for renewing their permit prior to its termination in accordance with this chapter.
- B. All renewal applications must be completed and submitted to the Borough Clerk by October 15 of the third permit year.
- C. Initial applications and renewals filed after October 15 will not be accepted for the permit period.
- D. Should the total number of tow operators fall below six, the Borough, at its own discretion, may accept applications after October 15.
- E. In no case shall the number of tow operators exceed six.
- F. Upon expiration or revocation thereof, the permit shall be null and void.

ARTICLE III

SECTION 2.94.10 INSURANCE

- A. Prior to the issuance of the permit, each tow operator shall deliver to the Borough Clerk a certificate of insurance which certificate shall name the Borough as an additional insured. The certificate shall provide evidence that the tow operator carries the following insurance coverage:
  - (1) General Liability – \$1,000,000.00 per occurrence/\$2,000,000.00 aggregate.

- (2) Automobile Liability – \$1,000,000 combined single limit.
  - (3) Garagekeepers liability – \$100,000.00
  - (4) On Hook – \$250,000.00
  - (5) Workers Compensation - as required by state law.
- B. The General Comprehensive Liability Insurance required pursuant to Section 2.94.10A(1) of this chapter shall provide for the indemnification of the Borough to the fullest extent permitted by law and that the Borough shall be defended, indemnified and held harmless from and against any and all claims, suits, judgments and amounts, whatsoever, including without limitation, cost, litigation expenses, counsel fees and liabilities with respect to injury to or death of any person or persons whatsoever or damage to property of any kind by whomever owned arising out of or caused or claimed to have been caused in whole or in part by the negligent acts or omissions of the tow operator or other person directly or indirectly employed by the tow operator while in the performance of rendering any services pursuant to the scope of this chapter.
- C. Tow Operators must notify the Chief of police immediately of any change, cancellation or lapse of insurance coverage.

#### SECTION 2.94.11 EQUIPMENT SPECIFICATIONS

- A. The tow operator shall have specialized towing equipment in good repair which meets the following specifications:
- (1) Emergency lights which flash and are capable of being visible one-fourth of a mile away and of sufficient height to be seen over the towed vehicle.
  - (2) Fire extinguisher, five pound carbon dioxide or dry powder or equivalent.
  - (3) Clean-up equipment including brooms, shovels and debris containers.
  - (4) Steering lock bar.
  - (5) Amber light permit.
  - (6) Twenty pounds of absorbent material for motor vehicle fluid spills.
  - (7) Portable bar lighting (heavy duty only).
  - (8) Reflectorized traffic vest.
  - (9) At least one conventional tow truck.
  - (10) At least one car carrier capable of removing certain types of damaged vehicles or those, which by design cannot be removed by conventional wreckers without sustaining additional damage.



- (11) Communication equipment between vehicles and their dispatchers via cell phone or other device.
  - (12) All chains and binders which may be needed.
  - (13) Any and all tools which may be needed. The tow operator shall submit a copy of its equipment list in its application to the tow list.
- B. All equipment must meet applicable state standards and shall be subject to periodic inspection by the Borough.
- C. Heavy Duty Towing and Heavy Duty Recovery

The following shall apply to any tow operator providing heavy duty towing and/or heavy duty recovery services in the Borough:

- (1) Heavy duty recovery equipment. Any tow operator providing heavy duty recovery services must own, and have available, at least two heavy duty tow vehicles. In addition to the equipment required in Section 2.94.11A, any tow operator providing heavy duty recovery services in the Borough is required to have available the following equipment.
  - (a) Air cushion recovery system.
  - (b) One semi-tractor with fifth wheel.
  - (c) One Lowboy or Landall type equipment hauling trailer with a minimum hauling capacity of 40,000 pounds.
- D. Subcontractors. At time of application to the tow list the vendor shall submit a copy of the written contracts with all subcontracted recovery services. Vendors shall subcontract only to those service providers on the on-call list maintained by the Chief of Police in accordance with Section 2.94.11F. Insurance certificates for all subcontractors must be on file at the vendor's place of business. All subcontracted service providers shall work under the supervision of the vendor and must comply with the provisions of Section 2.94.1 et seq.
- E. Driver Standards. All Tow Operators and their drivers shall be fully trained and knowledgeable in the operation of all required equipment and necessary tools to perform all facets of the safe and efficient removal of all types of motor vehicles regardless of the physical condition of vehicle.

- F. On-call list. The Chief of Police shall maintain separate on-call lists for heavy duty towing and for heavy duty recovery, which shall be maintained and utilized in accordance with Section 2.94.12.

#### SECTION 2.94.12 ON-CALL TOW LIST

- A. The Chief of Police shall maintain a list of those tow operators holding a valid permit to respond to calls from the Borough Police Department. In order to be included on the on-call tow list, a tow operator must hold a valid towing permit and meet all of the requirements of this chapter.
  
- B. Calls to tow operators on the on-call tow list shall be made on a nondiscriminatory rotating basis pursuant to procedures established by the Chief of Police. Nothing herein shall prohibit the Chief of Police or his designee from calling a tow operator out of sequence or seeking the services of a tow operator not on the on-call tow list if the circumstances require specialized equipment or if in the interest of public safety to require so.
  
- C. The fees to be charged for towing and storage services shall be as set forth in Section 2.94.14 of this chapter. The Borough shall not be liable for the cost of any towing and/or storage services unless those services are performed on a municipal vehicle.
  
- D. Inclusion on the on-call tow list shall be automatically revoked upon expiration or revocation of the tow operator's permit. The Chief of Police may also suspend a tow operator's inclusion on the on-call tow list for such a period of time as he considers appropriate for violations of this chapter, after a hearing on such violations. Suspensions may be appealed pursuant to the procedures set forth in Section 2.94.22.
  
- E. All non-consent tows of vehicles made at the request of the Borough must be removed to the tow operators approved business location/storage facility or, at the direction of any Borough Police Officer, to the Borough Storage Facility.
  
- F. All consent tows of vehicles may be towed to another destination at the request of the owner or operator of the vehicle. Any Borough Police Officer at the scene shall be responsible for making the final determination as to the towing destination.

#### SECTION 2.94.13 PERFORMANCE STANDARDS

- A. Maintenance of place of business. All tow operators shall maintain a principal place of operation within the Borough of Englishtown or within 7.5 miles of the Borough of Englishtown Corporate Boundaries. Tow operators shall comply fully with all of the zoning, land use and property maintenance codes of the municipality in which the tow operator's business is located.
- (1) Each place of business will provide and maintain the following:
- (a) One tow operator allowed per business location/storage facility.
  - (b) A store front including signage displaying the business name, address, phone number and hours of operation.
  - (c) A person in the office to greet customers rendering service.
  - (d) A waiting area for patrons' use.
  - (e) A properly maintained and working rest room for patrons.
  - (f) Failure to comply with such codes may subject the tow operator to suspension from the on-call tow list.
- B. Availability of services. The tow operator must be available and capable of providing towing services on a seven day per week, 24 hour per day basis for the entire geographic area of the Borough.
- C. Response time.
- (1) The tow operator must meet the following response times within the Borough of Englishtown:
- (a) Light Duty
    - (i) Days: Between the hours of 8:00 a.m. and 5:00 p.m., seven (7) days a week, the tow operator must respond to a call within 20 minutes.
    - (ii) Nights: Between the hours of 5:01 p.m. and 7:59 a.m., seven days a week, the tow operator must respond to a call within 30 minutes.
  - (b) Medium/Heavy Duty
    - (i) Day and night, seven (7) days a week. The tow operator must respond within 45 minutes.
    - (c) Response time determination is to be initiated when the police call requesting towing is completed. Where the police cannot reach the next eligible tow operator on the list or the tow operator fails to appear within the response times delineated in this section, that tow operator shall be deemed to have

forfeited his turn and the next succeeding tow operator on the list shall be called.

- (2) Ninety percent of all calls referred must be answered within the response time outlined above.
  - (3) Not more than ten percent of the calls will be answered within an additional ten (10) minutes (day or night).
  - (4) No response will be later than 30 minutes, whether day or night, with the exception of Medium/Heavy Duty response time delineated in Section 2.94.13C(1)(b).
  - (5) Tow Operators must notify Englishtown Police Dispatch when they are unable to:
    - (a) Respond to a call or meet the response time requirement.
    - (b) Meet the time response requirements of a previously accepted call.
  - (6) Tow operators shall not assign calls to other tow operators.
  - (7) The performance standard will be reviewed periodically. Where the response time of the tow operator is found to exceed the standards delineated in this section, the tow operator will be removed from the on-call tow list for a period of at least six months. Said tow operator shall remain suspended from the list until it is shown, to the satisfaction of the Chief of Police, that effective steps necessary to implement procedures to ensure compliance with the foregoing performance standards have been undertaken.
- D. Registered towing personnel. The tow operator must register all personnel who are authorized by the tow operator to provide services on behalf of the tow operator. This registration must include for each person:
- (1) Name, residence and telephone number.
  - (2) New Jersey Driver's License Number and expiration date.
  - (3) Social Security Number.
  - (4) Fingerprinting through Morpho Trak, Inc. Drivers hired during an approval period shall be required to be fingerprinted within 30 days of being hired by the tow operator.
  - (5) Signed statement by each person setting forth their understanding that a background check will be performed by the Police Department, the results of

which will be used by the Police Department in determining the eligibility of the towing and storage contractor for inclusion on the on-call tow list.

- (6) The tow operator must update this registration as necessary to insure that it remains current.
- E. Cleanup of debris. Each towing operator, prior to the departure from the scene where it performed towing services, shall clean and clear the streets of any customary debris resulting from any accident at such scene and shall at all times carry the necessary equipment to perform such cleaning services to the satisfaction of the police officer on scene.
- F. Storage. Storage shall be provided for all vehicles towed until claimed by the owner or disposed of in accordance with applicable law. The tow operator shall provide adequate land areas sufficient to store a minimum of 10 vehicles. Each storage area
- G. must be either an indoor secured storage facility or an outdoor secured storage facility. The Storage Facility must be located at the Business Location of the Towing Operator.
  - (1) Access to the storage facility area must be provided to the Englishtown Police Department on a twenty-four-hour basis.
- H. Information to be displayed on vehicle. There shall be prominently displayed on the right and left sides of each tow vehicle utilized by the tow operator, the following information:
  - (1) The name, address and telephone number of the Tow Operator.
  - (2) The vehicle number.
- I. Prior to hook-up or flat bedding of a motor vehicle, the tow operator shall present to the owner or operator of the vehicle a business card which must contain the name, address and telephone number of the tow operator.
- J. Cruising. No driver of a towing vehicle shall engage in cruising as defined in this chapter or otherwise interfere with the progress of traffic on public highways. No towing vehicle owner shall attempt to divert patrons of one garage to another garage. No towing vehicle owner shall demand or receive any commission, gratuity or other payment other than the agreed upon fee for towing a disabled vehicle.
- K. Tow Operators shall not release from their storage facility any vehicle that was impounded by the Englishtown Police Department without written authorization from the Police Department.

- (1) Any Tow Operator found in violation of this section shall have their Tow Operators Permit immediately suspended pending revocation for the remainder of the Tow Operators Permit.
- (2) Any subsequent violation of this section after reapplying and reinstatement of the Tow Operators Permit shall result in immediate revocation of the Tow Operators Permit with an ineligibility to reapply for a Tow Operators Permit for a period of five (5) years.

#### ARTICLE IV

#### SECTION 2.94.14 RATES AND FEES

- A. Towing operators engaged in towing for the Borough of Englishtown Police Department shall not charge a fee in excess of the rates set forth in the New Jersey
  
- B. State Police Schedule of Services approved by the New Jersey Attorney General and implemented by the New Jersey State Police, as shall be amended. NJSP rates are annually recalculated based upon a random sampling of reasonable fees utilized by commercial and municipal towers. NJSP has determined that the average rate per category based upon the census is reasonable and acceptable. A current listing of rates shall be maintained by the Borough Clerk, the Chief of Police and all tow operators permitted to operate within the Borough of Englishtown.
  
- C. Mileage.
  - (1) Mileage may only be charged if a vehicle is towed from the scene of a call to a place other than the tow operator's storage facility at the request of the owner or authorized representative.
    - (a) Should the owner of the vehicle request that the vehicle be towed to a point outside the borough, the per mile mileage rate is to be predetermined by mutual agreement of the tow operator and the owner and/or operator of the vehicle.
  - (2) Mileage shall not be charged if the vehicle is towed from the scene of a call to the Borough Storage Facility at the direction of the police department.

D. Storage.

- (1) Storage fees are for each twenty-four (24) hour period or fraction thereof. The first day of storage commences twelve (12) hours after the vehicle is towed to the storage facility.
- (2) Vehicles released prior to 12 hours being placed into storage will not incur any storage fees.

E. Wait Time

\$100.00 per hour after 30 minutes on scene.

F. Receipt

The tow operator shall give the owner of a vehicle a written itemized receipt for the fee paid. Upon receipt of payment the tow operator shall have the customer sign the receipt and provide a copy of the signed itemized receipt to the customer.

- (1) Copies of every bill must be supplied to Police Records either by mail, fax (732-786-0212) or e-mail (records@englishtownpolice.org)

G. Except for vehicles deemed "police impounds" in accordance with Section 2.94.15 of this Code, no tow operator shall refuse to accept from any automobile owner or operator payment for services or parts thereof in the form of a major credit card (American Express, Visa, Master Card) or a personal in-state check provided that the operator has received no indication challenging the validity of either the credit card or the personal check. With respect to police impounds, a tow operator may refuse to accept from any automobile owner or operator payment for services or parts thereof in the form of a major credit card or a personal check and require the owner or operator to pay for services with cash.

H. No person shall be liable to any permit holder for any service call fees in excess or in addition to those set forth in the fee schedule established in Section 2.94.14A

I. Recovery charges involving serious motor vehicle accidents and recoveries will be based upon individual requirements for equipment, personnel and conditions encountered. After the first hour, all hourly billable rates will be charged in half hour increments. Charges for all trucks/recovery equipment are inclusive of the operator. Tow Operators may not separately charge for an operator that drives/operates the truck/recovery equipment.

- J. In the event that it is necessary to unload a vehicle's cargo prior to or after towing, an agreement shall be reached between the contractor and the owner of the vehicle or the owner's agent or representative as to the charge for said service. No written agreement is necessary in an emergency situation. The Chief of Police or his designee shall determine when an emergency exists.
- K. Pursuant to N.J.S.A. 40:48-2.54, the owner of any motor vehicle whose motor vehicle is towed and/or stored other than at the owner's request, may send complaints and/or report disputed fees in writing to the Chief of Police. The Chief of Police shall arrange for investigation of the owner's allegations and report the outcome of the investigation to the owner within 30 days of the Borough's receipt of the written complaints
- L. Police Impound Administrative Fee

A \$50.00 administrative fee will be paid to the Borough of Englishtown for a release of any impounded vehicle.

## ARTICLE V

### SECTION 2.94.15 POLICE IMPOUNDS

Motor vehicles which are stolen, abandoned, involved in a crime, in violation of Title 39 offenses which require impoundment, involved in a fatal accident or accidents which, in the judgment of police may become fatal, shall be considered police impounds. The Chief of Police shall designate where such police impounds shall be towed.

- A. No motor vehicle which has been impounded pursuant to the laws of this State shall be released by the Borough unless proof of valid insurance and proof of ownership for that vehicle is presented to the Englishtown Police Department.
  - (1) An owner of an impounded vehicle may have their vehicle removed from the storage facility by wrecker only after the registration and license plates have been surrendered to the New Jersey Motor Vehicle Commission or, if not registered in this state, to the Division of Motor Vehicles of the State of registration.
  - (2) The recovery or salvage of the impounded motor vehicle by, or on behalf of, an insurer, financial institution or other lending entity, shall not require proof of motor vehicle insurance for that vehicle.



- B. Prior to receiving an impound release form from the police department an administrative fee in accordance with Section 2.94.14K shall be charged and paid to the Borough of Englishtown by the owner of the impounded vehicle for a release of any motor vehicle.
- (1) The administrative fee will not apply to vehicles which were towed solely as the result of a motor vehicle collision, or if the vehicle was towed as the result of criminal activity and the vehicle and/or owner /driver was the victim.
- C. Tow Operators shall not release from their storage facility any vehicle that was impounded by the Englishtown Police Department without written authorization from the Police Department.
- (1) Any Tow Operator found in violation of this section shall have their Tow Operators Permit immediately suspended pending revocation for the remainder of the Tow Operators Permit.
- (2) Any subsequent violation of this section after reapplying and reinstatement of the Tow Operators Permit shall result in immediate revocation of the Tow Operators Permit with an ineligibility to reapply for a Tow Operators Permit for a period of five (5) years.
- D. For any impounded vehicle removed to the Borough Storage Facility the tow operator shall submit its bill for tow services to the Borough, which will process and make payment for the same. To secure release of the vehicle after the police impound has been lifted, the vehicle owner must pay to the Borough the daily storage fee provided in 2.94.14, any administrative fees for vehicle release charged by the Borough, as provided in 2.94.14K, plus the fee for tow services charged to the Borough by the Tow Operator.

#### SECTION 2.94.16 UNCLAIMED VEHICLES

Vehicles under this section shall be processed for titles by the Englishtown Police Department in accordance with N.J.S.A. 39:10A-1 through 39:10A-7.

- A. The tow operator shall submit to the Police Department the following information on vehicles unclaimed for a period of over 15 days:
- (1) The year, make, model, color and vehicle identification number.

- (2) A copy of a certified letter advising owner of the vehicle's location and circumstances surrounding same.
    - (a) Upon request, the Police Department shall supply the tow operator with the name and address of the owner of the vehicle.
  - (3) A photograph of the vehicle.
  - (4) The odometer reading of the vehicle.
- B. Junk Title Certificate. A tow operator, who has in his possession a vehicle which has been abandoned or unclaimed for a period of 15 business days or more, which is inoperable or cannot be put in safe operational condition except at a cost in excess of the value of the vehicle, may apply to the State of New Jersey for a Junk Title Certificate. In order to apply for a Junk Title Certificate the tow operator shall:
- (1) Provide notice to the Police Department of its possession of the vehicle in accordance with Section 2.94.16A of the Englishtown Code.
  - (2) Notify the owner and lien holder (if applicable) by certified mail that the tow operator is in possession of the abandoned or unclaimed vehicle; the amount of any lien on the vehicle that the tow operator claims and the daily storage fees.
  - (3) Request that the Police Department complete a check with the National Crime Information Center (NCIC) to determine if the vehicle is stolen.
  - (4) Request that the Police Department report possession of an abandoned or unclaimed vehicle to the National Insurance Crime Bureau.
  - (5) Provide to the Police Department a completed copy of the New Jersey Motor Vehicle Commission Form OS/SS-87- "Report of Possession of Abandoned Vehicle by Public Agency and Request for a Junk Title" to be signed by an authorized representative of the Englishtown Borough Police Department and proof that the notice required by this section has been sent to the owner and lien holder (if applicable).
  - (6) All required documents shall be mailed to the New Jersey Motor Vehicle Commission along with a check or money order for \$2 made payable to NJ MVC.

- (7) The Englishtown Borough Police Department will maintain a record of all Junk Title Certificates and shall turn the original Junk Title Certificate over to the requesting tow operator.
- C. Standard Title Certificate. A tow operator who has in his possession a vehicle which has been abandoned or unclaimed for a period of 20 business days or more, which can be put in safe operational condition at a cost not to exceed the value of the vehicle or the owner of the vehicle owes payment to the tow operator in excess of the value of the vehicle, may apply to the State of New Jersey for a Standard Title Certificate so that the vehicle may be sold at auction or have ownership of the vehicle transferred to the tow operator to satisfy the tow operator's lien on the vehicle. In order to apply for a Standard Title Certificate the tow operator shall:
- (1) Provide notice to the Police Department of its possession of the vehicle in accordance with Section 2.94.16A of the Englishtown Code.
  - (2) Notify the owner and lien holder (if applicable) by certified mail that the tow operator is in possession of the abandoned or unclaimed vehicle; the amount
  - (3) of any lien on the vehicle that the tow operator claims and the daily storage fees.
  - (4) Request that the Police Department complete a check with the National Crime Information Center (NCIC) to determine if the vehicle is stolen.
  - (5) Request that the Police Department report possession of an abandoned or unclaimed vehicle to the National Insurance Crime Bureau.
  - (6) Provide the Police Department with a completed copy of the New Jersey Motor Vehicle Commission Form OS/SS-89- "Report of Possession of Abandoned Vehicle" to be signed by an authorized representative of the Englishtown Borough Police Department.
  - (7) All required documents shall be mailed to the New Jersey Motor Vehicle Commission.
  - (8) The tow operator shall, upon request of the Englishtown Police Department, deliver the vehicle to the Borough of Englishtown Department of Public

Works for storage, or such other location as directed by the Police Department, until vehicle is put up for auction.

- (9) After the Borough of Englishtown receives a Standard Title Certificate from the Motor Vehicle Commission, the vehicle will be auctioned off by the Borough at the next public auction of Borough property.
- (10) After the vehicle is offered for auction any lien owed to the tow operator will be satisfied between the Borough of Englishtown and the tow operator either by the proceeds from the auction or possession of the vehicle if no qualifying bid is received at the auction.
- (11) Failure by the Tow Operator to provide the appropriate notification within 30 days of receiving the owner or lien holder information may limit the storage fee to \$750.00 as outlined in N.J.S.A. 39:10A-1.

#### SECTION 2.94.17 ARRANGEMENTS BY PERSON RESPONSIBLE FOR AUTOMOBILE

Nothing contained in this chapter shall prevent a person responsible for an automobile disabled upon the public streets or highways within the Borough of Englishtown to arrange for the prompt removal of the vehicle from the scene of an accident or disablement by

wrecking or towing services of his/her own selection. The person responsible would be advised of the ability to select such towing service at the required time of removal, providing such person is present, fully conscious and capable of taking prompt action. However, if the circumstances are such that the Chief of Police or his designee deems it not in the best interest of the public to allow said person to select his own towing service, then the person shall not be afforded the opportunity to do so.

#### ARTICLE VI

#### SECTION 2.94.18 ADMINISTRATION AND ENFORCEMENT

The Chief of Police and the Police Department are hereby designated to administer and enforce all provisions of this chapter.

#### SECTION 2.94.19 REGULATIONS AND PROCEDURES

The Chief of Police shall promulgate such rules, regulations and procedures, not inconsistent with this chapter, as may be reasonable and necessary to carry out the provisions of this chapter. Copies thereof shall be provided to all permit holders and shall be made available to the public, along with copies of current fee schedules, during business hours.

## ARTICLE VII

### SECTION 2.94.20 REVOCATION AND SUSPENSION OF PERMIT

- A. The Chief of Police may suspend or revoke a towing permit for the following reasons:
- (1) False or materially inaccurate information in the application, or a change of circumstances which would have caused disapproval of the application if existing at the time of approval.
  - (2) Failure to comply with any of the requirements of this chapter, any additional regulations promulgated by the Chief of Police, or any state, federal or local law relating to motor vehicle operation.
  - (3) Unsatisfactory service which jeopardizes public safety. More than three unexcused failures to respond and/or substantiated complaints within a calendar year shall be considered grounds for revocation.
  - (4) Any holder of a towing permit who has had the permit suspended or revoked shall not be eligible to reapply for a towing permit for a period to be determined by the Chief of Police. Said period of ineligibility shall not exceed five years.
- B. Prior to suspending or revoking a permit, the Chief of Police shall give the permit holder seven day written notice specifying the grounds upon which the permit is proposed to be suspended or revoked and an opportunity to be heard.

### SECTION 2.94.21 VIOLATIONS AND PENALTIES

Any person who violates any of the provisions of this chapter or who fails to comply with any requirements of this chapter shall, for each such violation or offense, upon

conviction thereof, have the subject towing permit revoked, be removed from the towing list and be punished by a fine not to exceed \$1,000.00 or imprisoned for a term not to exceed 90 days, or both. Each and every violation of this chapter or each and every day that any violation shall be permitted to continue shall be construed as a separate and distinct violation hereof. The Police Department of the Borough of Englishtown is specifically designated as the enforcement officers to serve and execute process for violation of this chapter.

#### SECTION 2.94.22 APPEALS

Any person aggrieved by the action of the Chief of Police or the Borough Clerk in the denial of an application for a permit, in the suspension or revocation of a permit or in the suspension from the on-call tow list, may appeal to the Borough Council by filing a written request for a hearing with the Borough Clerk, setting forth the grounds for the appeal. Said request must be filed within 14 days after notice of the action complained of has been mailed to the person at the address listed on the most recent application. The council shall set a time and place for a hearing on such appeal and notice shall be served upon the applicant or permit holder via regular and certified mail at least five days prior to the hearing.

### ARTICLE VIII

#### SECTION 2.94.23 SEVERABILITY

In the event a court of competent jurisdiction shall find any provision, paragraph, section, subsection, clause or phrase of this Chapter unlawful, unconstitutional or invalid for any reason, such finding shall not affect the validity of the remaining portions of this Chapter.

### ARTICLE IX

This ordinance shall take effect immediately upon final passage, adoption and publication according to law.

This Ordinance shall take effect immediately upon final passage, adoption and publication according to law.

Public Hearing Motion C/Mann, Seconded C/Robilotti

Mayor Reynolds opened the floor to the public for questions or comments on the above titled ordinance.

There being no questions or comments, a motion to close the public hearing was offered by

C/Mann, Seconded by C/Robilotti.

Motion to Adopt Ordinance 2020-07 by CRobilotti, Seconded by C/Mann

Roll Call: Ayes: C/Marter, C/, C/Robilotti, C/ Francisco, C/Mann, C/Wojyn, C/Krawiec  
Nays: None  
Abstain: None  
Absent: None

BOROUGH OF ENGLISHTOWN  
ORDINANCE NO. 2020-08

PUBLIC HEARING & ADOPTIO

ORDINANCE AUTHORIZING A SPECIAL EMERGENCY  
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(m) FOR THE  
EXPECTED DEFICIT IN OPERATIONS RELATED TO COVID 19 OF THE  
BOROUGH OF ENGLISHTOWN, COUNTY OF MONMOUTH, NEW  
JERSEY

WHEREAS, the New Jersey Local Budget Law (*N.J.S.A. 40A:4-1 et seq.*) ("Local Budget Law") and, in particular Section 53(m) thereof (*N.J.S.A. 40A:4-53(m)*), permits local units, including the Borough, to adopt ordinances authorizing a special emergency to fund an anticipated deficit in operations for 2020 related to the COVID 19 pandemic; and

WHEREAS, the Borough has determined to fund said anticipated deficit in operations through the creation of a special emergency pursuant to and in accordance with the Local Budget Law; and

WHEREAS, the amount to be appropriated by the Borough for the purposes described above is \$ 80,000.00; and

WHEREAS, it is the desire of the Borough Council to adopt this ordinance to create said special emergency ;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Englishtown, County of Monmouth, New Jersey (by not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq., as amended and supplemented ("Local Budget Law"), as follows:

Section 1. The sum of \$ 80,000.00 is hereby determined as the anticipated deficit in operations for 2020 related to the COVID 19 pandemic, pursuant to *N.J.S.A. 40A:4-53(m)*.

Section 2. The deficit in operations shall be deemed a special emergency as defined and provided for in *N.J.S.A. 40A:4-53* and *40A:4-55*.

Public Hearing Motion C/Mann, Seconded C/Robilotti

Mayor Reynolds opened the floor to the public for questions or comments on the above titled ordinance.

There being no questions or comments, a motion to close the public hearing was offered by C/Mann, Seconded by C/Robilotti.

Motion to Adopt Ordinance 2020-07 by C/Robilotti, Seconded by C/Mann

Roll Call:       Ayes:       C/Marter, C/Robilotti, C/ Francisco, C/Mann, C/Wojyn, C/Krawiec  
                  Nays:       None  
                  Abstain:   None  
                  Absent:   None

New Business:

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2020-132

RESOLUTION AUTHORIZING APPROPRIATION TRANSFER

WHEREAS, N.J.S.A. 40A: 4-58 provides that during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the transfers in the amount of \$2,800.00 be made in the 2020 budget as attached.

Current Fund:

From:

Municipal Court S&W

\$2,800.00



<u>To:</u>		<u>Reason</u>
Municipal Clerk OE Service	\$ 2,600.00	Logmein Computer
Tax Collection OE	\$ 200.00	Tax Sale Advertising

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Wojyn, C/Krawiec, C/Mann, C/Marter, C/Francisco, C/Robilotti  
 Nays: None  
 Abstain: None  
 Absent: None

**BOROUGH OF ENGLISHTOWN  
 RESOLUTION NO. 2020-133**

**RESOLUTION CANCELING CAPITAL RESERVE BALANCE**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to Various Projects that have been completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective capital improvement fund or credited to surplus, and unused debt authorizations may be canceled;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown of New Jersey that the following unexpended and dedicated balances of General Capital Appropriations be canceled;

GRANT TITLE	AMOUNT CANCELED	
	FUNDED	UNFUNDED
Ord 2012-13 dated 12/17/2012		
Ord 2018-05 dated 09/26/2018		
Demolition of Properties	\$75,607.56	
Ord 2015-14 dated 09/21/2015		
Tax Appeal Refunding Bond BTR	\$ 1,438.10	
Ord 2016-04 dated 05/25/2016		
Reconstruction Carriage Lane	\$42,024.91	11,963.42
Ord 2017-03 dated 6/28/2017		

Generator DPW/ Water \$ 782.09

Ord 2017-04 dated 9/27/2017  
DPW Dump Truck \$ 5,246.36

Ord 2018-03 dated 5/23/2018  
Reconstruction of Hospitality Way \$30,303.00

Offered by: C/Robilotti

Seconded by: C/Krawiec

Roll Call: Ayes: C/Krawiec, C/Wojyn, C/Mann, C/Marter, C/Francisco, C/Robilotti  
Nays: None  
Abstain: None  
Absent: None

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2020-134**

**RESOLUTION AUTHORIZING CANCELLATION OF  
UNEXPENDED BALANCE**

WHEREAS, the following 2020 Water Operating Fund Budget appropriation balance remain unexpended:

Water Capital Outlay  
Other Expenses \$50,000.00

WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance may be credited to Surplus;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough Of Englishtown, that the above listed unexpended balance of the Water Operating Fund be canceled.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Robilotti, C/Wojyn, C/Mann, C/Francisco, C/Krawiec, C/Marter  
Nays: None  
Abstain: None  
Absent: None

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2020-135**

**RESOLUTION AMENDING THE 2020 CAPITAL BUDGET**

WHEREAS, the Borough Council of the Borough of Englishtown desires to Amend the 2020 Capital Budget of said municipality by inserting or correcting therein as shown in such budget for following reason:

Improvement to Hamilton Street  
Improvement to Heritage Dr. & Raymond Ct

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Englishtown as follows:

SECTION 1. The 2020 Capital Budget of the Borough of Englishtown is hereby amended by changing and adding thereto a schedule to read as follows:

Amendment No. 1  
2020 Capital Budget of the  
Borough of Englishtown  
County of Monmouth, New Jersey

Method of Financing

Project No. Authorized	Estimated Total Cost	Capital Imp Fund	Grants in Aid and Other Funds	Debt
(01) Improv to Hamilton St \$139,000.00	\$305,000.00	\$16,000.00	\$150,000.00	
(02) Improve to Heritage Dr and Raymond Ct \$259,000.00	\$435,000.00	\$22,000.00	\$154,000.00	

SECTION 2. The Clerk is authorized and directed to file a certified copy of this resolution with the Borough Chief Financial Officer, Borough Auditor and one (1) certified copy to the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects.

Offered by: C/Robilotti

Seconded by: C/Krawiec

Roll Call: Ayes: C/Krawiec, C/Robilotti, C/Mann, C/Francisco, C/Wojyn, C/Marter

Nays: None

Abstain: None

Absent: None

BOROUGH OF ENGLISHTOWN

RESOLUTION NO. 2020-136

RESOLUTION REQUESTING APPROVAL OF  
ITEMS OF REVENUE AND APPROPRIATION  
NJSA 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of The Borough of Englishtown, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$6,000.00, which is now available from the Drive Sober or Get Pulled Over 2020 Year End Holiday Crackdown Grant in the amount of \$6,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$6,000.00 is hereby appropriated under the caption Drive Sober or Get Pulled Over 2020 Year End Holiday Crackdown Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from The National Highway Traffic Safety (NHTSA) Section 410 Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grants in the amount of \$6,000.00.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Robilotti, C/Wojyn, C/Mann, C/Francisco, C/Marter, C/Krawiec

Nays: None

Abstain: None

Absent: None

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2020-137

DECLARING CERTAIN DELINQUENT REAL ESTATE TAXES UNCOLLECTABLE  
AND CANCELING SAME

WHEREAS, the Borough of Englishtown Tax Collector has reported delinquent real estate taxes balances on certain properties in the Borough of Englishtown; and

WHEREAS, the above referenced properties were foreclosed upon by the Borough of Englishtown on and should be exempt from real estate taxes pursuant to NJSA 54:4-3.3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the Tax Collector is hereby authorized to cancel the following balances for Block 4, Lot 1 - \$1917.51, Block 4 Lot 40 - \$1,932.00.

BE IT FURTHER RESOLVED, that the cancellation of real estate taxes in the total amount of \$3,849.51 is hereby approved.

Offered By: C/Robilotti

Seconded By: C/Robilotti

Roll Call: Ayes: C/Robilotti, C/Wojyn, C/Mann, C/Francisco, C/Marter/ C/Krawiec

Nays: None

Abstain: None

Absent: None

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2020-138

AUTHORIZATION OF SERVICES

WHEREAS, the Borough of Englishtown Council requires that purchases and services over \$2625.00 or more be pre-approved by the Governing Body except in the case of imminent emergency situation; and

WHEREAS, the following itemized request(s) were submitted to the Chief Financial Officer by the respective Committee Chairperson(s) for Council approval; and

WHEREAS, the Chief Financial Officer certifies that appropriate funds are available for the following:

Water Main Brake Tennent Ave. between Irving & Harrison \$14,816.64

Services From:

B&W Construction Co of NJ Inc.  
P O Box 574  
South River, NJ 08882

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above request is approved for the purchase or order.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Mann, C/Krawiec, C/Wojyn, C/Marter, C/Francisco, C/Robilotti  
Nays: None  
Abstain: None  
Absent: None

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2020-139

AUTHORIZATION OF SERVICES

WHEREAS, the Borough of Englishtown Council requires that purchases and services over \$2625.00 or more be pre-approved by the Governing Body except in the case of imminent emergency situation; and

WHEREAS, the following itemized request(s) were submitted to the Chief Financial Officer by the respective Committee Chairperson(s) for Council approval; and

WHEREAS, the Chief Financial Officer certifies that appropriate funds are available for the following:

Emergency Sanitary Sewer on Wood Avenue for \$4,700.00 on November 11, 2020.

Services From:

North American Pipeline Svc of Freehold, NJ  
210 Bennett Road  
Freehold, NJ 07728

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above request is approved for the purchase or order.

Offered By: C/Krawiec

Seconded By: C/Robilotti

Roll Call: Ayes: C/Krawiec, C/Wojyn, C/Mann, C/Francisco, C/Marter, C/Robilotti  
Nays: None  
Abstain: None

Absent: None

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2020-140**

**AUTHORIZATION OF SERVICES**

WHEREAS, the Borough of Englishtown Council requires that purchases and services over \$2625.00 or more be pre-approved by the Governing Body except in the case of imminent emergency situation; and

WHEREAS, the following itemized request(s) were submitted to the Chief Financial Officer by the respective Committee Chairperson(s) for Council approval; and

WHEREAS, the Chief Financial Officer certifies that appropriate funds are available for the following:

Preparation & Administration of Sergeants Exam 3 Candidates \$2,750.00

Services From: NJSACOP  
751 Route 73 North Suite 12  
Marlton, NJ 08053

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above request(s) is approved for the purchase or order.

Offered By: C/Krawiec

Seconded By: C/Robilotti

Roll Call: Ayes: C/Krawiec, C/Wojyn, C/Mann, C/Francisco, C/Marter, C/Robilotti

Nays: None

Abstain: None

Absent: None

**BOROUGH OF ENGLISHTOWN  
RESOLUTION No. 2020-141**

**RESOLUTION OF PURCHASES OR SERVICES OVER \$2625.00**

WHEREAS, the Borough of Englishtown Council requires that purchases and services over \$2625.00 or more be pre-approved by the Governing Body except in the case of imminent emergency situation; and

WHEREAS, the following itemized request(s) were submitted to the Chief Financial Officer by the respective Committee Chairperson(s) for Council approval; and

WHEREAS, the Chief Financial Officer certifies that appropriate funds are available for the following:

Replace/Obsolete computer hardware from SCADA software

Purchased From:

FYI Technology  
3535 Route 66  
Building 6  
Neptune, NJ 07753

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above request(s) is approved for the purchase or order.

Offered By: C/Krawiec

Seconded By: C/Robilotti

Roll Call: Ayes: C/Krawiec, C/Wojyn, C/Mann, C/Francisco, C/Marter, C/Robilotti  
Nays: None  
Abstain: None  
Absent: None

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2020-142

RESOLUTION OF THE BOROUGH OF ENGLISHTOWN  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
AUTHORIZING THE PAYMENT OF BOROUGH BILLS

WHEREAS, the Mayor and Council have carefully examined all vouchers presented to the Borough for the payment of claims; and

WHEREAS, after due consideration of the said vouchers, the Mayor and Council have approved payment of same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, as follows:

1. The said approved vouchers amounting to the sum of \$587,056.09 are hereby authorized to be paid on December 21, 2020.
2. The Borough Clerk is hereby directed to list on the page in the Minutes Book following the minutes of this meeting all of the said vouchers hereby authorized to be paid.



Offered by: C/Robilotti  
Seconded by: C/Krawiec  
Roll Call: Ayes: C/Krawiec, C/Wojyn, C/Mann, C/Francisco, C/Marter, C/Robilotti  
Nays: None  
Abstain: None  
Absent: None

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2020-143**

**RESOLUTION REGRETFULLY ACCEPTING THE  
RESIGNATION OF WILLIAM SABIN, JR.**

WHEREAS, William Sabin, Jr. served as a full time police officer for the Borough of Englishtown; and

WHEREAS, William Sabin, Jr. did tender his resignation to the Englishtown Borough Council on December 15, 2020 with his last day of employment being December 28, 2020.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Englishtown Borough Council regretfully accepts the resignation of William B. Sabin, Jr.
2. That a certified copy of this Resolution be delivered to the Chief Financial Officer Sylvia Hawileh, Chief Peter Cooke, and Officer Ryan Carideo.

Offered by: C/Robilotti  
Seconded by: C/Mann  
Roll Call: Ayes: C/Krawiec, C/Mann, C/Marter, C/Robilotti Wojyn, Francisco  
Nays: None  
Abstain: None  
Absent: None

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2020-144**

**RESOLUTION AUTHORIZING APPROPRIATION TRANSFER**

WHEREAS, N.J.S.A. 40A: 4-58 provides that during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the transfers in the amount of \$6,000.00 be made in the 2020 budget as attached.

Current Fund:

From:

Legal Services OE \$6,000.00

To:

Municipal Clerk OE \$ 6,000.00 Reason Computer Approp #1

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Krawiec, C/Wojyn, C/Mann, C/Francisco, C/Marter, C/Robilotti

Nays: None

Abstain: None

Absent: None

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2020-145

AUTHORIZATION OF SERVICES

WHEREAS, the Borough of Englishtown Council requires that purchases and services over \$2625.00 or more be pre-approved by the Governing Body except in the case of imminent emergency situation; and

WHEREAS, the following itemized request(s) were submitted to the Chief Financial Officer by the respective Committee Chairperson(s) for Council approval; and

WHEREAS, the Chief Financial Officer certifies that appropriate funds are available for the following:

Municipal Computer Upgrade Capital#1 & Appropriation #1 \$41,238.47  
Services From:

Lenovo INC.  
8001 Development Drive  
Morrisville, NC 27560

CJIS Solutions

CDW Government INC.  
230 North Milwaukee Ave  
Vernon Hills, IL 60061

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above request is approved for the purchase or order.

Offered By: C/Robilotti

Seconded By: C/Marter

Roll Call: Ayes: C/Krawiec, C/Marter, C/Mann, C/Robilotti, C/Wojyn, C/Francisco  
Nays: None  
Abstain: None  
Absent: None

Mayor Reynolds read the Tax Collectors Report

#### Tax Collectors Report –November 2020

2021 Taxes Year	32,360.31
2020 Taxes Year	1,216,666.42
Tax Sale Premium	0.00
Outside Lien Redemption	0.00
Interest	628.68
Cost of Sale	1,001.78
Duplicate Bill Fee	30.00
Net Receipts	0.00
W/S at tax sale	0.00
Total Disbursements	\$1,250,687.19

#### Public Portion Non Agenda Items Only

Mayor Reynolds opens the floor to the public for discussion limited to non-agenda items only. Motion made by C/Robilotti, Second by C/Mann.

There being no further items to discuss, a Motion to close the public portion Motion made by C/Mann, C/Robilotti. Passed unanimously.

Mayor Reynolds stated there was a need for an executive session. Motion by C/Robilotti, Seconded by C/Mann the time was 8:16 P.M.

At this time Peter Gorbatuk and Laurie Finger were asked to leave the meeting.

A motion to come out of Executive Session by: C/Krawiec, C/Mann the time was 8:43.

Peter Gorbatuk and Laurie Finger were asked to rejoin the meeting.

Mayor Reynolds was proposing a resolution which will be discussed further at another time.

There being no further business at this time a Mayor Reynolds asked for an Adjournment which was Offered by C/Robilotti, Seconded by C/Mann.

The time being 8:56 P.M.

December 21, 2020

*Peter Gorbatuk*

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Approved by Governing Body

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Municipal Clerk