



**BOROUGH COUNCIL
REGULAR MEETING AGENDA
MARCH 14, 2023, AT 7:00 P.M.**

CALL TO ORDER

This meeting is being held in compliance with the Open Public Meeting Law in that the requirements of the law have been met with the posting of the meeting notice on the Municipal Bulletin Board, filed with the Borough Clerk and forwarded to The Courier News and The Star Ledger.

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor David Morris
Council President Abel Gomez
C. Vinnie Petti
C. Anthony Pranzatelli
C. Dominic Longo
C. Linda Brnicevic
C. Kendall Lopez

APPROVAL OF MINUTES

February 28, 2023 Regular Meeting

Motion: Second:

Roll Call:

C. Abel Gomez____ C. Vinnie Petti____ C. Anthony Pranzatelli____

C. Dominic Longo____ C. Linda Brnicevic ____ C. Kendall Lopez____



ADVERTISED HEARING OR SPECIAL PRESENTATION

Proclamation Garden Club 100 Year Anniversary

PRESENTATION OF COMMUNICATIONS, PETITIONS, ETC.

GREETINGS FOR COMMENTS AND INVITATIONS FOR DISCUSSION

OPENING OF BIDS

INTRODUCTION OF ORDINANCES – FIRST READING

Ordinance 2023-013 An Ordinance Authorizing as a General Improvement the Purchase and Acquisition of Various Equipment for the Borough of Bound Brook and Appropriating \$100,000 Therefor from the “Capital Fund Balance”

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on March 28, 2023.

Second:

Roll Call:

C. Abel Gomez____ C. Vinnie Petti____ C. Anthony Pranzatelli____

C. Dominic Longo____ C. Linda Brnicevic ____ C. Kendall Lopez____

ORDINANCE ON FINAL READING AND CONSIDERATION- SECOND READING

Ordinance 2023-011 An Ordinance Repealing and Replacing In Its Entirety Chapter 4, Article II, “Towers and Wreckers” of the Revised General Ordinances of the Borough of Bound Brook

Motion to open public comment: Second:

Public Comment:

Motion to close public comment: Second:

Motion: Movant: I move the ordinance be passed on second reading and advertised according to law.

Second:

Discussion:



Roll Call:

C. Abel Gomez____ C. Vinnie Petti____ C. Anthony Pranzatelli____

C. Dominic Longo____ C. Linda Brnicevic ____ C. Kendall Lopez____

Ordinance 2023-012 An Ordinance Amending the Salary Range for the Position of Assistant to Administrator

Motion to open public comment: Second:

Public Comment:

Motion to close public comment: Second:

Motion: Movant: I move the ordinance be passed on second reading and advertised according to law.

Second:

Discussion:

Roll Call:

C. Abel Gomez____ C. Vinnie Petti____ C. Anthony Pranzatelli____

C. Dominic Longo____ C. Linda Brnicevic ____ C. Kendall Lopez____

INTRODUCTION/DISCUSSION OF RESOLUTIONS

The resolutions listed below were submitted to the Governing Body for review and will be adopted by one motion.

If separate discussion is desired, the resolution may be removed by council action.

Motion:

Second:

All in favor:

2023-073 Resolution Authorizing Modification to the 2023 Cash Management Plan and Authorizing an Addition of the Columbia Bank to the List of the Authorized Banking Agencies

2023-074 Resolution Authorizing the Hire of Michael Lapotasky to the Temporary Position of Assistant to the Administrator

2023-075 Resolution Correcting Resolution 2023-067 Appointing Flanagan, Barone O'Brien, LLC as Assistant Prosecutor for the Borough of Bound Brook



- 2023-076 Resolution of the Borough of Bound Brook Adopting a Planning and Implementation Agreement with the New Jersey State Planning Commission
- 2023-077 Resolution Notification of Application for the 2023 Somerset County Community Development Block Grant by Housing Alternatives, Inc., a Non-Profit, with Intended Projects Within the Borough of Bound Brook
- 2023-078 Resolution Authorizing Change Order No. 4 and 5- Reivax Contracting Corporation for 2021 Road Program
- 2023-079 Resolution Authorizing a Change Order North Jersey Trucks for Extended Warranties in the Amount of \$2,383.50
- 2023-080 Resolution Authorizing a Refund to Kishor Shah for the Overpayment of Vacant Property Registration Fees in the Amount of \$2,955
- 2023-081 Resolution Authorizing a New Pool and Billiard Establishment License, Billiards Lucy, Located at 310 West Union Avenue, Block 62, Lot 2 for the 2023 Licensing Term
- 2023-082 Resolution Authorizing Emergency Temporary Appropriations in the Amount of \$3,511,149.32
- 2023-083 Correcting Resolution 2023-069, Authorizing a Refund for the Overpayment of Property Taxes to Queens Gate

UNFINISHED BUSINESS

NEW BUSINESS

APPROVAL OF VOUCHERS

- 2023-084 Resolution Approving Vouchers in the Amount of \$428,499.85

Motion: Second:

Roll Call:

C. Abel Gomez____ C. Vinnie Petti____ C. Anthony Pranzatelli____
C. Dominic Longo____ C. Linda Brnicevic ____ C. Kendall Lopez____



OPEN TO THE PUBLIC FOR COMMENT

AUTHORIZE EXECUTIVE SESSION

ADJOURNMENT

Motion: Second: All in favor:

BOROUGH OF BOUND BROOK

PROCLAMATION

WHEREAS, the mission of the Bound Brook Garden Club is to stimulate the knowledge and love of gardening throughout the community; and

WHEREAS, the club has given scholarships to Somerset County Vocational and Technical School students pursuing their passion in agriculture; and

WHEREAS, the Bound Brook Garden Club is celebrating its 100th year anniversary;

NOW, THEREFORE, I David Morris, Mayor of the Borough of Bound Brook, do hereby acknowledge the **“Bound Brook Garden Club 100th Anniversary”**.

In WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Borough of Bound Brook to be affixed this 14th day of March in the year 2023

Mayor David Morris

March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2023-013

AN ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE PURCHASE AND ACQUISITION OF VARIOUS EQUIPMENT FOR THE BOROUGH OF BOUND BROOK AND APPROPRIATING \$100,000.00 THEREFOR FROM THE “CAPITAL FUND BALANCE” OF SAID BOROUGH

BE IT ORDAINED by the Borough Council of the Borough of Bound Brook in Somerset County, New Jersey as follows:

Section 1. The Borough of Bound Brook in Somerset County (hereinafter referred to as “Municipality”) is hereby authorized the following Capital Improvements for the Borough of Bound Brook:

1. The acquisition of the startup equipment for the ambulance services including but not limited to radio equipment, auto CPR equipment, c-collars and long boards .

Section 2. The work and acquisitions, authorized by Section 1 of this Ordinance shall be undertaken as a general improvement, the entire cost of which shall be contributed and borne by the municipality as a general expense, and no part of said cost shall be specially assessed against any property. The estimated cost noted of such project shall not exceed \$100,000.00 unless this Ordinance is amended.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid projects (hereinafter referred to as “purpose”) is not a current expense of the municipality; and that the total estimated cost of said purpose is \$100,000.00, the estimated cost for the projects having been noted in Section 1 above.

Section 4. The sum of \$100,000.00 is hereby appropriated for said purpose from the “Capital Fund Balance” of the municipality for said purpose as required by law and now available therefore under a budget or budgets of the municipality previously adopted.

Section 5. The Capital budget of the municipality is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith.

Section 6. This Ordinance shall take effect upon its passage and publication as provided by law.

ATTEST

Jasmine D. McCoy
Borough Clerk

BOROUGH OF BOUND BROOK

Mayor David Morris

Date of Introduction: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2023-11

AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 4, ARTICLE II, “TOWERS AND WRECKERS”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook as follows:

SECTION 1. Chapter 4, Article II, “Towers and Wreckers”, of the Revised General Ordinances of the Borough of Bound Brook is hereby supplemented to read as follows:

Article II
Towing and Storage Fee Regulations

4-22 TOWERS AND WRECKERS.

4-22.1 Purpose and scope.

- a. The purpose of this section is to establish towing and storage fee schedules pursuant to N.J.S.A. 17:33B-47 for the reimbursement of towing charges and storage charges for all private passenger automobiles that are Police impounded, damaged in accidents, or are recovered after being stolen.
- b. The provisions of this section apply to all persons who provide towing and storage services for the Borough of Bound Brook for private passenger automobiles that are Police impounded, damaged in accidents, or are recovered after being stolen.
- c. In order to protect persons who operate motor vehicles inside the Borough of Bound Brook, it is desirable and necessary to adopt this section to insure proper licensing, storage, availability and other controls over persons and firms licensed to provide wrecker service.

4-22.2 Application for contract.

- a. Towing operators must file an application with the municipal clerk to obtain or renew a towing license within the township.
- b. The applicant shall state the complete street address of the location or locations from which the business of towing shall be conducted, indicating which is its principal location and which is its storage facility(s), which shall meet the requirements of Subsection 47.13 of this section. The applicant shall provide a copy of a valid certificate of occupancy for the storage facility for automobile-related uses.

- c. The applicant shall identify and provide a description of its towing vehicles, including vehicle registration number, gross vehicle weight, number of wheels and purpose, with which the applicant intends to provide towing services; and which shall meet the requirements of Subsection **4-7.6** of this section. The applicant shall provide copies of the equipment manufacturer's specification for each piece of equipment.
- d. The applicant shall disclose whether he, or if the applicant is an entity, any person with an interest of 10% or more in the entity, or any towing company in which such person has an interest of 10% or more, is subject to any of the disqualification specified in §4-7.7.
- e. The applicant shall provide the name, address and driver's license number of the applicant and all employees of the applicant that are expected to be involved in the operation of the applicant's vehicular equipment for the towing of motor vehicles. All drivers for the applicant shall be at least 18 years of age and possess a valid driver's license for the operation of the towing equipment.
- f. The applicant shall obtain a criminal background check of the applicant and all of its employees and agents, including the obtainment of a driver's abstract. The costs associated with obtaining the criminal background checks shall be the responsibility of the applicant.
- g. The application shall include a valid original certificate of insurance from an insurer authorized to do business in the state, at the minimum amounts set forth in Subsection 47.11 of this section.
- h. The applicant shall provide written proof of a minimum of five years' towing experience. The applicant shall provide a minimum of three references of the applicant's towing experience.
- i. The applicant shall provide copies of all certifications for its employees as follows:
 - 1. Each light-duty driver, each heavy-duty driver and each recovery supervisor from a nationally recognized organization.
- j. The nationally recognized organizations that are acceptable to the Township are: Towing and Recovery Association of America (800-728-0136), Wreck Master (800-2672266), Garden State Towman's Association (732-530-4782). The applicant shall furnish any additional information concerning the company, personnel, vehicles, equipment and storage facilities of the applicant as may be required by the Municipal Clerk or Chief of Police during the review of the application.
- k. If any of the information required in the application changes, or if additional information should be added after the filing of the application, the applicant shall provide that information to the Municipal Clerk, in writing, within 30 calendar days of the change or addition. Any application to add an additional driver during the contract term shall be accompanied by a fee of \$25.
- l. The applicant shall provide a certified statement of the willingness of the towing operator to be available on a twenty-four-hour, seven-day-per-week basis, and to abide by the instructions

and directions of the Chief of Police, his subordinates, and the provisions of this ordinance. Such towing operators shall further provide the telephone number or numbers available on a twenty-four-hour, seven-day-per-week basis.

- m. The applicant shall provide a certified statement of compliance with the minimum requirements of Subsection **4-7.6** of this section.

Any person wishing to apply for a tow license in the Borough shall operate and/or have storage facilities located within 7 miles of the Borough.

4-22.3 Licensing; fees.

- a. All applicants for a license shall obtain an application for a wrecker service license which upon receipt of same, shall forward the application to the Municipal Clerk for investigation of the truth and accuracy of the information contained therein. Upon completion of investigation by the Chief of Police, the Chief of Police shall forward a copy of the application to the Borough Council along with a recommendation for approval or disapproval of the license and the reasons, if any, for disapproval. Upon receiving the application for wrecker service license, the Borough Council shall determine whether or not the applicant has complied with the necessary standards and criteria. If the applicant is found to be qualified, then, upon the payment of an annual license fee of \$200, a license shall be issued to the applicant and the applicant's name placed at the end of the towing list.. All licenses shall expire on December 31 of each year.
- b. The Borough Council may terminate a license under the following circumstances:
 - 1. When it is found that the license was secured by fraud or concealment of material facts by the licensee, which in fact, if known, would have resulted in denial of the license;
 - 2. When it is found that the license holder has violated any of the requirements or regulations established by the Chief of Police or his designee;
 - 3. When the Borough is not satisfied with the general services of the owner and/or employees or with the cooperation it has received in rendering service.

4-22.4 Insurance.

- a. No wrecker license shall be issued until the applicant has deposited with the Municipal Clerk a garage liability policy covering the operation of the owner's business, equipment, or other vehicles for any bodily injury or property damage. This policy shall be in the minimum amount of \$500,000 for any one person injured or killed and a minimum of \$1,000,000 for more than one person killed or injured in any accident and an additional \$100,000 for property damage.
- b. Each policy must contain an endorsement by the carrier providing ninety-day notice to both the Borough and the insured in the event of any change in coverage under the policy.

4-22.5 Responsibilities of owners.

The owner shall provide continuous twenty-four-hour-a-day service each day of the year and

shall provide an attendant or answering service for the purpose of receiving calls for service. The owner shall be available to release stored vehicles during the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, 8:00 am to noon on Saturday. There shall be no storage charge for Sundays and holidays if the tow company is not open for vehicle release. The owner shall assume all liability and shall indemnify and save the Borough harmless from such liability for damages sustained by vehicles while being towed or stored and for all personal injuries occurring to any of the firm's employees or other persons and shall maintain the required insurance policies. The wrecker owner shall not release any vehicle directly impounded by the Borough without authorization by the Police Department.

4-22.6 Minimum equipment.

Minimum equipment to be maintained or available for service shall include:

Any towing operator providing municipal rotational towing services shall have a minimum of two vehicles which meet the minimum standards set forth below:

1. At least one light-duty wrecker with a minimum chassis rating of 15,000 pounds gross vehicle weight, equipped with a hydraulic boom rated for 8,000 pounds, equipped with a hydraulic wheel-lift with 3,000 pounds' lift capacity, and equipped with dual hydraulic winches with each having a capacity of 8,000 pounds, with each winch equipped with 100 feet of three-eighths-inch wire rope.
2. At least two flatbed-type wreckers with a minimum chassis rating of 25,500 pounds gross vehicle weight, equipped with a minimum twenty-one-foot bed, and equipped with a hydraulic wheel-lift with 3,000 pounds' lift capacity.
3. At least one of the above vehicles must have four-wheel drive.
4. In addition to foregoing requirements, the towing operator must own a heavy-duty wrecker with a minimum chassis rating of 33,000 pounds gross vehicle weight, as well as have a gross vehicle weight registered of 80,000 pounds, equipped with a hydraulic boom rated for a minimum of 35 tons, equipped with a hydraulic under-reach with a minimum 45,000 pounds' lift capacity, dual hydraulic winches, and have tandem rear axles.
5. All vehicles must be equipped with two-way radios, cab-mounted amber emergency warning lights (conforming to New Jersey Motor Vehicle Law standards and all light permits being obtained), tow sling-type bars with rubber straps and/or wheel-lift capability with safety straps to prevent damage to towed vehicles, and with steering locks for towing vehicles from the rear.

4-22.7 Costs and records.

All costs incident to towing and storage shall be paid by owner or person in charge or possession of the towed and stored vehicle to the owner of the wrecker company and a receipt for payment shall be issued to the person. The Borough shall assume no liability or responsibility for any vehicle removed from any place without the authority of the Chief of Police. The wrecker owner

shall maintain approved records and claim check system to assure release of vehicles to the rightful owner or authorized person. These records shall be maintained for a period of not less than four years. Such records shall be open to the Police Department for investigation of specific complaints and for compiling surveys under this section. The owner of any wrecker service shall permit any person appointed by the Chief of Police to inspect his wreckers, vault, security form or storage area at such times as the Chief of Police shall deem appropriate.

4-22.8 Rotation exceptions.

- a. The Chief of Police is authorized to establish a system of rotation for the assignment of licensed towing operators to provide municipal towing services required pursuant to this section. Pursuant to N.J.S.A. 40A:11-5(1)(w), the rotation system shall be established on a nondiscriminatory and non-exclusionary basis. Only licensed towing operators with the Borough shall be assigned to the rotation list. A towing operator shall be added to the rotation list at any time upon being licensed with the Borough pursuant to this section. All new licensed towing operators shall be assigned to the rotation list at the bottom of such list. The rotation list shall be composed so as to permit a reasonable rotation of licensed towing operators.
- b. Towing service shall rotate on a weekly basis. The week will start at 8:00 a.m. on the first of the week and will conclude at 7:59 a.m. hours on the first day of the following week. During the week that the towing service is assigned, all calls for service requested through the Police Department will be accepted. Refusal or inability to respond will automatically result in the next wrecker on the list being summoned. Response time must be reasonable (20 minutes), and Police Officers may cancel and reassign the call when response time is unreasonably long. The Chief of Police shall not call or cause to be called any wrecker not licensed with the Borough unless all such wreckers are unavailable. It is specifically permitted for the Chief of Police to call a wrecker out of sequence where the proximity to the wreck and estimated response time make it more practical to do so. Failure to comply with this section will result in removal from the list by decision of the Borough Council, after a full disclosure of the facts by all parties involved.
- c. A wrecker company that cannot respond when called shall not have any other wrecker company, whether on the rotation list or not, respond in their place. The next wrecker called shall be at the Charge Officer's discretion.
- d. Any wrecker company unable to respond to four or more Police requests per month will be subject to removal from the approved list for the next rotation week of being on service. The Police desk shall allow the phone to ring 10 times on any call before going to the next service on the list. Any wrecker company using a paging system will be granted a five minute wait period to respond before Police call the next wrecker company on the list.

4-22.9 Impounded vehicles: storage and release.

A covered facility shall be provided for security of autos impounded by the Police for death by auto or crime incidents. The covered facility must be on the grounds of the towing service or meet the approval of the Police Department. No one shall release an impounded vehicle without permission of the Police Department representative.

4-22.10 Definitions.

As used in this section:

AUTOMOBILE

A private passenger automobile of a private or station wagon type that is owned or hired and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; and a motor vehicle with a pick-up body, or delivery sedan, a van, or panel truck or a camper type vehicle used for recreational purposes owned by an individual or by husband and wife who are residents of the same household, not customarily used in the occupation, profession or business of the insured other than farming or ranching. An automobile owned by a farm family, copartners or corporation, which is principally garaged on a farm or ranch and otherwise meets the definitions contained in this section, shall be considered a private passenger automobile owned by two or more relatives resident in the same household.

BASIC TOWING SERVICE

The removal and transportation of an automobile 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 an automobile from a position beyond the right-of-way or berm.

CHIEF OF POLICE

The Chief of the Police Department of the Borough of Bound Brook or anyone designated by him.

INSIDE BUILDING

A vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles and that is secured by a locking device on each opening.

MOTOR VEHICLE ACCIDENT

An occurrence in which a private passenger automobile comes in contact with any other object for which the private passenger automobile must be towed or removed for placement in a storage facility. This includes all situations, even if they were caused by the intentional acts of a perpetrator.

OUTSIDE SECURED

An automobile storage facility that is not indoors and is secured by a fence, wall, 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.

OUTSIDE UNSECURED

An automobile storage facility that is not indoors and is not secured by a fence, wall, or other man-made barrier, and all other storage facilities not defined above as inside building or outside secured.

PERSON

Any person, firm, partnership, association, corporation, company, or organization of any kind.

STORAGE CHARGES FOR TWENTY-FOUR-HOUR PERIOD

The maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof. A new twenty-four-hour period begins at 12:01 a.m. hours.

TOW VEHICLE

Only those vehicles equipped with a broom or brooms, winches, slings, tilt beds, wheel lifts, or under-reach equipment specifically designed by its manufacturer for the removal or transport of private passenger automobiles.

TOW VEHICLES BASE OF SERVICE

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

TOWING LIST

A list maintained by the Police Department containing the names of those wreckers licensed by the Borough to respond to requests for the towing of vehicles made by the Police Department.

WRECKER

A specially adapted vehicle used to remove motor vehicles from one place to another: tow vehicle.

4-22.11 Application of storage and towing fee schedule.

The fees set forth on the schedule for towing rates are the maximum charges that shall apply to both private passenger automobile and commercial vehicles for towing services rendered as a result of a Police request, an accident or theft recovery. The schedule will also set rates for road service calls initiated by the Police Department at the request of the vehicle owner. Only the amounts established in this section will be charged to the consumer when basic towing services and road service calls for assistance are rendered.

- a. The towing rate will include no charge for mileage from the tow company's yard and back or a drop off point within that route. An additional charge will be added for each mile the tow company must travel that is considered being out of the way. In this case fractions shall

be rounded up to the nearest whole mile.

- b. Tow vehicles transporting multiple passenger cars at one time shall receive the applicable fees for each vehicle transported.
- c. The tow vehicle respondents must arrive on the scene within 20 minutes of receiving the information from Police Headquarters. Failure to abide by the above time provisions will result in the dispatch of another tow service. Repeat violations of the above time provisions may result in the removal of the tow service from the duty rotation.
- d. The fees set forth on the schedule for storage are the maximum to be charged. Storage fees begin the day the vehicle is placed in storage and terminate the day the vehicle is removed from storage. The fee schedule shall include both passenger vehicles and commercial vehicles. Commercial vehicle storage shall be calculated per stored unit.
- e. An administrative fee may be assessed to the consumer provided that the towing company adheres to the following procedure. Upon storage of a vehicle for seven straight days, the tower must notify the vehicle owner via certified return receipt mail, of the storage costs already accumulated along with an explanation of civil recourse should the vehicle not be claimed. The tower must have a disposition for the vehicle prior to it being stored for 30 days.
- f. The responding tow operator or licensee shall be responsible for cleaning the scene of the accident of broken glass, metal or debris by sweeping the road surface and removing the material to the tow vehicle. All wreckers will be equipped with absorbent material in case of a liquid spill. The wrecker operator will be responsible for properly removing the absorbent material from the roadway and onto the tow vehicle. Should this clean up be deemed extensive, the tow company will not charge more than the per hour rate that is established in the fee schedule. This clean up must be complete to the satisfaction of the Police Officer in charge of the scene.
- g. There will be no fees charged to the customer if the Police Department canceled the services prior to the wrecker arriving on the scene. Should the wrecker arrive but the service is no longer needed, the customer will be liable for a road service call out.

4-22.12 Availability of towing rates.

Wrecker services are required to have copies of established rates available for the vehicle owner or driver at the time of the tow.

4-22.13 Utilizing other tow operators.

This section in no way denies the right of a motorist to request or call for a tow operator of his/her own choosing, providing the officer at the scene determines that the tow operator requested can arrive at the scene within the time limit specified herein, has the proper equipment

to clear the scene and the safety of the persons or motorists will not be jeopardized by the time involved. No officer will be required to accept a towing service unknown to him when a disabled or wrecked vehicle potentially threatens the safety of the public.

4-22.14 Grievances and complaints.

All grievances by licensees or the public shall be brought to the attention of the Police Department and Borough Administrator. Complaints of any violation of this section may result in the suspension of the wrecker service by the Chief of Police until the Borough Administrator can arrange for a hearing. If it is found that a violation of this section does exist, the Borough Council may terminate the wrecker service's license. All decisions made by the Borough Council shall be considered final.

4-22.15 Fees.

The fees below are set forth in the New Jersey State Police schedule approved by the Division of Law, State of New Jersey. The fees may be adjusted from time to time by Resolution of the Council of the Borough of Bound Brook. In accordance with revisions of the New Jersey State Police fee schedule for these services.

ROAD SERVICE

CARS (LIGHT)	\$150.00 PER HOUR PLUS PARTS
TRUCKS (MEDIUM/HEAVY)	\$200.00 PER HOUR PLUS PARTS

TOWING – BASIC

LIGHT DUTY – up to 10,000 lbs.	HOOK-UP \$155
MEDIUM DUTY – 10,001 – 16,000 lbs.	\$300.00 PER HOUR
HEAVY DUTY – 16,001 lbs. and above	\$500.00 PER HOUR
DECOUPLING FEE (IF TOW IS NOT PERFORMED)	1/2 OF BASIC RATE

ON-HOOK MILEAGE

LIGHT DUTY	\$7.00/PER LOADED MILES (only applicable for destinations outside of the Borough of Bound Brook, not including the tow company's storage facility)
MEDIUM DUTY	N/A
HEAVY DUTY	N/A

RECOVERY/WINCHING

LIGHT DUTY & MEDIUM DUTY – 10,001 – 16,000 lbs.	\$350.00 PER HOUR 1/2 HOUR INCREMENTS THEREAFTER CHARGED AT \$175.00 PER HALF HOUR
HEAVY DUTY – 16,001 lbs. and above	\$650.00 PER HOUR

SPECIALIZED RECOVERY EQUIPMENT

ROTATOR/CRANE RECOVERY UNIT	\$1,200.00 PER HOUR
TRACTOR WITH LANDOLL TRAILER OR DETACH TRAILER	\$500.00 PER HOUR
TRACTOR/TRANSPORT HAULER ONLY	\$350.00 PER HOUR
REFRIGERATED TRAILER W/TRACTOR	\$550.00 PER HOUR
BOX TRAILER W/ TRACTOR	\$500.00 PER HOUR
AIR CUSHION UNIT	\$1,000 PER HOUR
LIGHT TOWER	\$250 PER HOUR
PALLET JACK	\$200 FLAT RATE
ROLLERS	\$200 FLAT RATE

ANY OTHER SPECIALIZED EQUIPMENT	\$300 PER HOUR
LOADER/BACKHOE/TELESCOPIC HANDLER/BULLDOZER/BOBCAT	\$400.00 PER HOUR EACH
FORKLIFT	\$400.00 PER HOUR
DUMP TRUCK/DUMP TRAILER W/TRACTOR	\$400.00 PER HOUR
ROLL-OFF WITH CONTAINER	\$400.00 PER HOUR PLUS DISPOSAL
RECOVERY SUPERVISOR VEHICLE	\$150.00 PER HOUR
SCENE SAFETY EQUIP., COMMUNICATION EQUIP., TRAFFIC MANAGEMENT EQUIP., ETC.	\$250.00 PER HOUR EACH TYPE USED
RECOVERY SUPPORT VEHICLE/TRAILER ADDITIONAL RECOVERY EQUIP.	\$350.00 PER HOUR

LABOR – ALL LABOR MINIMUM OF 1 HOUR

ACCIDENT MINOR CLEAN-UP AND DISPOSAL OF DEBRIS	\$25 FOR MINOR CLEAN UP, \$40 IF ABSORBANT MATERIALS USED
RECOVERY SUPERVISOR AND/OR LEVEL III RECOVERY SPECIALIST	\$250.00 PER HOUR *Charges limited to one per incident
CERTIFIED TOWING OPERATOR	\$150.00 PER HOUR PER MAN
MANUAL LABORERS	\$125.00 PER HOUR PER MAN

STORAGE – PER CALENDAR DAY (INSIDE RATES TWO TIMES OUTSIDE RATE)

CARS/LIGHT TRUCKS – 10’ x 20’ SPACE	\$50.00 PER DAY No charge on Saturday, Sundays or Holidays, unless the tow company is open for at least a minimum four-hour period of time that day for vehicle release. The hours must be relayed to the vehicle owners via tow company website or other means.
TRUCKS (DUAL WHEELS)/SINGLE AXLE	\$125.00 PER DAY
TRACTOR/DUMP TRUCK/TRACTOR AND TRAILER COMBO/TRAILERS	\$125.00 PER UNIT PER DAY
BUSES	\$150.00 PER DAY
ROLL-OFF	\$125.00 PER DAY FOR EACH
CARGO/ACCIDENT DEBRIS/LOAD STORAGE/VEHICLE COMPONENTS 10’ x 20’ SPACE	\$50.00 PER SPACE USED PER DAY
RENTAL OF ANY TOW COMPANY SUPPLIED TRAILER POST INCIDENT	\$500.00 PER DAY

STORAGE BILLED PER CALENDAR DAY

ADDITIONAL SERVICES/NOTES

FUEL/HAZ-MAT/CARGO SPILLS CLEAN UP AND DISPOSAL	TIME AND MATERIAL
HAZMAT AND TRASH RECOVERY	SURCHARGED 10%
SUBCONTRACTOR MARK-UP	20%
ADMINISTRATIVE CHARGE ONLY	CARS ONLY - \$50.00

AFTER 3 RD VISIT TO VEHICLE	
ADMINISTRATIVE CHARGE	MEDIUM/HEAVY TRUCK - \$200.00
AFTER HOURS RELEASE	\$85.00
NOTIFICATION DOCUMENTATION FEE	\$75.00
TARPING/WRAPPING VEHICLE	\$90.00 PER CAR \$250.00 PER TRUCK

NOTES – AFTER THE FIRST HOUR, ALL HOURLY BILLABLE RATES WILL BE CHARGED IN HALF-HOUR INCREMENTS. CHARGES FOR ALL TOWS ARE INCLUSIVE OF THE OPERATOR. YOU MAY NOT SEPARATELY CHARGE FOR AN OPERATOR THAT DRIVES/OPERATES THE TOWING EQUIPMENT.

4-22.16 Violations and penalties.

Any person found guilty of violating any of the provisions of this section may, in addition to being removed from the towing list, be liable to the penalty, upon conviction, stated in Chapter 1, Section 1-5.

4-22.17 Rules and regulations.

- a. The Borough Council may establish reasonable rules and regulations for the inspection and operation of wreckers under this section.
- b. The Chief of Police shall maintain due vigilance over all wreckers to ensure they are kept in safe condition for transporting disabled vehicles. The Chief or his designee may at any time inspect all licensed wreckers, and shall maintain a record of the report of all such inspections.
- c. If the Chief of Police shall find the equipment used by a licensee inadequate or unsafe, he may demand immediate correction of the inadequacy or unsafe condition. If immediate correction is not made to the satisfaction of the Chief of Police, the licensee's license may be suspended until such time as the corrections or repairs deemed necessary by the Chief of Police have been completed.
- d. The licensee shall be responsible for any vehicle and the contents thereof in the licensee's custody, and shall be liable for any loss while the vehicle is in the licensee's custody. The licensee shall reimburse the owner or person identified on the vehicle's registration for any damage or loss to the vehicle or its contents occurring while the vehicle is in the custody of

licensee.

- e. All charges imposed by the licensee in accordance with this section shall be paid by the owner or person identified on the vehicle's registration or the agent thereof. The Borough of Bound Brook shall not be liable for the payment of any sum to the licensee, which it may allege to be due as a result of any service provided.
- f. Substantiated reports of discourteous behavior, excessive fees, or damage to vehicles by the licensee may constitute cause for the Borough to remove the licensee either temporarily or permanently from the towing rotation or to revoke the licensee's license.
- g. The licensee shall make all tow vehicles and wreckers available to the Police Department for inspection at any time.
- h. All tow vehicles and wreckers must be clearly, legibly, and permanently marked with the name of the licensee.
- i. All tow vehicles shall be dispatched from the towing operator's principal place of business, and shall be kept at the towing operator's principal place of business when not actively towing another vehicle or traveling to or from the towing operator's principal place of business. In no event shall a towing vehicle be:
 - a. kept overnight at a residential property within the Borough of Bound Brook.
 - b. Staged within Borough limits at any time

SECTION 2: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 3: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION 5: CODIFICATION

This ordinance shall be a part of the Code of Borough of Bound Brook as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

ATTEST

Jasmine D. McCoy
Borough Clerk

BOROUGH OF BOUND BROOK

Mayor David Morris

Date of Introduction: February 28, 2022

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2023-12

AN ORDINANCE AMENDING THE SALARY RANGE FOR THE POSITION OF ASSISTANT TO THE ADMINISTRATOR

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bound Brook the salaries and wages or compensation to be paid to the following officers and employees of the Borough of Bound Brook, in the County of Somerset, State of New Jersey, are hereby fixed and determined to be at the amounts or rates hereinafter set forth by deleting the text **[marked in bold and enclosed in brackets]** and inserting the text **underlined and marked in bold**, to read as follows:

	<u>MINIMUM</u>	<u>MAXIMUM</u>
Assistant to the Borough Administrator	\$12,000	[\$18,000] <u>\$75,000</u>

SECTION 2: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 3: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION 5: CODIFICATION

This ordinance shall be a part of the Code of Borough of Bound Brook as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

ATTEST

BOROUGH OF BOUND BROOK

Jasmine D. McCoy
Borough Clerk

Mayor David Morris

Date of Introduction: February 28, 2023

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2023-073

RESOLUTION AUTHORIZING MODIFICATION TO THE 2023 CASH MANAGEMENT PLAN AND AUTHORIZING AN ADDTION OF THE COLUMBIA BANK TO THE LIST OF THE AUTHORIZED BANKING AGENCIES

WHEREAS, the Borough of Bound Brook approved cash management plan for 2023, and;

WHEREAS, the Borough's municipal funds are protected under GUDPA agreement in accordance with the state law, and;

WHEREAS, the Borough desires to add Columbia Bank to the list if the authorized banking institutions

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bound Brook the Chief Financial Officer is hereby authorized to add Columbia Bank to the list if the authorized depositories and modify 2023 cash management plan accordingly.

Attest:

Approved:

Jasmine D. McCoy, Borough Clerk

Mayor David Morris

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2023-074

RESOLUTION AUTHORIZING THE HIRE OF MICHAEL LAPOTASKY TO THE TEMPORARY POSITION OF ASSISTANT TO THE ADMINISTRATOR

WHEREAS, the Borough desires to create an Emergency Medical Services Department (the “EMS Department”); and

WHEREAS, the Borough is in need of hiring an employee with knowledge and qualifications relative to the creation and operation of an EMS Department to work with the Borough Administrator in the creation of an EMS Department; and

WHEREAS, Michael Lapotasky has been recommended to fill the position and holds the necessary requirements and qualifications to assist in the creation of the EMS Department; and

WHEREAS, it is in the best interest of the Borough to temporarily hire Michael Lapotasky as the Assistant to the Administrator at an annual salary of \$75,000.00 for the purpose of creating the EMS Department;

WHEREAS, the Chief Financial Officer has certified the availability of fund funds from account # 01- 2023- 0125- 0252- 1-11

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, Michael Lapotasky be temporarily hired as the Assistant to the Administrator at an annual salary of \$75,000.00 effective March 15, 2023.

Attest:

Approved:

Jasmine D. McCoy, Borough Clerk

Mayor David Morris

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2023-075

**RESOLUTION CORRECTING RESOLUTION 2023-067 APPOINTING FLANAGAN,
BARONE O'BRIEN, LLC AS ASSISTANT PROSECUTOR FOR THE BOROUGH OF
BOUND BROOK**

WHEREAS, Resolution 2023-067 appointed Flanagan, Barone O'Brien, LLC as Prosecutor for the Borough of Bound Brook and a correction is required; and

WHEREAS, Flanagan, Barone O'Brien, LLC should have been appointed as Assistant Prosecutor;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, Flanagan, Barone O'Brien, LLC be appointed as Assistant Prosecutor for the Borough of Bound Brook for a term of one (1) year.

Attest:

Jasmine D. McCoy, Borough Clerk

Approved:

Mayor David Morris

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2023-076

RESOLUTION OF THE BOROUGH OF BOUND BROOK ADOPTING A PLANNING AND IMPLEMENTATION AGREEMENT WITH THE NEW JERSEY STATE PLANNING COMMISSION

WHEREAS, pursuant to the New Jersey State Planning Act and N.J.A.C. 5:85-7.1-24 the Borough of Bound Brook has willingly and actively participated in the Plan Endorsement Process; and

WHEREAS, the Borough approved by Resolution the Municipal Self Assessment Report, prepared by Borough planner Carlos Rodrigues, PP / FAICP, on March 8, 2022; and

WHEREAS, the Borough's Planning Board adopted a Visioning Statement as part of its 2018 Master Plan Land Use Plan Element; and

WHEREAS, the New Jersey State Planning Commission adopted the Plan Endorsement Petition on March 1, 2023; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough adopts the attached Plan Implementation Agenda as part of the Plan Endorsement certification process.
3. This resolution shall be forwarded to the N.J. State Office of Planning Advocacy.
4. All Borough officials and officers are hereby authorized and empowered to take all actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Attest:

Jasmine D. McCoy, Borough Clerk

Approved:

Mayor David Morris

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2023-077

**NOTIFICATION OF APPLICATIONS FOR THE 2023 SOMERSET COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT BY HOUSING ALTERNATIVES,
INC., A NON-PROFIT, WITH INTENDED PROJECTS WITHIN THE BOROUGH OF
BOUND BROOK**

WHEREAS, the following non-profit groups located or implementing projects in the Borough of Bound Brook desire to participate in the 2023 Somerset County Community Development Block Grant Program:

WHEREAS, the Borough of Bound Brook governing body has been made aware of the intended projects from the each of the following non-profit groups;

Housing Alternatives, Inc.

NOW, THEREFORE BE IT RESOLVED, by the Borough of Bound Brook Council that the Mayor and Clerk are also authorized to execute the applications from the non-profit groups listed above indicating that the Borough has been made aware of these applications.

Attest:

Approved:

Jasmine D. McCoy, Borough Clerk

Mayor David Morris

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2023-078

RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 AND 5- REIVAX CONTRACTING CORPORATION FOR 2021 ROAD PROGRAM

WHEREAS, the Borough of Bound Brook awarded contract to Reivax Contracting Corporation for the 2021 Road Improvement Project in the amount of \$929,993.68; and

WHEREAS, there is a need for Changer Order No. 4, increasing the overall contract in the amount of \$14,280.27; and

WHEREAS, there is a need for Change Order 5, reducing the overall contract in the amount of \$1,128.50; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey, Change Order No. 4 and 5 to Reivax Contracting Corporation be authorized and the overall contract amount for the 2021 Road Program is \$873,500.89.

Attest:

Jasmine D. McCoy, Borough Clerk

Approved:

Mayor David Morris

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2023-079

**RESOLUTION AUTHORIZING A CHANGE ORDER TO NORTH JERSEY TRUCKS
FOR EXTENDED WARRANTIES IN THE AMOUNT OF \$2,383.50**

WHEREAS, resolution 2022-220 authorized the purchase of a hook truck for the Department of Public Works; and

WHEREAS, additional warranties for the transmission and engine are required; and

WHEREAS, the Chief Financial Officer has certified the funds in the amount of \$2,383.50 from account #04- 2022-202207-220707- 4- 00000

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bound Brook, that the purchase of extended warranties in the amount of \$2,383.50 be authorized.

Attest:

Jasmine D. McCoy, Borough Clerk

Approved:

Mayor David Morris

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2023-080

RESOLUTION AUTHORIZING A REFUND TO KISHOR SHAH FOR THE OVERPAYMENT OF VACANT PROPERTY REGISTRATION FESS IN THE AMOUNT OF \$2,955

WHEREAS, the Building Department annually collects vacant registration fees; and

WHEREAS, Kishor Shah submitted an overpayment of vacant registration fees in the amount of \$2,955.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook that Kishor Shah be refunded in the amount of \$2,955.00.

Attest:

Approved:

Jasmine D. McCoy, Borough Clerk

Mayor David Morris

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2023-081

RESOLUTION AUTHORIZING A NEW POOL AND BILLIARD ESTABLISHMENT LICENSE, BILLIARD LUCY, LOCATED AT 310 WEST UNION AVENUE, BLOCK 62, LOT 2 FOR THE 2023 LICENSING TERM

WHEREAS, pursuant to Chapter 4-7, “Pool and Billiard Parlors”, of the Borough Code, no license to conduct a pool or billiard parlor shall be issued by the Clerk until its issuance has been approved by resolution of the Mayor and Council; and

WHEREAS, the Clerk’s Office received a request for a new pool and billiard establishment license from Billiards Lucy located at 310 West Union Avenue, also known on the Tax Map as Block 62, Lot 2; and

WHEREAS, the establishment is proposing eight (8) pool tables;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, Billiards Lucy is hereby granted a pool and billiard license for eight (8) pool tables for the 2023 licensing year.

Attest:

Approved:

Jasmine D. McCoy, Borough Clerk

Mayor David Morris

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2023-082

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATION IN THE AMOUNT OF \$3,511,149.32

WHEREAS, an emergent condition has arisen in that the Borough of Bound Brook is expected to enter in contracts, commitments or payments prior to the 2023 budget and no adequate provision has been made in the 2023 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2023 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$3,511,149.32,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Bound Brook, in the County of Somerset, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$3,511,149.32 in agreement with the attachment A.
2. Said emergency temporary appropriations will be provided for in the 2023 budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

Attest:

Jasmine D. McCoy, Borough Clerk

Approved:

Mayor David Morris

Date of Adoption: March 14, 2023

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2023-083

**CORRECTING RESOLUTION 2023-069, AUTHORIZING A REFUND FOR THE
OVERPAYMENT OF PROPERTY TAXES TO QUEENS GATE**

WHEREAS, Resolution 2023-069 authorized a refund of overpayment of property taxes to Queens Gate in the amount of \$20,134.00; and

WHEREAS, there is a need to correct the refund amount to \$10,067.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook that the Tax Collector is hereby authorized to refund Queens Gate in the amount of \$10,067.00 for the overpayment of property taxes.

Attest:

Jasmine D. McCoy, Borough Clerk

Approved:

Mayor David Morris

Date of Adoption: March 14, 2023

