

**BOROUGH OF PITMAN
COUNCIL MEETING MINUTES
September 14, 2026
8:00 P.M.**

Mayor Razze called the meeting to order at 8:04 PM.

Council President Mazzola led the Moment of Silence and Salute to the Flag.

Mayor Razze read aloud the Open Public Meetings Act Statement.

Open Public Meetings Act Statement - Pursuant to the Open Public Meetings Act, I hereby announce that adequate notice of the time and date of this meeting was published in the South Jersey Times, posted on the Borough Hall bulletin board, and advertised on the Borough of Pitman website.

Council Roll Call

Council President Mazzola: present
Councilwoman Guarni: present
Councilman Morozin: present
Mayor Razze: present
Clerk McCafferty: present

Councilman Blackmore: present
Councilwoman McCleery: present
Councilwoman Musto: present
Borough Solicitor Wright: present
Solicitor Gonzalez: present

Approval of Minutes

Work Session and Regular Meeting Minutes from August 10, 2026.

Motion: Musto

Second: Blackmore

Roll Call:

Council President Mazzola: Yes
Councilwoman Guarni: Yes
Councilman Morozin: Yes

Councilman Blackmore: Yes
Councilwoman McCleery: Yes
Councilwoman Musto: Yes

Mayor Razze introduced County Commissioner Matthew Weng and County Commissioner Jim Jefferson who presented a proclamation to Bob Holwitt, a longtime member and Chairman of the Pitman Environmental Commission who is retiring after almost 35 years of service. Commissioner Weng praised Mr. Holwitt's dedication and leadership through service to the Borough of Pitman. Commissioner Jefferson thanked Mr. Holwitt for his meaningful service to the community.

Mayor Razze and Councilwoman McCleery made a presentation honoring Bob Holwitt. Mayor Razze first read aloud a letter from former Pitman Mayor, Michael Batten:

When I first heard that Bob Holwitt was retiring from The Pitman Environmental Commission (PEC), my first thought was "just how many years of service has Bob devoted to our town?" Even back when I served on Council and as Mayor, Bob's name was synonymous with The Pitman Environmental Commission.

The PEC was a large and integral part of so many of Council's decisions involving the Lipari Landfill, the Alcyon Lake Water Quality, the National Guard site and so many more through the years.

I had hoped to be able to coordinate my next visit to Pitman with Bob's retirement. Communities like ours thrive because of citizens like Bob who share and use their knowledge and expertise with years of dedication and a career-long commitment.

Please accept my sincere appreciation for your 40+ years of outstanding service to the Borough of Pitman. It is my hope that you enjoy a long and well-earned retirement. Stay well my friend!

Michael Batten

Mayor Razze read aloud a proclamation honoring Bob Holwitt.

Mayor Razze expressed what an honor it was to serve with Mr. Holwitt over the years and praised his ability to make sure all voices were heard and reach a compromise.

Members of the Pitman Environmental Commission presented Mr. Holwitt with a plaque honoring his service to the Borough.

Mr. Holwitt thanked Mayor and Council for honoring him with their kind words. He thanked his many colleagues on the Environmental Commission over the years for their energy, dedication, and hard work to make the community better for residents. He thanked Commissioner Weng and Commissioner Jefferson for taking the time to honor him. He said that public service has been one of the most rewarding things in his life, apart from his wife and family. He stated that people don't get into public service to benefit themselves, but instead to make a difference. He noted his involvement in key projects such as the Lipari Landfill efforts, preservation of Alcyon Park, and design and development of Alcyon Park, and expressed his hope that he somehow made a difference in the lives of every Pitman resident.

Mayor Razze called a brief recess for photos.

Council Reports

Councilwoman Musto

Fire Safety:

There were 73 inspections for the month of August.

Fire Safety personnel continue to focus on community risk reduction efforts throughout the community. Quarterly life safety inspections have been completed at our high hazard properties. Staff continue to work through the business district and along the Holly Avenue corridor.

Now that school is back in session we are planning Fire Prevention Week activities. These activities include fire drills and fire safety presentations for our students. In addition, a static display of fire apparatus will be on hand at Community Day on September 15th to showcase our equipment and encourage fire safety.

Construction:

There were 151 total inspections for the month of August.

Our priority for the month was supporting the renovation at the Pitman Elementary School. Our staff stepped up big and was able to ensure the school was in safe and code compliant position to open as planned this school year.

The Construction Office assisted the community with recovering from the recent storms. Multiple structures suffered damage including trees through roofs, power lines torn from structures, foundation issues, etc.

We have begun the process of updating our construction permit management system. This will allow residents to submit permits and applications online, thus making the process simpler for them while also increasing the efficiency of our staff being able to maintain a community wide view of projects and code enforcement issues. This process is required under State law, and I am happy to report that we are ahead of the curve implementing this much-needed update.

Garden Club:

The most recent meeting was held on September 1st. The next meeting will be October 6th at 7:00pm at Borough Hall. All are welcome to attend! The Garden Club will be present at the Craft Fair on September 19th, located in the center of town at First Ave. in front of Merryman's Pub. They will be selling plants and crafts donated by volunteers and members. Hopefully, we'll see everyone out at the Craft Fair this weekend!

Planning & Zoning Board:

The next meeting will be September 21st at 7:00pm at Borough Hall.

Councilman Blackmore

Fire Department:

Companies handled 38 calls for service. Four of the incidents in July were mutual aid responses outside of Pitman. Reportable events include responses to multiple storm-related incidents during the month and providing assistance with a building fire in Deptford Township.

Service Assignment - 12

Wires - 8

Alarm System - 7

Fumes - 3

Cardiac Arrest - 3

CO Alarm - 2

Cover Assignment - 1

Building - 1

Dispatched & Cancelled - 1

Our dedicated volunteers continue to train to be able to serve our community. Drills were performed at an acquired structure and at the Lake.

Annual compliance training was completed by active-duty personnel. Non-compliant members are being removed from service.

A boat drill with Washington Township Fire Department was held on August 19th at the lake.

Multiple storms impacted our community. The most severe damage occurred on August 27th when we received in excess of 5.5" of rain in under two hours. This resulted in severe flooding and numerous downed trees causing wide scale power outages. Fire Department personnel developed an evacuation plan and began putting the plan in motion. Thankfully the rain stopped and flood waters receded.

The fire companies continue to recruit new members. Anyone interested in serving as firefighter can stop by either station on a Tuesday night.

Public Safety:

It doesn't just rain in Pitman anymore! On August 27th at 12:30pm more than 5 inches of rain fell in 2 hours resulting in historic flooding in the Borough. This rainfall was the second largest amount recorded since 1940! A special thank you to the Pitman Police Department, Fire Company #1, Highland Chemical Engine Company, Public Works Department, Parks & Recreation Department, and the Office of Emergency Management for their continued response to the storms we've had in recent weeks.

On September 3rd, lightning struck the Pitman Elementary School. The football game was moved the next day because the lightning strike disabled the lights on Davis Field. Last Friday, September 11th, the lights were back on at Davis Field thanks to OEM Director Ryan Pierson working with Superintendent Dr. Robert Preston and Athletic Director Ryan

Caltabiano. County Commissioner Matthew Weng assisted in the arrangement of a large generator delivered by the County to light the field.

Pitman Fire Company #1 would like to welcome two new members. Nicholas Moore was accepted to the company at the August meeting. Nick has begun his Firefighter 1 training at the Gloucester County Fire Academy. The second member, Jack Maniscalco, was accepted to the company with 4 years of experience at Warren Township Fire Department. Thank you, Nick, and Jack for volunteering to serve the Borough.

Both Highland Chemical Engine Company and Fire Company #1 are actively seeking new members. Please reach out to the departments if you are interested.

The Highland Carnival wrapped up, and I would like to thank all the residents that attended and helped keep this small-town tradition going! Thank you to Highland Chemical Engine Company Chief Evans for his leadership and very persistent sales of golf cart fundraising tickets! If there was an event in town, Chief Evans was there selling tickets to help raise funds for the department! A special thank you to Councilwoman Musto and Councilman Morozin for volunteering to work the carnival. It would be an error to not also thank Mayor Razze and Borough Fire Chief Pierson for volunteering their faces for the pie throwing contest on the final night of the carnival! Their faces earned a total of \$350.00 for the fire department!

Police:

Tomorrow night, September 15th is the Police Department's Annual Community Appreciation Day. The event will run from 5:00pm – 8:00pm at Ballard Park. This is a free event and an opportunity for our Police Department to say thank you to the residents that they serve! Come on out and see the Philly Phanatic, petting zoo, bounce houses, games, free tee shirts, and light refreshments!

The Police Department is hiring Crossing Guards as well as full-time and part-time officers. Applications can be picked up at the Pitman Police Department at 110 South Broadway.

Sustainable Pitman:

The committee will host their "Green Fair" at Ballard Park on October 3rd from 11:00am – 2:00pm. Come on out to learn about local organizations and businesses that are leaders in sustainability! This event is also part of Porchfest, so please come out if you enjoy live music!

Finally, I attended the September 11th Ceremony last week. I would like to thank all who planned, spoke, and rang the bell of remembrance. It was a beautiful ceremony to keep the memory of all those that lost their lives that fateful day!

Council President Mazzola

Chamber of Commerce:

The Lori Poisker Memorial Fall Craft Show is this Saturday, May 19th from 9:00am – 4:00pm! Shop craft vendors and local businesses and eat at restaurants and food trucks! It's always a wonderful time. The forecast for Saturday is calling for a beautiful fall day in Uptown Pitman! Some of us are so excited we will be there at 5:00am!

The final Fourth Friday of 2026 is September 25th from 5:00pm – 8:00pm featuring free mini golf, face painting, balloon art, and live music in Ballard Park and a Beer & Wine Garden on Theatre Ave!

October 10th is both the Brews Cruise and the Witches of Pitman Shoppe Hop! Registrations are open for the Brews Cruise now and include a beer garden on Theatre Ave. The Witches event is free to participate with lots of fun in Ballard Park. Come out and enjoy a spooky day on Broadway!

Information for all of these events and more can be found at www.uptownpitman.com or on their social media @uptownpitman.

Councilman Morozin

DEI Committee:

The DEI Committee met on September 10th and is currently working with the Pitman Police Department on a traffic stop program. This initiative seeks to invite drivers, both old and new, to participate in a mock traffic stop. For some folks, especially new drivers, the thought of being stopped by law enforcement can create a tremendous amount of anxiety. By participating in this program drivers will feel better prepared for what a typical traffic stop looks like and how to remain calm and what is expected from each side. More details will be forthcoming with dates and locations soon!

Economic Development Committee:

The EDC would like to thank everyone who helped make the 3rd Annual Car Show a huge success! This year we not only filled Ballard Park again with classic cars—we also gave away over 130 Hot Wheels for the Kid's Choice Award, provided plenty of temporary tattoos, and filled Broadway with plenty of shoppers! Thank you to all the volunteers who worked tirelessly to make this event a success and the friends and families who attended! The next EDC meeting takes place on September 17th at 7:00pm at Borough Hall.

Public Properties 8/8/26 – 9/11/26:

Cleaned up Alley at Legion Ct.

Sprayed weeds at Laurel Ave., West Holly Ave., and Grove Alleys

Trimmed back shrubs at water garden and West Ave.

Cut fallen tree and removed debris

Memorabilia Committee:

The committee met earlier this month, and preparations are underway for the upcoming Pitman House Tour, including museum property maintenance, holiday decorating, and cleanup and organization. A reminder that we are always looking for volunteers who would like to share their Pitman history knowledge by signing up to help give tours of the museum, with plenty of days available between now and the end of the year. If you have any questions or are interested, please contact Debbie Higbee, Laura Blass, or myself. The next meeting will take place on October 8th at 7:00pm at the Pitman Historic Museum.

As always, if you have any questions or feedback on anything shared here, please do not hesitate to reach out to me via email at chris.morozin@pitman.org or via cell phone, call or text, at 609-850-1845.

Councilwoman McCleery

Parks & Recreation:

Thank you to Recreation Director Fox, Public Works Director Rodi, Police Chief McAteer, Borough Fire Chief Pierson, and all our first responders for pitching in to keep Pitman safe during and after the storms. Your efforts to help address issues as they arose were greatly appreciated!

Summer Tennis had its largest turnout ever this summer! A special thanks to the Slenkamps for running such a great program!

Maintenance to the parking lot lights at Alcyon Park is scheduled to be completed by the end of September. A big thank you to Public Works and Director Rodi for helping to re-pave some of the walking paths at Alcyon Park.

Thank you also to Therese Snyder and the Garden Club for sprucing up Shertel Park so nicely!

Micro Mini Soccer starting September 16th—we wish all our players and coaches a very fun-filled season!

The Haunted Trail returns on October 16th from 5:00pm – 10:00pm at Alcyon Park. You can sign up on the Borough website or via social media posts. We are looking forward to some spook-tacular fun!

The Town-Wide Yard Sale is coming up on October 3rd from 9:00am – 1:00pm. You can sign up on the Borough website or social media posts. The deadline to sign up is September 25th.

Thank you to Garden Pro Wash for power-washing the concession stand and press box at Alcyon Park. We appreciate them helping out our community!

Environmental Commission:

The Environmental Commission will have a table at the Green Fair on October 3rd from 11:00am – 2:00pm in Ballard Park. Come see us for a fun activity and to learn all about recycling! We look forward to seeing you there!

Thank you also to the Chamber of Commerce for donating to replace six trees Uptown as we continue replacement efforts after the recent storms. The Environmental Commission will also be working on replacing the rain garden in the Grove in October.

Lastly, in coordination with our special ceremonies tonight for Bob Holwitt, we want to extend our heartfelt thanks to him for his 32+ years of service. It has been an honor and a privilege to know him personally and work with him. We look forward to continuing his legacy on the Pitman Environmental Commission!

Councilwoman Guarni

Board of Education:

The Board of Education will be honoring Mr. Robert “Bob” Eck, longtime Pitman teacher and track coach, at their regularly scheduled meeting on September 16th at 7:00pm in the media center of the Pitman Jr./Sr. High School. The new track will officially become the “Robert Eck Memorial Track.” Board members are encouraging the community to attend to greet and support his family on this special occasion.

Senior Outreach:

The planning board met on September 10th at 6:00pm in Borough Hall. Trips, activities, and luncheons were planned for the remainder of the year. The next planning board meeting will be held on October 8th at 6:00pm in Borough Hall. All are welcome to attend!

The next senior luncheon will be held September 18th at 9:45am at Pitman United Methodist Church. We are having a Senior Health Fair with over 30 vendors that will include flu, COVID, and pneumonia shots. We will also have the County Wellness on Wheels Mobile, the Department of Health, and staff from our Gloucester County Offices on Senior Social Services and Medicare. There will also be a team of residents from Inspira to answer questions and concerns at a table called “Ask the Doctor?”. Every Pitman senior is welcome to join us at this event.

If you would like more information and are interested in attending our Senior Outreach activities, please reach out to our Chair, Eileen Salmon, at 856-236-0483.

Public Works Highway Department 8/8/26 – 9/11/26:

32 Loads of trash collected (398.97 Tons)

25 Loads of recyclables collected (81.4 Tons)

571 Yards of brush collected

Dropped off a truck for yard debris to 17 residences & picked up the next day

Dropped off 3 trash cans and 2 recycle cans

Made a new Pad for bulk trash drop off and battery recycling at Public Works Yard

Dropped off barricades for a Wedding, the EDC Car Show, and Fourth Friday

Did asphalt repair on Franklin Ave., Holly Glen, and Long Ave.

Trained CDL drivers for the town of Magnolia and Riverton

Assisted Parks Department in storm clean up

Cleared downed trees from storm on West Jersey Ave. and Alcyon Blvd.

Swept Broadway for September 11th Ceremony

Public Works also received a special recognition from the Beloved Project for the work they did with this organization in partnership with Amazon's Charitable Department. It helped many residents in Gloucester County, Camden County, Mercer County, and Atlantic County.

Public Works Solid Waste Collection for August:

25 Loads to Wheelabrator (299.59 Tons) at \$88.36 per ton, for a cost of \$25,573.00

2 Loads to Gloucester County Landfill (16.42 Tons) at \$89.00 per ton, for a cost of \$1,147.21

Total (316.01 Tons) at a Total Cost of \$26,720.21

Public Works Water/Sewer Department 8/8/26 – 9/11/26:

Did 91 water & sewer mark out requests

Did well work, (painting, cleaning, etc.)

Water samples

Read 9 meters for settlement

Performed 6 courtesy plunges

Identified water service materials for 9 residents

Turned water for service line leaks at 5 properties

Replaced 4 meter bodies

Assisted the Parks department with clearing Alcyon Dam after the storm.

Continued water main replacement on McKinley Ave.

Repairs made to Well #4

Hydrant flushing is beginning this week

A reminder to please make arrangements if you haven't paid your water bill. Shut Off's begin the week of September 21st.

Public Works Recycling for August:

21 Loads of Single Stream Recycling (65.46 Tons) at a total cost of \$6,439.07

Bag Fees \$1,000.00

2 Loads of Metal to Sims Metal (1.74 Tons) for a profit of \$226.20

Mulch and brush hauled out to various places (386 Cubic Yards) at a cost of \$3,860.00

E-Waste recycled: (1.01 Tons)

Congratulations to our Public Works Department for winning the Governor's Occupational Safety and Health Award for the third year in a row! Mayor Razze, Councilman Blackmore, and I had the privilege of attending this ceremony in Trenton where Fire Company #1 also received a Governor's Award! They were represented by Company Chief, Andy Gresko and Deputy Chief, John Gresko. Our Public Works Department was represented by Director Fred Rodi.

Our mattress and box spring disposal initiative is now in place. All mattresses and box springs are required to be completely wrapped in plastic before being placed at the curb for pickup. Unwrapped mattresses and box springs will not be collected. There will be a reminder on the back of the water bill for this program. If anyone has any questions, please call Public Works at 856-589-1040.

A reminder that brush collection will be suspended for the winter season starting on November 1st until March 1st. We will still have the truck drop off program as well as a dumpster in Ballard Park during those months. There will also be a pumpkin recycling dumpster, Christmas tree collection, and in the event of a storm, Public Works will collect debris as needed.

Councilwoman McCleery

The Environmental Commission has changed their meeting dates to the second Tuesday of each month, with the exception of October due to the Council meeting being pushed to Tuesday for the holiday. As a result, the October Environmental Commission meeting will be held on Wed., October 14th.

Mayor Razze

When we don't have a second meeting in August, a lot happens over the course of a month! I just wanted to share some of the things I was able to be a part of:

On August 24th we had our "Movie in the Park" which is cohosted by the Borough of Pitman and the Gloucester County Parks & Recreation Department. It was a mild night, and we had a pretty good showing. That was held in Shertel Park by the tennis courts.

On August 23rd, we had a dedication of a banner on 1st Ave. for George Kelly. He was a firefighter who was killed while fighting a fire at the old Cobbins' Jewelry Store which is where the Pitman Pharmacy is now located. I did want to read a card that we received:

Dear, Mayor Razze & Council,

We would like to extend our sincere thanks for the lovely banner ceremony for our father, George W. Kelly, on August 23rd at 1st Avenue. We and our families truly appreciate all of the planning, the beautiful banner, and the very moving and thoughtful ceremony. We thank you and Pitman Borough for honoring our beloved father.

Barbara Kelly-Gibbs & Colleen Kelly-Morris

I would also like to extend my thanks to our Police Department, Fire Department, Public Works, and Parks & Recreation for their efforts with the August 27th storm. I had the opportunity to be down at Alcyon Lake as the water was coming over Holly Ave. and getting ever closer to the home right by Salmon Signs but eventually receded.

On that same day of the storm, I was at the High School. The intent was to head out with our bus driver, Paul, and give several of our new teachers a tour of Pitman to tell them a little bit about our community. Only three of those new teachers of roughly 20-30 new teachers actually live in town. Unfortunately, the storm came up just as we were getting ready to head out, so we sat in the media center and did a virtual tour. I thank Joe Joyce from the high school technical team because as I would talk about a specific area in town, he would bring it up on the screen. So we had a virtual tour and watched the lights flicker as several lost power that day.

Congratulations to the Economic Development Committee on another great Car Show! I will say, the Mayor's Award may or may not have had anything to do with the fact that the Edsel was orange!

On August 29th I had the opportunity to join Jeff Mazzola, Alex Armstrong, and others at Alcyon Lake where we were out cleaning up trash from around the lake.

Highland Chemical Engine Company does a great job year after year with the Carnival. It is truly a Pitman tradition! I want to give a shout out to the Pitman High School football team who showed up to unload the trailer! All of the stands that need to be put together and broken down at the end of the Carnival, the football team was there to move all of that out of the trailer to save the backs of the members and volunteers that were out there to help with that setup. It was already mentioned about the pie throwing contest—I won't go there other than to say I'm a little disappointed we only raised \$300.00 when we raised about \$800.00 last year. Although maybe that's a sign not everybody wants to throw a pie in our face! It was a fun time, especially when the little kids get a kick out of that!

I just want to thank all of Council for being at the September 11th Ceremony. This is a tradition started by Mayor Johnson and something that we want to keep going every year, not just on anniversary years. A special thank you to Council President Mazzola for offering his remarks. Thank you to Borough Fire Chief Pierson, Borough Police Chief McAteer, Highland Chaplain Ron Brown, and our Pitman Jr./Sr. High School musicians. There was also a football game that night, so we got a small trio to come and play. They did a great job, and we appreciate them being there. I'd also like to thank Miss Pitman, Ella Patalinghug, for being there to sing the National Anthem and to share with everyone in attendance the meaning of each of the bells. Thank you also to the members of Highland Chemical Engine Company, Pitman Fire

Company #1, and Pitman Police Department. We even had the former Pitman Ambulance Association Chief, Satyra Oberfrank, ring one of the bells. Again, a meaningful appearance given the significance of this 25th Anniversary. We appreciate her being there as well!

Lastly, I feel weird reading it, so I'm going to ask the Administrator to read the first paragraph of this letter:

Administrator McCafferty read:

"On behalf of the Gloucester County Board of Commissioners, it is our pleasure to congratulate you on being selected as a 2026 Best of Gloucester County Award Winner in the category of "Best Parade." This recognition reflects the confidence and support of those who value your outstanding contributions to Gloucester County."

I'm still waiting to see the full list of winners so we can congratulate all our winners. Last year Pitman had the second most winners next to Washington Township which is a far bigger community. I'm anxious to see how we did!

Councilwoman Guarni

Regarding the brush collection update that I provided—many more details will be coming out later, but that was just a brief synopsis.

Old Business

Council President Mazzola presented Ordinance No. 13, 2026 for consideration.

Ordinance No. 13, 2026 – An Ordinance of the Mayor and Council of the Borough of Pitman, County of Gloucester, State of New Jersey, Authorizing an Agreement for Tax Abatement with Darwin Capital Management Holdings A-6, LLC, for a Property Commonly Known as 166 East Avenue and Identified on the Municipal Tax Map as Block 13, Lot 34

Second Reading/Public Hearing.

Motion: Mazzola

Second: Musto

Motion to open to the public: Mazzola

Second: McCleery

Time: 9:04 pm

Ayes all.

No public comment.

Motion to close the public portion: Mazzola

Second: Blackmore

Time: 9:04 pm

Ayes all.

Roll Call:

Council President Mazzola: Yes

Councilman Blackmore: Yes

Councilwoman Guarni: Yes

Councilwoman McCleery: Yes

Councilman Morozin: Yes

Councilwoman Musto: Yes

New Business

Councilwoman Musto presented the Consent Agenda.

Consent Agenda – All matters listed under Consent Agenda are considered routine by this Borough Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Resolution No. 152, 2026 – Authorizing the Refund of Real Estate Taxes (CoreLogic)

Resolution No. 153, 2026 – Authorizing the Refund of 2026 Micro Mini Soccer Fees

**Resolution No. 154, 2026 – Approving the Refund of Planning/Zoning Escrow Account Balance for
506 Grandview Ave, Block 157, Lot 11**

**Resolution No. 155, 2026 – Authorizing Acceptance of a 2012 Wells Cargo Storage Trailer From
Pitman United Methodist Church**

**Resolution No. 156, 2026 – Confirming the Report of the Tax Collector in the Matter of Property
Maintenance for 6 Adams Ave, Block 69, Lot 4**

**Resolution No. 157, 2026 – Awarding Professional Service Contract to Primepoint LLC for the
Implementation of Third Party Payroll Services**

**Resolution No. 158, 2026 – Awarding Professional Service Contract to GovWell Technologies Inc. for
the Implementation of Construction, Code Enforcement, & Zoning Software**

**Resolution No. 159, 2026 – Authorizing a Shared Services Agreement Between the Borough of Pitman
and the Township of Eastampton for Herbicide Application Services**

**Resolution No. 160, 2026 – Appointing Members to the Borough of Pitman Environmental
Commission**

Resolution No. 161, 2026 – Authorizing a Closed Meeting – Litigation

Motion: Musto

Second: Blackmore

Roll Call:

Council President Mazzola: Yes

Councilman Blackmore: Yes

Councilwoman Guarni: Yes

Councilwoman McCleery: Yes

Councilman Morozin: Yes

Councilwoman Musto: Yes

Councilwoman McCleery congratulated Josh Hitchner on his appointment as Chair of the Environmental Commission and welcomed new member Liz McLeod. Ms. McCleod was in attendance at the meeting and was sworn in as a member of the Environmental Commission by Mayor Razze.

Council President Mazzola presented the bill list for consideration.

Payment of Bills September 14, 2026

Motion: Mazzola

Second: Blackmore

Roll Call:

Council President Mazzola: Abstain #26-01645, #26-01777, Yes to remainder

Councilman Blackmore: Yes

Councilwoman Guarni: Yes

Councilwoman McCleery: Yes

Councilman Morozin: Yes

Councilwoman Musto: Yes

Councilwoman McCleery presented the Event Permits With Insurance.

Event Permit Applications With Insurance

Event: Witches of Pitman Shoppe Hop (Rain Date Amendment)

Organization: Recreation Department

Date and Time: Sat., October 10, 2026 from 2:00pm – 6:00pm (Rain Date: Sun. October 11, 2026)

Location: Ballard Park, Ballard Ave, 2nd Ave

Insurance Certificate provided: **YES**

Contact Person: Keryl Hausmann

Event: Haunted Walk

Organization: Recreation Department

Date and Time: Fri., October 16, 2026 from 5:00pm – 10:00pm

Location: Alcyon Park

Insurance Certificate provided: **YES**

Contact Person: Andy Fox

Event: Coin Drop

Organization: Knights of Columbus #6247

Date and Time: Sat., October 17, 2026 from 9:00am – 3:00pm (Rain Date: Sat. October 24, 2026)

Location: Broadway & Pitman Ave. (near clock)

Insurance Certificate provided: **YES**

Contact Person: William Ennis Jr.

Event: Halloween Parade

Organization: Friends of the McCowan Memorial Library

Date and Time: Sat., October 31, 2026 at 4:00pm

Location: Ballard Park

Insurance Certificate provided: **YES**

Contact Person: Andrew Coldren

Motion: McCleery

Second: Morozin

Roll Call:

Council President Mazzola: Yes

Councilwoman Guarni: Yes

Councilman Morozin: Yes

Councilman Blackmore: Yes

Councilwoman McCleery: Yes

Councilwoman Musto: Yes

Public Portion

Motion to open to the public: Blackmore

Second: Musto

Time: 9:13 pm

Ayes all.

Mike Grillo, 155 West Ave asked if there were any plans by the Borough to commemorate longtime crossing guard Sandy Bellbuono. He suggested some sort of marker on her crossing guard corner, similar to the brass markers found throughout the Grove, and offered to contribute towards any such recognition efforts. Administrator McCafferty will look into what group initiated the Grove markers.

Chief Dan McAteer, 462 West Ave said that the Police Department and Borough were looking to recognize crossing guard Sandy Bellebuono very soon and had a proposal for her crossing guard corner.

He thanked Mayor and Council for maintaining the September 11th Ceremony tradition in Pitman.

He thanked Pitman United Methodist Church and Borough Fire Chief Pierson for the recent donation of a trailer which will aid in transporting the new safety wedges that just arrived and were funded out of the 2026 Capital Budget.

He discussed the mock vehicle stop initiative suggested by the DEI Committee and indicated that dates for this program will be shared soon.

He shared that Community Day is tomorrow, September 15th from 5:00pm – 8:00pm. A representative from NJ Transit will have a table promoting train safety. This information will help kick off the Pitman Police Department's own train safety awareness program that will be beginning soon. Community Day will also feature the Philly Phanatic, among other activities for the residents.

He announced that the Annual Food Truck Festival will be November 7th.

He shared that the Police Department will be holding another Bike Rodeo soon as the previous one was postponed due to weather. More information to come.

Motion to close the public portion: McCleery Second: Morozin
Time: 9:21 pm
Ayes all.

Mayor Razze called a brief recess for members of the audience who did not wish to stay for the public hearing to exit. The meeting resumed at 9:23 pm.

Appeal Hearing – Towing Contract – Steve's Auto Body & Repair, LLC

An appeal hearing for Steve's Auto Body & Repair, LLC was previously held at the June 8, 2026 Work Session. After said hearing, Mayor and Council passed *Resolution No. 119, 2026*, denying the appeal by Steve's Auto Body & Repair, LLC. After this denial, Steve's Auto Body & Repair, LLC, and their Attorney took their case to Superior Court. Mayor & Borough Council were ordered by the court and Hon. Judge Telsey to schedule a remand hearing at the next available public Council Meeting on September 14, 2026.

In attendance for Steve's Auto Body & Repair, LLC was owner, Mr. Kenneth Rainier. He was represented by Attorney Christopher Versak, of Puff, Sierzega, & MacFeeters, LLC.

In attendance for the Borough was Mayor Michael Razze and all members of the governing body, including: Council President Adam Mazzola, Councilman Jason Blackmore, Councilwoman Debra Guarni, Councilwoman Shawn McCleery, Councilman Chris Morozin, and Councilwoman Sarah Musto. Also in attendance, were Borough Solicitor Robert Wright, Borough Administrator/Clerk Sandi McCafferty, Deputy Clerk Carol Camacho, and Pitman Police Chief Dan McAteer.

The Mediator was Attorney Eric Gonzalez of Malamut Law.

Beginning at 9:23pm, a transcript of this hearing is below:

- **Solicitor Gonzalez:** *Good evening, Mayor and Council of Pitman Borough. We're here today on an order to remand from the Honorable Judge Benjamin Telsey from the Superior Court of New Jersey, Gloucester County. I'm going to list the docket number just for the record...GLO-L-1037-26.*

So, in this matter, we're here remanded to rehear the appellants, Mr. Rainier of Steve's [Auto Body & Repair] today. We're going to try to do this as efficiently and as expedited as possible because the Borough has heard some of the arguments that are going to be told today. So, after I'm done speaking, we're going to ask that the Attorney for Steve's [Auto Body & Repair] goes through...any arguments that he has, anything new we prefer for you to start with. And we're just going to...allow you to present any new arguments that you have and supplement anything that is in the record that we presented to Council...last week. Thank you.

- **Attorney Versak:** *Thank you, Mr. Gonzalez. Mayor, members of Council...Christopher Versak on behalf of Steve's Auto Body & Repair as well as Mr. Kenny Rainier who is present here.*

So, essentially, the Borough has spent the past several months defending the position that Steve's cannot safely hold a vehicle for police investigation. However, during that same period Steve's [Auto Body & Repair] actually held a vehicle for a search warrant and Pitman's own officers have come to the facility and participated in that very same search warrant. They've raised no concern with Mr. Rainier about indoor storage facility. Meanwhile, the Borough's own certification admits that another company has regularly been performing towing work for another tower in direct violation of the Borough's ordinance. That's the record that the Council has to confront tonight. And I'll be relying primarily on the packet...that was provided to you that was put together very gratefully by Mr. Gonzalez.

So, I want to start with Section 1, Paragraph 3 of Judge Telsey's order. He said, "the Borough shall equally treat and evaluate all tow applicants." The court also found that the Borough failed to memorialize its original reasoning sufficiently for review. Council has been directed to make a decision that can actually be examined. I believe it was pointed out by [the] Mayor, [this is] being recorded, [so that's] being taken care of. However, all other facilities were given notice...[by] Mr. Gonzalez's office... My office also [provided] notice on August 26th via certified mail...all the towing applicants have been provided notice that this was being heard, [and] that their towing applications were going to be discussed at tonight's hearing. All of these applications are squarely before you.

The Borough cannot defend excluding Steve's [Auto Body & Repair], while refusing to answer whether the companies selected meet the requirements of the ordinance. Paragraph 2 expressly permits Steve's [Auto Body & Repair] to present any relevant testimony...this is from Judge Kelsey's order. I will ask at the end of this, [that] Mr. Rainier is permitted to give some brief testimony about the Clayton vehicle that was held at his facility that Pitman Police Officers...participated in the search warrant execution of...as well as the security measures that are implemented at his own facility and how they do meet the Borough's ordinance.

[In] Section 2 of the packet that was provided, Steve's [Auto Body & Repair] application identifies three (3) flatbeds, or rollbacks, and one (1) medium-heavy duty tow vehicle. It identifies business, storage locations, [and] drivers...Lieutenant Streater's December 23rd report confirmed that all registrations were valid, insurance met the requirements, submitted driver's licenses were valid, and confirms all listed driver's Towing Association memberships. There was also [a] distance rationale--he recorded 7 miles and a 15-minute drive, and this was well within the Borough's ordinance requirements. The opening paragraph from Lieutenant Streater says that "Steve's [Auto Body & Repair] meets the requirements to operate as a towing provider for the Pitman Police Department." The report then raises the indoor storage objection, and that's primarily what we are...challenging tonight. The Borough's review otherwise states that the qualifications were all met other than those points.

In Section 2(a)(3), the Borough initially relied on distance as well as storage. [In] Section 2(a)(8), the Solicitor's explanation...rests solely on storage. There were no points that were raised about the distance rationale that was originally raised by the Pitman Police Department. I'm not 100% certain if that rationale was abandoned, or not, but [when] we were before this Borough Council before, we did discuss that there were other towing facilities that had...towing facilities with further distance and that there was Case Law that exists that [states]...as long as Steve's [Auto Body & Repair] met the distance requirement, they cannot be excluded based on that ground alone.

I want to move to Section 3 of these documents to look at what Lieutenant Streater actually submitted...in Section 3(c)(1) is the certification of Lieutenant Jonathan Streater. Paragraph 8 says he determined that Steve's [Auto Body & Repair] did not comply.

Paragraph (9) says that Steve's [Auto Body & Repair] did not provide [a] separate and secure area presented by the others, but there is no supporting comparison here. There's no inspection photograph attached to [the] certification. There are no measurements or diagrams. There's no inspection notes attached showing how the approved storage facilities actually differ from Steve's [Auto Body & Repair]. What physical protections does George's [Auto Body] have that Steve's [Auto Body & Repair] lacked? What access controls does B.A.R.E [Motors] have? Who could enter those areas? What did Lieutenant Streater actually check in these facilities? It doesn't say anywhere. And that's the very issue that the court raised in the remand that there is no actual inspection reports for these facilities to determine what Steve's [Auto Body & Repair] lacks and what these other facilities did have.

Paragraph 10) tells us that B.A.R.E. [Motor Company] has an upstairs storage area in a former dealership. It doesn't explain about the locks or who has access to the upstairs storage facility. Paragraph 12) says that George's [Auto Body] has a separate and secure area. It gives the Council no description of the barriers or access controls that supposedly make it compliant. An upstairs area does not establish security by itself. And just by calling an area "separate and secure" does not explain how it is secured. The decision about who receives this work cannot just [be] based on Lieutenant Streater's check. Lieutenant Streater's preference does not establish an ordinance violation by itself. And the ordinance does not give him carte blanche to decide what counts for Steve's [Auto Body & Repair] and what is overlooked and missing for everyone else.

Under the ordinance Section 4-20.5 and 4-20.7, the Police report and recommend, and then Council decides. If his conclusion is in the inquiry, then what exactly is the point of this appeal...if we're just going to take his preferences at face value?

I want to talk about the recent activities that were mentioned in the beginning... On July 29, 2026 Steve's [Auto Body & Repair] was on the towing rotation for the Township of Clayton Police. Clayton instructed Steve's [Auto Body & Repair] to tow a vehicle from Camden and put it in a secure indoor storage facility. The vehicle was involved in cases across multiple municipalities. The next day, on July 30, 2026, both Clayton and Pitman Police Officers came to Steve's [Auto Body & Repair] facility...in connection with the execution of a search warrant. Captain Harrington of Clayton was involved in executing the warrant, and Detective Hagan from Pitman was [also] there...to execute that [warrant]. Mr. Rainier will testify about the storage and handling of that vehicle. His account is that the vehicle is held securely, the evidence was not damaged or tampered with, and neither [Police] Department raised any issue with him or Steve's [Auto Body & Repair] about the sufficiency of the indoor storage...Pitman cannot have it both ways. Its officers participate in a search warrant at Steve's [Auto Body & Repair] without raising the very security issue that the Borough now relies on to keep Steve's [Auto Body & Repair] off the [towing] list. Why is this facility unsafe? What evidence is compromised with the way that Mr. Rainier and Steve's [Auto Body & Repair] handles police security? What concern did Detective Hagan raise with these [issues]? If the Borough says some additional protection was necessary, then all we're asking is that [it] is identified and explained why its officers raise no issue when they were actually there doing the thing that they're saying...Steve's [Auto Body & Repair] could not do. If the Borough claims that the area or the control that was used in July were different from what Lieutenant [Streater] inspected, then we ask that the Council identify those differences.

I'll move on to Section 3...Steve's [Auto Body & Repair] accepts the obligation that he has to protect Police evidence. That's not up for debate--we all recognize that point and that it is an important obligation for these towing facilities. The [Borough] Code requires secure indoor storage in section 4-20.14(g) [and] permits the Police Department to request separate space for its explicit use. It's in the ordinance, and we accept that. Tell us what Steve's [Auto Body & Repair] could not provide? ...Identify the required protection--the facts--showing that it was not available? ...Explain how the approved operators...George's [Auto Body], T.M.T. [Tyler Mill Towing & Auto Body], and B.A.R.E. [Motor Company] actually satisfied those same requirements any differently than what Mr. Rainier was able to do?

Paragraph 11 of Lieutenant Streater's certification says that T.M. T.'s [Tyler Mill Towing & Auto Body's] garage is locked and his operator keeps the keys. The Borough, therefore, accepts that controlled access by a private operator is sufficient. And that's exactly what Mr. Rainier testified...that he did...the last time we were here. The fact that employees work at the repair facility does not answer whether a Police vehicle can be held there.

I want to turn to some of these other applications...I'll start with George's [Auto Body]...in [Section 3(a)(9)]. Item 13 expressly identifies L.J. Wurst [& Sons] Towing as its subcontractor. That agreement was disclosed on the application the Borough approved. I want you to read Paragraph 13 of Lieutenant Streater's certification. He says that L.J. Wurst & Sons "has consistently provided towing services for George's Auto Body." He says that the arrangement is "well known" to the Pitman Police Department. That's a direct admission from Lieutenant Streater in the Pitman Police Department. Now, turn to the Borough's own ordinance...Section 4-20.10(e). It says that subcontracting requires prior written Police Department approval. The subcontractor must also be licensed by Pitman and on the current tow list. Where's [L.J. Wurst & Son's] application? Where is the license that [L.J. Wurst & Sons] holds?

- **Borough Solicitor Wright:** *Can you repeat that citation?*
- **Attorney Versak:** *It is [Section] 4-20.10(e). It specifically says the subcontractor "must be licensed by the Borough of Pitman, and on the current tow list" in order...to be an approved subcontractor. And L.J. Wurst [& Sons] did not submit an application and L.J. Wurst [& Sons] is not one of the approved towers for the Borough of Pitman...George's [Auto Body] was provided notice to be here. They have not provided anything. They knew that their application was up for review tonight... There were four (4) applications submitted--L.J. Wurst [& Sons] is not one of those. They were never before this Council for review. We don't know what they have. We don't know what equipment they have. Lieutenant Streater lists four (4) companies in Paragraph 5 of his certification that he inspected. Guess which one was not inspected? L.J. Wurst [& Sons]. So, we're letting...George's [Auto Body] tow vehicles for the Borough to a facility that was never inspected. But Steve's [Auto Body & Repair] is the problem here? How does that make sense? Lieutenant Streater does not certify that he inspected any of [L.J. Wurst & Sons] trucks or equipment. He doesn't identify an inspection of [L.J. Wurst & Sons] operations or [provide] a determination that [L.J. Wurst & Sons] independently met the licensing requirements... Steve's [Auto Body & Repair] went through the application and inspection process in his own name. The Borough cannot hold Steve's [Auto Body & Repair] to this demanding interpretation of a storage facility while knowingly accepting glaring omissions in these other facilities.*

Let's talk about George's [Auto Body]. Their application raises another concrete problem. It only lists one rollback. The medium-heavy duty vehicle line is blank... Section 4-20.11(b) requires one rollback and one medium duty wrecker. Section 4-20.11(w) requires the tow vehicles to be owned or leased by the entity receiving the license. L.J. Wurst [& Sons] doesn't have a license, so if we're using L.J. Wurst [& Sons] vehicles to cover George's [Auto Body] deficiencies, that is not permitted by the ordinance. This is directly in line with the ordinance. This isn't an interpretation. This is directly, word for word, in the ordinance. That issue was not brought up by the Council. This issue, somehow, was approved.

- **Borough Solicitor Wright:** *Can I interrupt you there? These issues with regards to George's [Auto Body]*

equipment--were they brought up prior to just now?

- **Attorney Versak:** *They were brought up during the pleadings before Judge Telsey.*
- **Borough Solicitor Wright:** *So they were not brought up in the original appeal that was filed in February of this year?*
- **Attorney Versak:** *...We did bring up the subcontractor...*
- **Borough Solicitor Wright:** *Specifically, the equipment that you're bringing up now about George's [Auto Body]-was that brought up in February or June?*
- **Attorney Versak:** *...I can get you the answer in the next...5-10 minutes if you [would] like a definitive answer, but I do believe it was... I know for a fact we brought up the distance requirement and that was a big issue...*
- **Borough Solicitor Wright:** *The distance issue was addressed by B.A.R.E. [Motor Company's] certification...*
- **Attorney Versak:** *In B.A.R.E. [Motor Company's] certification...they interpret the ordinance [to] say that all vehicles have to be stored within the Borough and that's why Steve's [Auto Body & Repair] is non-compliant, but then they also say that their totaled vehicles are held in...their Blackwood facility. It...contradicts itself and I think that they had the same issue that we did, where we were provided notice on September 9th and given until September 10th to issue some kind of statement.. I think he brought that up in his certification because I...had communications with Mr. Gonzalez that we didn't receive a letter from his office until September 9th and...George's [Auto Body]...said the exact same thing... His certification contradicts itself... He says it's a non-issue...because there's only 40-50 cars per year that we're fighting over...but it doesn't solve the inquiry.*

George's [Auto Body] does not certify that they have a medium duty wrecker. That's a requirement in the ordinance. It's explicitly outlined in Section 4-20.119(b). I don't believe it's...up for debate. Judge Kelsey's order did explicitly say that all towing applications were to be reviewed in this hearing. If there are deficiencies in these other towing facilities, then that is probably before this court on this remand hearing.

As for T.M.T. [Tyler Mill Towing & Auto Body]...they actually didn't submit the entire application. They don't even submit some of the opening application pages that identify the fleet [or] answer basic application questions. They...submit their own packet of information--they didn't actually submit the Borough's approved packet. I don't know how they get approved if they're not actually submitting what the Borough requests someone to fill out as a packet... As the Council knows, rules are there for a reason. There are certain forms you need to fill out to get approval for certain procedures... I believe the whole Council would agree with that. T.M.T. [Tyler Mill Towing & Auto Body] didn't actually fill out the packet--they skipped pages.

- **Borough Solicitor Wright:** *Again, was this brought to Council's attention June 8th or prior to that, that T.M.T. [Tyler Mill Towing & Auto Body] had an incomplete application?*
- **Attorney Versak:** *I believe it was. I think it was also brought up in our demand letter...when we requested the initial hearing. It was all brought up during the appeal and before Judge Kelsey... The issue is that we don't have a record of the last time we were all here, so I can't definitively state whether, or not, it was brought up before the Council previously, but I can say that it was brought up in the pleadings before Judge Kelsey...*

For T.M.T. [Tyler Mill Towing & Auto Body] there is this issue that they have not even submitted all the proper pages.

Finally, B.A.R.E. [Motor Company's] response...answering the question in Section 4(b)(1), their Attorney invokes

a supposed requirement that the vehicles be stored within Pitman...However, the ordinance expressly permits storage areas outside the Borough within the prescribed 20-minute driving range, which Mr. Rainier had met, and it was stipulated that he had met. The Borough's own report found Steve's [Auto Body & Repair] within that permitted time.

...Steve's [Auto Body & Repair] should be on this rotation. Their application identified the equipment to perform the work. Their Police review confirms all their valid registrations, their insurance, their driver's licenses, and places it within the permitted drive time. The recent Clayton incident on July 29th supports its ability to hold a vehicle for Police investigation.

The last time we were before this Council, the big issue was...talking hypotheticals. Could they do this? Was this going to be a problem? Well, we now have direct answers for this. He [Mr. Rainier] actually did hold a vehicle that was subject to a search warrant for the...Borough of Pitman. The Borough of Pitman participated in that search warrant for a vehicle that he was holding for the Borough of Clayton. Pitman Police Officers came to Steve's [Auto Body & Repair] and performed a search warrant on this vehicle. I don't believe that there's been any chain of evidence issues that have arisen...that very point defeats the whole argument that we're here over--that he can safely hold the vehicle and that it does meet the Borough's requirements.

However, these other three (3) towers have actual glaring deficiencies in their applications... what Steve's [Auto Body & Repair] was denied for was Lieutenant Streater's examination...what he prefers [from] these facilities, but there are no notes to compare these facilities. There's no pictures, there's no measurements, there's nothing to compare these facilities to each other, other than just taking Lieutenant Streater's word for it... It's not what the ordinance was put in place for. It does not give him the express permission to decide and be the judge, jury, and executioner as to who gets approval on the tow list when these other towing facilities actually don't meet the requirements. That isn't up for debate. That isn't up to interpretation. [That] isn't comparing one facility to another facility. It's black and white. Do you have a medium duty wrecker? Yes or no? No. Did you fill out the application? Yes or no? No. Are you using a subcontractor that's not an approved tower? Yes or no? Yes, they are. At that point, it's not comparing apples to oranges. It's either a yes or no question. Steve's [Auto Body & Repair]...answered every single question. He met every requirement...

I would like to invite Mr. Rainier up here to speak. He knows this a lot better than I do. As much as I've enjoyed working with Mr. Rainier, I'm nowhere near the towing expert he is. I believe he can offer a lot of insight into this recent incident with the Borough of Clayton and with his storage facility. So, if there are any other questions for me, I'm more than happy to answer it, but I would like to turn this over to Mr. Rainier.

- **Mayor Razzo:** *Thank you.*
- **Mr. Rainier:** *Good evening...for Clayton, we tow for them...we got a phone call to go pick the car up, brought it back to our shop. Just like everybody else has, [we have] inside storage. The Officer came back, locked the car up, and then they came back the next day. They take the keys with them...I don't know what Pitman does--I don't work for them--but we also tow for...pretty much all the surrounding towns. In [their] ordinance, they all say the same thing--have to have inside storage. [It] doesn't specify that I'm the only one that has to have access to it, or the Police Department has to have access to it. [They are] all pretty much the same... T.M.T. [Tyler Mill Towing & Auto Body], B.A.R.E. [Motor Company], and George's [Auto Body] all have body shops that are being used every day...with their employees, their customers, and everything else. We have the same exact thing. [We] probably [have] more equipment than B.A.R.E [Motors]...[more than] George's [Auto Body] for sure, and [L.J. Wurst & Sons]...[we have] way more tow trucks, way more experience, and more towns that we tow for. T.M.T. [Tyler Mill Towing & Auto Body] recently sold a lot of their big trucks, so they're doing a little less now...I don't know where the deficiencies that we got...came from.*
- **Borough Solicitor Wright (to Council):** *...Any questions?*

- **Mr. Rainier:** *That's pretty much it...we can go back and forth all night...but I think Chris [Attorney Versak] pretty much hit everything... The applications as we're going through them, looking and picking things apart...going out on inspection...going to these places and seeing it--a lot of the Townships do photographs...in the past, under OPRA requests, we were able to...do our own inspection and...find deficiencies... We don't take in Lieutenant Streater's opinion on the storage facility...*
- **Mayor Razze:** *Thank you. I have a question, but I think it's more for us or maybe for Chris [Attorney Versak]. Because I've heard our ordinance called into question multiple times the way it's written--and yet I see in the document from Judge Telsey, it says "the court finds that the Borough Council's ordinance regarding tow applications establishes a sufficient procedure for fair evaluation." ...I know you've been...questioning how our ordinance is written, what it allows, what it doesn't allow--but...did the Judge see it that way or did the Judge see that our ordinance did...?*
- **Attorney Versak:** *I believe the Judge's interpretation was that it left him with more questions than answers...he does acknowledge that the Borough has the right to have their own procedures. I'm not saying that there's one universal procedure for how this works. Every Borough, every Township across Gloucester County can impose their own requirements. Our position...is not only that we have successfully demonstrated that we can hold a vehicle for a Police search, but also that nothing is actually spelled out. It's...this unfair sort of test...what is being evaluated isn't actually part of the ordinance.*

For example, other Townships that we've been in before, they have checklists for Police investigation...Judge Telsey doesn't exactly require that. I don't think this was his position, which we don't necessarily 100% agree with. He said...the ordinance doesn't have to say you have to have 16 outlets in this one square room...there has to be this much space between the walls. It doesn't have to be anything like that, but there has to be some kind of concrete explanation that we can hold these standards to--some guidelines. This was brought up during the pleadings before Judge Telsey, that we're just asking for a fair chance--[one] that's not Lieutenant Streater saying, "I like this", [or], "I don't like this." If there's certain requirements...that the Pitman Police Department are looking for we just ask that those be identified in the ordinance rather than leaving it up to...interpretation. Whereas...we identify these black and white requirements that these other towing facilities were not meeting.

- **Mayor Razze:** *I know just for me--I don't want to speak for anybody else--but I know you talk a lot about Lieutenant Streater's "interpretation", his opinion, and those kind of things, but I believe I did hear and read that we do specify that certain vehicles are to be held where there's no access for employees or customers in some type of a locked facility. ...We got that from B.A.R.E. [Motor Company] who explained that it's a separate part--it's locked off, they hold the keys... What we heard in testimony at the last hearing from you, Mr. Rainier, was that there's no separate area--that the car's put up on a lift and nobody touches it. I mean, that was the testimony that we heard.*
- **Mr. Rainier:** *I mean, we have a shop just like everybody else has. There is no separate area, just like nobody else has.*
- **Mayor Razze:** *No one else has a separate locked area for these vehicles?*
- **Mr. Rainier:** *I have a separate locked outside storage, yes. But as far as the inside?...No. There is not a special room...that the cars go into and nobody has access to except me. In Pitman...I don't know what they do, but that's not procedure...for towing cars. I tow for eight (8) Townships--every one of them put it inside, they take the keys with them, they lock it up, they leave, they come back. Washington Township, Glassboro, everyone...it doesn't say that it has to be separate in the ordinance. It says that you need an inside storage area.*
- **Mayor Razze:** *That cannot be accessed by customers or employees.*

- **Attorney Versak:** *Can I ask what provision you're referring to? Sorry, don't mean to put you on the spot.*
- **Mayor Razze:** *You're going to have to give me a minute.*
- **Solicitor Gonzalez:** *I believe 4-20.11.*
- **Mayor Razze:** *Well, there you go.*
- **Solicitor Gonzalez:** *I'm almost positive. It's one of three, and I'm pretty sure it's that one. At this point, I've looked at it quite a few times there.*
- **Attorney Versak:** *4-20.11, Requirements of Towing Operators on the Police Department Tow List...it talks about the 400 square feet, which I think was the subject of a lot of the debate here.*
- **Councilwoman McCleery:** *4-20.11(b).*
- **Attorney Versak:** *"(b) All medium/heavy duty towing operators shall provide a towing facility of sufficient exterior storage size." This is exterior. Okay. And "not less than 10 passenger vehicles, six tractors and trailers, and not less than 1500 square feet of inside storage facility to hold and protect any vehicle or equipment utilized for evidentiary, crime scene, and or other police hold purposes." So all it requires is not less than 1500 feet inside of the inside storage facility to hold.*
- **Borough Solicitor Wright:** *The last clause of Paragraph (a) is "and not less than 400 square feet of inside secured storage facility to hold and protect any vehicle or equipment utilized for evidentiary crime scene and or other policing purposes."*
- **Attorney Versak:** *So once again, it's...what we brought up the last time we were here, that we're...reading things in this ordinance that aren't there. Nowhere in there does it say that it cannot be accessed by anyone other than...the operator of the vehicle. All it says is that it has to be "400 square feet of inside secured storage facility", which Mr. Rainier has.*
- **Mayor Razze:** *Wouldn't that be secured though?*
- **Attorney Versak:** *...Secure does not mean solo access. If we're saying that...he has to be the only one that has access to it, but nobody can have access to it other than Police, [then] that needs to be specifically outlined...the ordinance says all he has to have is 400 square feet. This is where this fundamental fairness argument is coming in that we're holding these standards that the ordinance doesn't actually say. It doesn't say that...nobody else can have access to it. He talked about these other things--that if this was an issue...he pops it on the lift, takes the key, it's suspended 15 feet in the air, and no one's touching that vehicle. He did a search warrant--the Pitman Police had no issue with the search warrant that they executed on his facility themselves. I don't believe that there's been any issues with the sufficiency of that evidence, [or] with any kind of hold on the evidence. That's demonstration that he can properly protect...any Police evidence before the Borough. That's direct, 100% evidence. The last time we were here, it was all speculation.*
- **Borough Solicitor Wright:** *When did that happen?*
- **Attorney Versak:** *July 29th.*
- **Borough Solicitor Wright:** *July 29th?*

- **Attorney Versak:** *The search warrant was executed July 30th. The vehicle was towed on July 29th.*
- **Borough Solicitor Wright:** *So a month and a half ago?*
- **Attorney Versak:** *I mean, it is September 14th.*
- **Borough Solicitor Wright:** *Do you know the status of that case? Were charges brought against the individual? Has he been arraigned?*
- **Attorney Versak:** *We're just the towing company.*
- **Borough Solicitor Wright:** *But you're making it a point that no issues have been raised with a criminal case that's about six weeks old. I think that's an unfair representation to make to this Council where those evidentiary challenges can very much come further down the road. That's not even a motion cycle.*
- **Attorney Versak:** *I understand. Well, it is a motion cycle, but...*
- **Borough Solicitor Wright:** *It's barely a motion cycle.*
- **Attorney Versak:** *I understand the argument, but apparently it sounds like he was arrested and the sufficiency of that search warrant is going to be shown at the face of the search warrant. If there are glaring issues on that search warrant, those are going to be brought up at the time the search warrant is executed. If the police are saying, ... "Whoa, we need to take a step back and make sure that we actually have some kind of proper kind of evidence--this isn't good." I mean, at that point, do we need to go and have search warrants on these other facilities to make sure they actually have compliant facilities? We at least have concrete proof that...no issue was raised. The Detective from Pitman didn't raise an issue saying, "We can't do this. Your facility doesn't have proper Police protocols here." That was never brought up and it was never going to be brought up because it was safely protected. It was safely guarded and it met the actual ordinance requirements. There's nowhere in the ordinance that says it has to be under lock and key and only accessible to Mr. Rainier. However, if that is a requirement, 1) the ordinance can be amended forthright from here on out, or 2) Mr. Rainier has testified, we can pop it up 15 feet in the air. No one's climbing this jack to access a vehicle inside of a facility that has cameras.*
- **Councilwoman McCleery:** *Could I ask who arranged for the vehicle to be brought there?*
- **Attorney Versak:** *That was from the Township of Clayton...he was on the call for the Township of Clayton.*
- **Councilwoman McCleery:** *So, it's not the Borough of Pitman Police Department that made that call?*
- **Attorney Versak:** *Well, he's not allowed to tow for the Borough of Pitman. That's kind of why we're here today.*
- **Councilwoman Musto:** *Well, I was thinking that point as well. You've mentioned, Mr. Versak, that Pitman...willingly participated. I think you're saying...we didn't tow it there. However, Pitman was called in...because [a] Pitman Investigator came to investigate. That's separate from us--this whole being towed there. He came to investigate something that he needed to investigate for the crime and Prosecutor, or whoever sent him there. That doesn't mean that he stamped approval or he has the final say in whether it was being handled properly.*

The other thing I wanted to mention is from our testimony that we heard...in June. I'm trying to recall back, and Lieutenant Streater was there giving testimony, as well, and then his certification was in front of us. There was a lot of...opportunity to talk about the difference between the three other facilities and Steve's [Auto Body & Repair] facility. And you're bringing up the point again that it's in the main area. And again, I didn't go and inspect all of these. It's up to our professional, Lieutenant Streater, who was appointed for our Borough to be the

one to do that over all these years. You're saying that it's lifted up in the main [area], and no one is going to climb up and do that--but do we know no one's going to do that? It has access to other employees, possibly even customers...

Maybe the other Police Departments have entrusted Steve's [Auto Body & Repair], and, that's great--eight different ones that are doing that. I don't know what their ordinances look like, but the word "secure" in ours I think is open for interpretation, and I'm not a lawyer here, but I think that's what we're looking at--"a secured inside facility" and the other three had secure inside facilities. If we could reiterate that point from the testimony before...the other three had actual areas that no one accessed once they went in. Now, I can't remember exactly, word for word, how each of those, you know, handle it. But I recall Lieutenant Streater describing that, which was heavy in our decision making.

- **Solicitor Gonzalez:** According to Lieutenant Streater, as I received the certification from him late last week, we were back and forth on the phone talking about this--George's [Auto Body], T.M.T. [Tyler Mill Towing & Auto Body], and B.A.R.E. [Motor Company] have their own separate secured storage areas. B.A.R.E. [Motor Company's] was upstairs in an old dealership. I believe T.M.T. [Tyler Mill Towing] had a separate outdoor air conditioned and locked unit--or it could have been George's--T.M.T. might have switched--but I know the other one also had a secured area that Lieutenant Streater specifically said was held by lock and key by the towing operator--that could be the owner, that could be a specific office manager, but it's held by one person for police evidentiary procedures.

I, obviously, was not here for the first [hearing], but that's how they came to the decision that Steve's Auto Body & Repair] did not have that level of security that Lieutenant Streater believed was best for the Borough. I think we also forget, I believe in 4-20.4 or 5, it allows Lieutenant Streater to give a recommendation to the Council, [and] for the Council to then make their decision based on that recommendation. We're not taking Lieutenant Streater's word as gospel. We're allowed to hear the testimony and then make a decision based on that. So...having the Borough do this twice now, they've taken it seriously [and] they believe that Steve's has gotten that equal sharing in being heard and they were able to make their decision not based on arbitrary, capricious, or unreasonable non-discriminatory standards.

- **Borough Solicitor Wright:** If I can...the certification provisions on that...if you look at Lieutenant Streater's certification, Paragraph (9) specifically, "the area presented by Steve's as a secured storage area did not, in my determination, provide the type of separate secure storage area presented by the other towing operators." Paragraph (10) describes "B.A.R.E. Motor Company operates a facility that was formerly used as an automotive dealership and includes an upstairs area for storage of vehicles...that upstairs area satisfies the secure requirement...". [Paragraph (11)] "T.M.T. [Tyler Mill Towing & Auto Body], maintains a separate temperature controlled garage used for vehicle storage. [It is] kept locked and access is restricted with keys maintained by the operator of the towing facility." And then [Paragraph (12)] "George's Auto Body maintains a separate and secure storage area for vehicles requiring secure storage." That is the descriptions and distinction that Lieutenant Streater makes between George's [Auto Body], T.M.T. [Tyler Mill Towing & Auto Body], B.A.R.E. [Motor Company], and Steve's [Auto Body & Repair].
- **Attorney Versak:** If I may respond to those points....I don't believe it's up for debate that T.M.T. [Tyler Mill Towing & Auto Body] is by far...the best facility for storage of vehicles. They tow for the Gloucester County Prosecutor's Office. They do have a temperature controlled separate facility because they have this contract with the Gloucester County Prosecutor's Office. It's not up for debate. I'm not even going to try and pretend that it is. However, as for B.A.R.E. [Motor Company] and George's [Auto Body], they don't have...this magical facility that everyone keeps believing that there is. There is no separate lock key facility.
- **Mr. Rainier:** I believe B.A.R.E. [Motor Company] puts all his cars in his building, either upstairs or downstairs. So, if the cars are being stored up there, there's other cars, his employees are going up there. If the customer's got

to get something out of the car, they're going in the building, right?...

- **Borough Solicitor Wright:** *If I could just stop you there. We don't have a certification from you on that. We have a certification from Lieutenant Streater. We have a certification from the owner of B.A.R.E. [Motor Company]. Also, you're bringing to the Council's attention...critical of the report of Lieutenant Streater, that there's not pictures, there's not measurements. Do you have any pictures or measurements of B.A.R.E. [Motor Company], or T.M.T. [Tyler Mill Towing & Auto Body], or of George's [Auto Body] to distinguish that they are as you're saying they are?*
- **Attorney Versak:** *Well, we don't have this kind of access to these facilities. That's on the Pitman Police Department to investigate. And all it says, for example, for B.A.R.E. [Motor Company, Paragraph (10), it just says they "include an upstairs area for storage of vehicles." It doesn't say that it's under lock and key, that only B.A.R.E. [Motor Company] has access to it. Even their certification does not say that. All it says is that their Pitman Police cars are towed into their Pitman facility. It doesn't say that no one else has access to it. It doesn't say that their other employees can't access it. Lieutenant Streater's certification doesn't say. And Mr. Rainier is here. He's testifying live. If we need to swear him in and place him under oath, we can swear him in and place him under oath. Kenny, are you lying about anything?*
- **Mr. Rainier:** *Nope.*
- **Attorney Versak:** *So, at a certain point there is live testimony and Judge Kelsey's order specifically provided that we could offer any testimony that that we saw fit to put before this Council. So, I don't believe that issue is before this. As for George's Auto Body, it just says "they maintain a separate and secure storage area", but it doesn't say that it is only accessible to the owner of George's [Auto Body]. Again, L.J. Wurst [& Sons], they're doing towing for George's [Auto Body]. Lieutenant Streater didn't even investigate L.J. Wurst [& Sons], so...if they're towing vehicles for them, then they're not regulated...I don't even know if they're insured before this town. What happens if L.J. Wurst [& Sons] is towing someone for George's [Auto Body] under an unapproved subcontracting agreement because L.J. Wurst [& Sons] didn't submit any kind of application for that?*
- **Borough Solicitor Wright:** *If you can look at the application for George's [Auto Body], which you provided as one of your documents.*
- **Attorney Versak:** *It's section?*
- **Solicitor Gonzalez:** *2 A-9.*
- **Attorney Versak:** *2 A-9? George's Auto Body?*
- **Borough Solicitor Wright:** *2 A-9?*
- **Solicitor Gonzalez:** *All the applications are grouped.*
- **Borough Solicitor Wright:** *So if you're online, it would be starting at page 41 of the PDF. George's [Auto Body] application, page 52...then on page 53, under number 13. I think you indicated this in your statement--L.J. Wurst [& Sons] Towing was disclosed on the application, Number 13. And then if you look at the disclosure of the drivers, Thomas Wurst is disclosed. And, as part of the application, the release authorization is signed by William Wurst...which is contrary to what you just said...that you don't know if [L.J. Wurst & Sons] Towing or any of the drivers were actually reviewed by Lieutenant Streater.*
- **Attorney Versak:** *So, the driver may have been reviewed, [or] the company insurance policies. I don't see a garage keeper's insurance policy, [or] anything along those lines for L.J. Wurst [& Sons]. I don't see that L.J.*

Wurst [& Sons] is an approved...First of all, there is, directly in the ordinance,...if someone is subcontracting, you have to actually be an approved tower for the Township in that exact same cycle. L.J. Wurst [& Sons], I don't think that it's up for debate that they're not approved tower.

- **Borough Solicitor Wright:** *I was just more calling your statement out that they were not reviewed, or if you even know that they are an eligible towing entity, or if they are insured or anything...I think the application on its face would belay that comment--that it's clear that William Wurst was disclosed on here and then when you look at the certification from Lieutenant Streater it also states that they were aware of L.J. Wurst [& Sons] Towing and, as part of the application process, reviewed that.*
- **Attorney Versak:** *Well, just because they were aware that was an acceptable standard doesn't mean...it still violates the ordinance on its face. L.J. Wurst [& Sons] still had to submit an application and they didn't. They still had to be an approved tower to be a subcontractor for George's [Auto Body] and they're not.*

George's [Auto Body] doesn't even have the amount of vehicles necessary to operate as a towing facility for the Township. They only have one light body. They don't have a single medium body. The only one that has a medium body towing truck is L.J. Wurst [& Sons]. The ordinance also says that...the person on the application has to be the one who owns or leases these vehicles--there's nothing that says that they have this. If there was a towing incident that happened in Pitman during George's [Auto Body] cycle, they don't have their own medium body tow. So, what happens if they need a medium body tow?

I mean, we're making this whole ordeal about a possibility about months from now on a search warrant, whether or not there's a challenge to it...but these are glaring issues with these other applications that 100% violate the ordinance. There's nothing in the ordinance that...says that this has to be [a] locked facility that's only accessible...these other facilities don't have that. If we need to go and do investigative journalism and have our cars towed to prove this, I mean, if that's what we need to do, we can do it.

- **Mayor Razze:** *What makes you say they don't?*
- **Councilwoman McCleery:** *Could I bring you to page 57 [which] also says, "I, William Wurst, am making application for a towing license with the Borough of Pitman. A towing license application requires investigation..." and it's signed off and it's approved...this is showing that they've done their due diligence.*
- **Councilwoman Musto:** *Paragraph (13) says, "Will a subcontracting company be used by the applicant? Please provide..." Above that, there's the insurance company for...both. We were also talking about inspections of a facility...L.J. Wurst [& Sons] doesn't store.*
- **Mayor Razze:** *No, they towed us. They towed at George's [Auto Body].*
- **Councilwoman Musto:** *They tow. I would have to find, or if someone can bring up our ordinance, about what it says about subcontracting...that we have to be notified of a subcontract. We are being notified. It's right on here... Number 13, "Will a subcontracting tow company be used?...Please list name of the owner...Jack Wurst...and all of the information there for George's Auto Body.*
- **Attorney Versak:** *So, if I may direct your attention, 4-20.10(e)... "No towing operator shall employ or subcontract any work to be performed pursuant to this section without having first obtained prior written approval from the Borough of Pitman Police Department." And it goes on to say, "subcontractors must be licensed by the Borough of Pitman and on the current tow list. Any towing operator to whom approval to subcontract work has been given shall be responsible for the services performed by any acts and omissions of the subcontractor and shall remain liable for any violation." It specifically says that the subcontractors must be licensed by the Borough of Pitman and on the current tow list. L.J. Wurst [& Sons] is not on the current tow list.*

Therefore, it's a violation of the ordinance on its face. No if, ands, or buts about it. L.J. Wurst [& Sons] did not submit an application. There's only four applications that were submitted.

- **Borough Solicitor Wright:** *Since L.J. Wurst [& Sons] was part of George's [Auto Body] application, couldn't the Council determine that they added L.J. Wurst [& Sons] to the tow list as an approved contractor?*
- **Attorney Versak:** *L.J. Wurst [& Sons] never submitted an application and the ordinance specifically says...first of all, there is no prior written approval for this to be had. All we have is Lieutenant Streater's certification from...now nine months into the towing cycle, that apparently this was known to the Township--that doesn't equal written approval. But then they also have to have been...*
- **Borough Solicitor Wright:** *Mr. Versak, let me just stop you there. It's the second time I think you made a misstatement. We clearly walked through the application where it discloses L.J. Wurst [& Sons] all over that application. So, to say that the only time that the Township is aware of it is nine months later when Lieutenant Streater is doing a certification, that's not an accurate statement.*
- **Attorney Versak:** *They did not submit an actual application. All they did was submit a subcontracting...*
- **Councilwoman McCleery:** *I'm looking at it right now in front of me, page 57. "I, William Wurst, am making an application for a towing license within the Borough of Pitman. A towing license application requires an investigation to determine my eligibility." It is signed. It is approved by the Pitman Police Department.*
- **Attorney Versak:** *In the ordinance, Section (e) says "and on the current tow list." L.J. Wurst [& Sons] is not on the current tow list. There are three towers. They rotate, I think it's a weekly or monthly, ...where they alternate who's on call for that specific week or month...L.J. Wurst [& Sons] is not an on-call tower. They call George's [Auto Body]... George's [Auto Body] then calls L.J. Wurst [& Sons]...L.J. Wurst [& Sons] performs the work.*
- **Councilwoman Musto:** *Because if they put in an application, then they'd be on our tow list in a rotation? They're a subcontractor as needed for George's [Auto Body] as is written on their application, it's very clear...our application clearly has the question, "will you be using a subcontracting company?", right?*
- **Councilman Blackmore:** *I thought the same thing.*
- **Councilwoman Musto:** *They don't need to put in an application because we're not storing there. They don't need a facility check. We don't go and check all the trucks for all these companies. Lieutenant Streater is looking at the facilities--but subcontracting for a company...to notify us that, at times, they may use that company just to tow to their facility--we're not inspecting trucks also. So, the inspection process...*
- **Attorney Versak:** *Sure. So, let's piggyback on this. Let's just say, for argument's sake, that this is acceptable, this is an approved subcontracting agreement. However, to that exact point, if we go down to 4-20.11(w) of the ordinance, it says all tow vehicles shall be owned or leased by the entity that is awarded a tow license by the Borough of Pittman. L.J. Wurst [& Sons] is the one who owns these vehicles, not George's [Auto Body]. George's [Auto Body] does not have sufficient amount of vehicles to operate. They list it on their application. They have one light body tower. They have zero medium/heavy duty towing, which the ordinance specifically requires one of, and the vehicle must be owned or leased by the entity that's awarded a tow license. The entity that was awarded a tow license is George's [Auto Body], not L.J. Wurst [& Sons]. So therefore, they don't have the sufficient vehicles per the ordinance..that has to be in the name of the entity. And right above that, (b)(1) says "all towers shall possess a minimum of one flatbed/rollback, one medium duty wrecker." George's [Auto Body] application does not have one medium duty wrecker. On its face, they lack the sufficient amount of towing vehicles to have been approved in the first place. So even if we accept the subcontracting agreement, this is still a very valid issue that George's [Auto Body] just can't overcome.*

- **Councilman Blackmore:** *I hate to jump around here. Just a question, going back to Clayton. You said he was arrested, right?*
- **Attorney Versak:** *I don't have any direct knowledge.*
- **Councilman Blackmore:** *But I think that's what you said--he was arrested. But we don't know the outcome of that case, right? It's fairly new. It's six weeks, right? So, we don't know the outcome.*
- **Attorney Versak:** *No, we don't know the outcome. But from all of our knowledge, Pitman Police Detectives are very knowledgeable. They're very well trained. The town's as safe as it is because of the Pitman Police Department. So, if we're going to trust their knowledge and their skills and experience, then if there was an issue...they would've raised any concerns at the time of the search warrant. They're not going to...execute a search warrant that they know is going to cause problems down the line.*
- **Mayor Razze:** *I agree 100% with the statement that you just made, that they are well-trained professionals, and we rely on them for their investigation and their expertise of these facilities. And you kept saying that the other facilities do not have those locked, secured areas. I assume...you've made it clear that you haven't gone to see that...whether they do, or not. And Mr. Rainier already testified he hasn't been to every single...well, he said that a few minutes ago...he hasn't been to every one.*
- **Mr. Rainier:** *Inside the building? Correct. I've been to all them shops, but I've not been inside.*
- **Mayor Razze:** *Okay.*
- **Attorney Versak:** *But, you've talked to them? You know these individuals?*
- **Mr. Rainier:** *Mostly familiar with T.M.T. [Tyler Mill Towing & Auto Body]*
- **Mayor Razze:** *And again, if we rely on those extremely professional trained officers in that case, then why wouldn't we trust their judgment when they're investigating these facilities for secure storage of these vehicles, and when they make the determination that a car up on a lift in the middle of an open work area is not secure, whereas a separate designated space that is locked and kept under key is secure?*
- **Attorney Versak:** *To just address that point, there is no actual written testimony anywhere that these facilities did have this. Yes, you know, we may disagree on what happened during the last time we were here in June, but Lieutenant Streater's certification doesn't actually say that these are separate locked facilities. All it says is that T.M.T. [Tyler Mill Towing & Auto Body] has a separate locked, air conditioned, beautifully manicured facility because they do this work for the Prosecutor's Office,...but George's [Auto Body] and B.A.R.E [Motor Company] , all it says is B.A.R.E [Motor Company] has this upstairs facility. It does not say that it's only accessible...to the owner of B.A.R.E. [Motor Company]. All it says is that he has this upstairs facility. The same thing with George's [Auto Body]--it doesn't say that he actually has this completely separate facility. It's only dedicated for police hold vehicles. The certification only says that about T.M.T. [Tyler Mill Towing & Auto Body]. And, we're not going to debate that because we agree that it is a legitimate Police hold facility. And if it was between us and them--yes, they are the better facility for storing these Police hold vehicles. But, between Steve's [Auto Body & Repair], B.A.R.E. [Motor Company], and George's [Auto Body], there's no differentiation as to why one facility is better than the other.*
- **Mayor Razze:** *Okay. But again, this professional, trained individual that we rely on to make these determinations says right in his certification, under B.A.R.E. [Motor Company], "I determined that the facility satisfied the Borough's secure storage requirements. Tyler Mill Towing, "I determined that this arrangement satisfies the*

borough's secure storage requirements." George's Auto Body, "I determined that this area satisfies the borough's secure storage requirements." And under Steve's [Auto Body & Repair], "the secured area did not, in my determination, provide the type of separate secure storage that the other towing operators presented and did not satisfy the Borough's requirement for secure storage."

- **Attorney Versak:** And to that, I just have one word. Why? Why does one facility meet this and another facility doesn't? There's no reasoning. There's no justification...it doesn't actually outline what the Council's looking for. Is it because of this separate facility that he is looking to make sure that there is...enclosed space, it's locked, biometric fingerprint scanner, none of that. If that was what he was looking for, then all we ask is that that's put in there so we have this equal standard that we can apply to Steve's [Auto Body & Repair] and apply to these other towing facilities.

So, all we're looking for is to uniformly enforce this ordinance and if there is some valid reason that Steve's [Auto Body & Repair]...doesn't have certain facilities...and that it's written in the ordinance, black and white, for example, that you're required to have a light duty towing vehicle and you're required to have a medium duty towing vehicle. And, if Steve's [Auto Body & Repair] did not have one, we would agree with you that yes, Steve's [Auto Body & Repair] did not meet the requirements to be on the Borough's towing license. But all we have is Lieutenant Streater saying "this facility is good", "this facility is bad", "they get a license", "they don't", because "they meet this requirement and they don't meet this requirement". But, what is the requirement?

...We can sit here and talk about this all night long, but all it says is "this facility meets the storage requirement", "this facility doesn't meet the storage requirement." If we look at the ordinance, all it says is "400 square feet of indoor storage facility", which Steve's [Auto Body & Repair] has. That's what the ordinance says...we don't have any direct checklist...of what is actually being evaluated by Lieutenant Streater.

- **Councilwoman Musto:** I have a legal question...are we able to use the testimony that we heard? I know this is a remanded hearing and we're doing a rehearing. The certification was done and I know...he's just certifying his position...with not all of the details...it doesn't mean that those details don't exist, although they're not in front of us. But are we also considering the details that [Lieutenant] Streater gave in his testimony at our last hearing? Because he was more detailed then. I remember feeling like we had a picture of the difference in what he was looking at as a professional that our Borough entrusts [this] with, and what our standards are under the "secure" statement that's in our ordinance. What he was looking at involved the fact that the cars were just up on a lift when he came in and really someone could have climbed up there when someone wasn't looking. Not that it might happen,...but it could. Whereas the other three had definitely separate secured area that were locked and no one accesses. There's no customers going in.
- **Mayor Razze:** Well, if you consider that the definition of secure, then...
- **Councilwoman Musto:** That's what he was considering secure. I'm saying, are we still considering what his testimony was? I know the certification is all we have now. And you're saying it's absent of like details of what the difference is or he's not giving a standard for everyone?
- **Attorney Versak:** The Judge tells you specific order. The first paragraph says "this matter is remanded and shall be heard at the next meeting of the Pitman Borough Council in September 2026. Defendants failed to memorialize the reasoning for its initial decision. Additionally, there is no transcription from that hearing to permit a proper review of the record below."

So, if there's no transcription to permit a proper review of the hearing below, it would not be proper to rely upon testimony when it happened in June because it's subject for interpretation or debate. If there was a transcript, yes, we could read the transcript, have Lieutenant Streater's word for word of what his testimony was. But unfortunately, we don't have that. And Judge Telsey--one of the big reasons for the remand was that he could not

make a determination as to whether or not the Council, acted arbitrarily, capriciously and unreasonably in the denial. So, I don't think it would be proper to rely upon Lieutenant Streater's prior testimony.

- **Borough Solicitor Wright:** *Respectfully, I'd have to disagree with you. You've referenced, in your statements, the prior hearing...and statements that were made by Mr. Rainier at the prior hearing, as well. So, at this point, to say [we] can't consider anything that was previously stated--you've also referenced conversations and disclosures that you've had to the court in oral argument, which counsel is not privy to. So how is that not inappropriate?*
- **Attorney Versak:** *The only things that were brought during oral argument were things that you and I had discussed about whether or not things were brought up in the hearing. As to prior testimony, you had Mr. Rainier here, who has testified more specifically about all the information. There is nothing we're inherently relying upon from the last hearing, because, once again, there was no transcription for a proper review of the hearing...I don't think it would be proper to rely upon our collective remembrance of what Lieutenant Streater said three months ago to determine whether or not this hearing is being properly handled without any proper transcription or evidence as to what was actually said.*

We have a certification. The certification says...that T.M.T. [Tyler Mill Towing & Auto Body] 100% has this lock and key facility, but does not say anything about George's [Auto Body]. It does not say anything about B.A.R.E. [Motor Company] having this separate facility. All it says is that "this person's good"... "Steve's [Auto Body & Repair] is bad." It doesn't actually go into what he's looking for. Whereas, these other facilities...this is Lieutenant Streater's perspective.

Yes, it's the Council's final decision as to accepting his interpretation in his review. However, what we do have in front of us are these actual violations of these other current facilities with their applications, with the requirements, and them not actually meeting the requirements. That's not for interpretation. It's not whether, or not, this is a separate facility that's easily accessible from the potential customer. ...I don't believe it's fair that we're arguing whether, or not, someone can climb 15 feet up in a secure lock facility with cameras and...Mr. Rainier's around the clock alarm.

- **Borough Solicitor Wright:** *So, the Mayor just brought to my attention that in the official minutes of the prior hearing it cites to Lieutenant Streater's testimony - "Testimony then shifted to Lieutenant John Streater of the Pitman Police Department who conducted a site inspection of each towing facility. He noted the main concern with Steve's Auto Body was the impound area. He clarified that there is a difference between the requirements of the impound vehicle as opposed to a regular towed vehicle from an accident. He indicated that the impound vehicle can be for anything ranging from DUI, 12-hour hold, [etc.] He noted the importance of having a secure area to maintain a chain of evidence. He conceded that T.M.T. Towing does have the best facility for this purpose due to their heavy use by the Prosecutor's Office. However, the other two selected towing companies, George's Auto Body and B.A.R.E, also currently have secure areas inside their facility that can be separate from the general working area. Lieutenant Streater stated that when he did the site inspection of Steve's Auto Body and asked to be shown the secure storage area for impound vehicles, he was shown the area where regular maintenance and repairs was conducted, which was approximately 15 feet from the front desk and had several employees working in the area. He indicated this caused concern during the inspection. Lieutenant Streater concluded his testimony." So, I think that minutes of the hearing can be taken as public knowledge. And I guess I would ask that as part of the record for this hearing that we incorporate the minutes of the prior hearing.*
- **Attorney Versak:** *Well, to that very reason, if that was the case and if those minutes were acceptable, then why did Judge Telsey remand this to have [to] come back here and have a full transcription from the hearing in order for him to permit a proper review of the record below?*
- **Borough Solicitor Wright:** *Does Judge Telsey indicate in his order that a full transcription is required?*

- **Attorney Versak:** *He says there's no transcription from the hearing.*
- **Borough Solicitor Wright:** *But does he say that a full transcription of this hearing...?*
- **Attorney Versak:** *If I may finish my response here, he did say that the defendants failed to memorialize the reasoning for its initial decision. Additionally, there's no transcript from that hearing to permit a proper review of the record below. If he cannot have a proper review of the record below based on the minutes, which he did have access to, which were cited in the pleadings in the response in the opposition, then clearly those minutes were insufficient [to] determine whether or not the town Council acted arbitrarily, capriciously and unreasonably. So, I don't think it's fair to rely upon these minutes, if Judge Telsey is here ordering a more thorough review.*
- **Councilwoman McCleery:** *However, he didn't explicitly say that it was a requirement to have a full transcript of this hearing.*
- **Attorney Versak:** *Well...the ordinance specifically doesn't say that there needs to be the separate lock facility. I mean...*
- **Borough Solicitor Wright:** *So, Council, I think on this issue, whether the June 8th hearing and the minutes of the June 8th hearing can be considered by Council--you've heard Council's position. I, respectfully, disagree with that position, and I think...you've stated it. It'll be in the record.*
- **Mayor Razze (to Councilman Blackmore):** *I cut you off earlier, Councilman. Was there something else you wanted to...?*
- **Councilman Blackmore:** *No, that was it.*
- **Councilwoman Musto:** *One thing on the record, to piggyback on what you were saying when you circled back--it's just sticking out in my mind that we don't know the outcome of that investigation. You deduce that [Detective] Hagan was fine with everything. "He didn't say anything was wrong"...How do we know what's in that police report? What is actually occurring in that case? What our Police Officer did or didn't...*
- **Councilman Blackmore:** *I was asking about the outcome of the case...*
- **Councilwoman Musto:** *...We brought [Detective] Hagan's name into this and...I wasn't comfortable with that just because I feel like we he wouldn't just go to you and say, "Hey, I'm not going to investigate this because it's not in a secure location." But he very well may have wrote that in his report. We don't know that. None of us would know that at this point in time.*
- **Attorney Versak:** *Kenny, can you shed some light on how many search warrants or Police hold vehicles you handle across eight municipalities, across Gloucester County?*
- **Mr. Rainier:** *Not a lot.*
- **Attorney Versak:** *Not a lot, but how many in the typical year?*
- **Mr. Rainier:** *Five.*
- **Attorney Versak:** *Okay, and how long have you been towing for Steve's [Auto Body & Repair]?*
- **Mr. Rainier:** *15 years.*
- **Attorney Versak:** *Okay, so five a year for 15 years, that's about 75 towing. So, has any Police Department ever*

said, "Kenny, you lack sufficient Police [sic] to hold storage."?

- **Mr. Rainier:** No.
- **Attorney Versak:** Okay, has anyone ever been, like, "Hey, Kenny, next time I really need you to do X, Y, and Z because this wasn't good enough."?
- **Mr. Rainier:** No.
- **Attorney Versak:** Okay, so...this has been over 15 years, and...no one's ever told you about an issue and you've been towing for these other...?
- **Mr. Rainier:** Correct.
- **Attorney Versak:** Okay. So, I mean, based on that...yes, we don't have this exact example. We do have a concrete example that Pitman did investigate and came to the facility a month and a half ago while this whole appeal was pending. But we do have a history here.
- **Councilman Morozin:** When Pitman showed up to do this, I think he [Detective Hagan] had a job to do there, right? Or was he there to reinvestigate whether Steve's [Auto Body & Repair] met the requirements, or not? Because I think he was there to do a job.
- **Attorney Versak:** It was there to do a job. It was to execute a search warrant that the Borough of Pitman was participating in alongside Clayton, who I think was the one who issued or had the search warrant application. And then Pitman was piggybacking off of that and working on that search warrant alongside Clayton.
- **Councilman Morozin:** But, Pitman wasn't there to investigate Steve's [Auto Body & Repair].
- **Attorney Versak:** No, not at all. It was nothing along these lines.
- **Mayor Razze:** Can I ask a question of you, Mr. Rainier? And I don't know if you know the answer to this, but does Clayton require a secure storage facility for these vehicles?
- **Mr. Rainier:** Well, that's a good question. So, every one of these Townships that I work for say the same thing your ordinance says--that you need an "inside storage facility" and having a building meets the requirements. Every single Township that I tow for...
- **Attorney Versak:** I have Clayton's if you would like to see?
- **Mayor Razze:** Do you? Can I see?
- **Attorney Versak:** It is highlighted. Yes. If I may, just real fast, for the record...the Borough of Clayton, NJ, it says "inside buildings" and it says "any portion of a towing facility is completely endorsed, having one or more openings in the walls for locking storage and removal of vehicles and is secured by a locking device on each opening." Is that what the...
- **Mr. Rainier:** Pretty much, yeah. ...None of these ordinances say anything about having separate inside storage. I have not come across one that I tow for that's even close. They get into detail on...the height of the fence...and everything you need. All it says is you must have an inside storage, because if you just have a lot, you're not going to meet the inside storage.

- **Attorney Versak:** *If I may, Kenny, here's the Township of Franklin. They just say "an outside storage area shall be fully enclosed, having a height of eight feet or otherwise required by the Township of Franklin land use." So, the Township of Franklin just is an eight-foot enclosed fence around a facility. We have the Township of Washington ordinance. We have the Borough of Buena?*
- **Mayor Razze:** *Buena. It's Buena, yeah.*
- **Councilwoman McCleery:** *I know that Mayor asked this question, but respectfully, I do trust our PPD's [Pitman Police Department's] experience. We are not Buena, we are not Franklin--we are Pitman, and I trust our professionals to make that decision about what is secure in their full account of the situation.*
- **Mayor Razze:** *Well, and you know what, Councilwoman, that's a point well taken, because what I'm reading in Clayton's, for example, is that the facility itself "must be secured with a locking device." It doesn't necessarily say, at least the way I read it, it doesn't read like ours. And that's what I'm trying to go back to, where ours reads that it must be secure storage. And I don't know, in my opinion, that's the determination of the highly trained professionals that...go out and inspect this.*
- **Councilman Blackmore:** *And I don't think it's just arbitrary, too. You mentioned that a couple times. We're talking about a highly trained officer with 20 years of experience that's been doing this for eight years. And we also have his description from the last [hearing]. So, I don't think...we're just taking his word for it. He's describing it, we're taking into consideration all of his experiences, as well.*
- **Attorney Versak:** *I understand, however, these unwritten rules are, essentially, what it's coming down to. Once again, nothing says that it has to be only accessible to one person. However, we're going to keep circling back to the actual ordinance itself.*

How are we going to mesh all of this with, say, George's [Auto Body] who doesn't actually have enough vehicles? This is an actual concrete problem that I think...will need to be addressed. Their application is up on review tonight, as well.

So, I mean, yes, I understand this concern. However, we have Mr. Rainier here who testified that he's had 75 search warrants over his 15-year career operating under Steve's [Auto Body & Repair]. Not once has there been any issue, not once has one of the 8 municipalities flagged him for not having a sufficient space. Whereas, these other facilities, it's not up for debate whether or not they have these facilities.

We're talking about Lieutenant Streater's professional opinion. I do believe that he is a professional and he has been working for the Borough of Pitman for 20 years. However, it's his opinion that the town Council is accepting, but these other facilities don't have...

- **Councilman Blackmore:** *I don't think it's his opinion. I think it's his expertise in the field that he's worked in for 20 years.*
- **Attorney Versak:** *But again, why? What is he looking for? Why?*
- **Councilman Blackmore:** *I think he described it in his testimony from last...*
- **Councilwoman Musto:** *When he inspected, it was 15 feet from...*
- **Councilwoman McCleery:** *Yes, it was open and there would be too many people easily accessing that area.*
- **Councilwoman Musto:** *It was not secure.*

- **Attorney Versak:** *But what about George's [Auto Body] or B.A.R.E. [Motor Company]? B.A.R.E. [Motor Company] just has this upstairs facility, but it's still accessible. There's been no testimony--nothing that actually says that it's a separate, secure facility.*
- **Mr. Rainier:** *If they want it to be separate and secure, then can we put that in the ordinance that there's a separate building with a lock on it? Whether it's one bay, and that has to be separate from everything...*

I do all these Townships, and they all spell it out down to the size of the cable on the tow truck. They go down the list that you have to have, so I can go on and check it. In the ordinance, it does not say that you need to have a separate building with no access to it. I think that's where the problem comes in.

And then I wanted to add...all these other Townships that I tow for have the same thing...Washington Township, Glassboro, Rowan, Franklinville, Clayton, Buena, Monroe, Elk--all them Townships I tow for, every one of their ordinances pretty much state the same thing -- "Inside storage" and "secure." I'm on all their tow lists. So, if all them officers are saying that it's good enough, what's the problem with Pitman saying that it needs to be separate?...because it doesn't say it needs to be separate. You're saying that the inside storage isn't adequate enough, but it doesn't say it in the ordinance.

- **Councilwoman McCleery:** *It does say secure though.*
- **Mr. Rainier:** *But, whose version of secure? I have locks and alarm on it. Is that not secure?*
- **Mayor Razze:** *Well, I think in what we read from the minutes from Lieutenant Streater's testimony... "15 feet from the front desk with several employees working in the area", he didn't consider secure.*
- **Mr. Rainier:** *But it doesn't say that in your ordinance.*
- **Mayor Razze:** *It says it has to be secure and it says that it has to be inspected by the Chief or his designee. And then that determination is made by that individual and that recommendation is made back to Council. And the ordinance wasn't called into question by Judge Telsey. He said [that] the ordinance as it stands allows for a fair process to make this determination. So, if that's the process we have in place and that's what we followed, I guess I'm confused on where the issue is.*
- **Attorney Versak:** *So, then how are we going to deal with T.M.T. [Tyler Mill Towing & Auto Body] that doesn't submit...a sufficient application? How are we going to deal with George's [Auto Body] that doesn't have the vehicles? And even if we disregard this whole subcontracting disagreement under the Council's interpretation, they still don't have the actual amount of vehicles. There's been no testimony that B.A.R.E. [Motor Company] actually has this separate storage facility either. All they say is that their Pitman vehicles are stored in Pitman. ...In their certifications, provided for this hearing, they didn't actually say that they have the separate facility either. We have Lieutenant Streater's [testimony] from the minutes, but...*
- **Borough Solicitor Wright:** *Chief, you're familiar with the four facilities?*
- **Police Chief McAteer:** *I am, sir.*
- **Borough Solicitor Wright:** *Do you want to address Council on the sufficiency of them and provide more details that they're asking for?*
- **Police Chief McAteer:** *Dan McAteer, Chief of Police, Pitman Police Department.*

- **Borough Solicitor Wright:** *So, if you want to start, let's start with T.M.T. [Tyler Mill Towing & Auto Body]. That seems to be the flagship here. So, if you want to describe their secure facility?*
- **Police Chief McAteer:** *Sure. Their facility for securing is a separate area that is climate controlled, locked, and nobody has access to it other than obviously the owner or the office manager, so that we can gain access when our Detectives or Officers come over and do whatever it is they want to do as far as search warrants or obtain something out of the vehicle or what have you.*
- **Borough Solicitor Wright:** *So, I guess next is B.A.R.E. [Motor Company]. You heard what was described--is that accurate, that it's a former car dealership?*
- **Police Chief McAteer:** *Yes. B.A.R.E. [Motor Company] has the upstairs facility, which Mr. Cavallero keeps secured from the general public and his other workers. And again, the only one that has access to it is Mr. Cavallero or his shop manager, which is also Mr. Cavallero.*
- **Borough Solicitor Wright:** *And then the George's [Auto Body]...what their secure facility is?*
- **Police Chief McAteer:** *George's [Auto Body] has a whole bay that's locked and secured and kept there. And something that needs to be understood is that when we talk about a secured location, it says right in the ordinance that it's for evidentiary purposes and the rules and law for evidentiary purposes is that nobody can have access to it.*
- **Borough Solicitor Wright:** *So, can you compare the facility at Steve's Auto [Body & Repair] to George's [Auto Body]?*
- **Police Chief McAteer:** *I did not inspect Steve's [Auto Body & Repair]. I was not there. I only know what Lieutenant Streater told me after he inspected all the facilities. He came back and talked to the Deputy Chief and I and explained what he found exactly as it's relayed in his certification.*
- **Borough Solicitor Wright:** *So, you heard the discussion about the Clayton search warrant--and none of us here are law enforcement officers--so, would you expect a Pitman Police Officer responding to something like that to raise an evidentiary concern?*
- **Police Chief McAteer:** *Absolutely not. He or she should not say a word to anybody. We did not tow the vehicle. That's basic for this whole process and premise here. We didn't tow it. We have no say in where it went. Clayton [Police Department] did. Once it's there, you can't put the genie back into the bottle. Saying something to anyone would be fruitless and possibly cause problems for either the prosecution or the investigation. The person who may be informed is the Prosecutor's Office, either joining Detective or the Assistant Prosecutor themselves...who will be pursuing the charges, if any are pursued.*
- **Borough Solicitor Wright:** *If an issue was raised to the Assistant Prosecutor handling that investigation, would it be publicly known?*
- **Police Chief McAteer:** *Say that one more time.*
- **Borough Solicitor Wright:** *Let's say this Officer raised an issue to the Prosecutor...*
- **Police Chief McAteer:** *No.*
- **Borough Solicitor Wright:** *And that would be the chain of command that he should respect to raise an issue like that to the Prosecutor?*

- **Police Chief McAteer:** *Absolutely.*
- **Borough Solicitor Wright:** *All right. So, it's likely in a situation that maybe there was an issue raised? It's possible?*
- **Police Chief McAteer:** *Oh, certainly is possible. But under no circumstances would I expect a Pitman officer to go to another facility where another [Police] Department impounded a vehicle and then raise concerns about what he or she is seeing there at the facility.*

And again, even though they're probably very similar...they're not Pitman, and we're not them. I don't know what the guidelines are that their Chief of Police puts down, but I can tell you I'm very demanding in terms of making sure the Officers are properly trained, have the experience, the knowledge, and understand what it is they're doing. And Lieutenant Streater, he understood the circumstances and what he was looking for in a secured facility based on keeping its evidentiary status, which is the evidence. That's a totally different ballgame.

And quite frankly, raising it also is not going to do anything. Now, Clayton may approve that, Washington Township may approve that, but Pitman is not going to approve that because people will have access to that. I could easily throw something at that vehicle. If I know how to operate that [lift], I may be able to lower it, I don't know. But bottom line is, we're not going to accept that. Secured for evidentiary reasons.

- **Borough Solicitor Wright:** *One last thing, Mr. Versak raised...in the recommendation of the Police Department, it made mention of distance. Do you recall that?*
- **Police Chief McAteer:** *I don't remember distance. I know it's a 20-minute time.*
- **Borough Solicitor Wright:** *So, you're familiar with the location of all four of these?*
- **Police Chief McAteer:** *I am.*
- **Borough Solicitor Wright:** *All right, which one's the furthest?*
- **Police Chief McAteer:** *I would agree that it's probably George's [Auto Body] if he took it to his other facility, but he does not remove Pitman vehicles to that other facility. At least we are told that and aware of that from speaking to the owners of the vehicles and the Officers themselves. It's right down on Broadway. So, in that scenario, it would be Steve's [Auto Body & Repair].*
- **Borough Solicitor Wright:** *Thank you.*
- **Police Chief McAteer:** *Sure.*
- **Attorney Versak:** *Just have a couple quick points I want to address. So, first and foremost, the letter that Mr. Gonzalez sent out on September 3rd--just as a housekeeping matter--it did specifically say that the hearing was not going to involve any examination or cross-examination of any witnesses. The order from Judge Telsey did allow us to put forth any testimony or witnesses, but Mr. Gonzalez did say that there was not going to be any examination of witnesses at this hearing. So, I just want to make that known as a housekeeping matter.*

Second...some things that were said...George's [Auto Body] has a whole bay that the Chief just said that they possessed. So, what happens if they have two vehicles? If we're going to be talking about these hypotheticals, these speculations--if George's [Auto Body] has two vehicles that have to be held at the same time, what then? All they have is one bay in this storage facility. If we're going to be talking about the hypotheticals...what happens if

someone comes in with lock picking experience and knows how to pick a lock? We can create a million hypothetical situations, but at the end of the day, Mr. Rainier's facility is locked. It's under key. There are cameras, ...it's multiple alarms. It's not like this is just the Walmart parking lot. This is an actual secure towing facility. He testified that he has been a part of upwards of 75 search warrants over his 15 year career towing. There's never been an issue. It is a secure facility. These other facilities, if George's [Auto Body] has one bay, two vehicles are going to violate that.

This is all speculation and, once again, George's [Auto Body] doesn't have the vehicles. That's not whether, or not, it meets the ordinance. It's straight out of the ordinance. You need one light duty, one medium duty. So, at that point, they shouldn't have even been considered. If this is based on the ordinance itself, they never should have been approved in the first place. ...I think that's another big point that needs to be addressed.

Same thing with T.M.T. [Tyler Mill Towing & Auto Body] ...[they] didn't submit the application. If we're not submitting applications, if we're not following the rules, then what are we doing here? The rules are there for a reason--T.M.T. [Tyler Mill Towing & Auto Body] omitted pages of the application. It's straight out of the OPRA request from Pitman's own records. So that's two out of the three facilities already that don't...actually meet the requirements.

So, at that point, there's issues with every single application. We're overlooking some people's issues in favor of--and I'm going to keep going back to this--this unwritten rule. All it says is to protect the Police evidence, but nothing actually says it has to be the separate lock and key facility. It's nowhere in the ordinance.

- **Councilwoman McCleery:** Right, but it does say that it has to be inspected by Chief or Lieutenant and we are trusting their judgment as professionals. And we do not have to accept all applications. We could have 15 people apply. We cannot accept every single application. We have to prioritize what we think is best for the Borough and most secure.
- **Attorney Versak:** So again, if George's [Auto Body] is on the list and you need a medium duty towing truck, what are you going to do if they don't have a medium duty towing truck? We can talk on hypotheticals and speculate as to what we're going to do, but at the end of the day, it's still violation of the ordinance by itself. T.M.T. [Tyler Mill Towing & Auto Body] didn't submit the application. These other facilities aren't squeaky clean.
- **Councilwoman McCleery:** All of these facilities were inspected by our Lieutenant, a professional that we trust. They made their determination. They determined that Steve's [Auto Body & Repair] was not as secure as these other locations. We trust our Officers.
- **Attorney Versak:** The ordinance is some 30-40 pages long. And that's just one paragraph of the ordinance that talks about the secure facility. There's all these other requirements that these other towers aren't following either. They don't have the equipment. I still stand behind the subcontracting agreement isn't valid because they're supposed to be on the list. And again, T.M.T. [Tyler Mill Towing & Auto Body] didn't submit the proper pages. They omitted key information that was just overlooked, and yet their applications were approved without problems.

Yes, their facilities were inspected, but that's just one of probably 100 different requirements that the ordinance outlines as required. So, I will just end with the ordinance once again. The ordinance just says "all light-duty towing operators shall provide a towing facility of sufficient exterior storage size to accommodate not less than 10 passenger vehicles and not less than 400 square feet of inside secured storage facilities to hold and protect any vehicle or equipment utilized for evidentiary crime scene and/or other police hold purposes." That's what is said in the ordinance.

Based on that understanding of the ordinance, Steve's [Auto Body & Repair] was initially found to have met all the requirements And there is nothing in this ordinance that says that...he doesn't have the certain requirements that Lieutenant Streater set forth in his investigation.

- **Mr. Rainier:** ...Getting back to the ordinance--if you want a separate building, I think the ordinance should spell it out, ...for you guys, to have that building. I know T.M.T. [Tyler Mill Towing & Auto Body] tows for the Prosecutor's Office. It's been a while since I've been over there, but the one building that they put up--because they work out of their other buildings--they have a building, I believe it's a two bay shop, if they go out to a fatal call car crash and there's two cars and they tow them for the Prosecutor's Office and stick two cars in that building you guys don't have any storage now. Where's the car going when it goes to them? It's going in the building. It's going outside. He's not pushing the Prosecutor's Office out. So, he only has two bays and he does a lot for the Prosecutor's Office. I can guarantee you that shop is not available when you guys need it. If you're even going to put the car in there, he's sticking it in probably another bay of his shop. So, there's only two bays and they keep going on about...
- **Attorney Versak:** George's [Auto Body] has one bay.
- **Mr. Rainier:** ...It's not the point we're arguing, but we don't tow a lot of these cars. So, I don't know what happens here in Pitman, but ...I tow for bigger Townships, and they don't have us tow the car and have this high-end security. And even the Chief said that nobody is to have access to the car... Once they drop the car and leave, they're losing sight of the car. So, I don't know that they're keeping it for the prosecution reasons because they're leaving. Somebody can plant something on the car. They don't know that. While they're getting a search warrant, somebody can do something to the car. They're not there.

Some of the Townships...typically a lot of stuff goes to the Prosecutor's Office. So, I don't know what Pitman does. I know I had a crash in Franklinville that...I believe it's a criminal investigation where there's either drugs or alcohol involved. They called us out, we go out there, we're going to load the cars, next thing you know, they said, "Hold off, we're turning it over to the Prosecutor's Office." So, everybody's gone--the Prosecutor's Office comes in and takes over, they call their own tow in, and they handle all that.

We don't tow a lot of these cars. And if they do, some Townships--if it's real serious--they go back to their own yard. Like I said, I tow for Glassboro, your neighbor. Anytime there's a fatal [accident], a search warrant, or anything, it goes back to their County yard on Grove Street. They're dumped in the parking lot, people are in and out of there all day...I mean, that's them. But they feel the need that they want it at their lot to look at it and have it more secured until they're done with it. And a lot of Townships practice that.

So, I don't know...Pitman's hanging on this thing saying that this has to be secured, which is okay. If they want a separate bay, I'm more than happy to put a wall up and say it's a separate bay, but everybody else would have to do the same thing. And then put it in the ordinance saying how big the bay has to be, locked on the doors, and the whole line of what you want in there.

I tow for Monroe Township--they said they want a camera system that has to have 28 days of storage. They're very specific on everything they want, so I can follow. I came back with my camera, I see how many days I'm rolling back, and I'm rolling back 24. I get a bigger hard drive, I put it in the camera. They come back and they check, "show me how far you go back." It ain't them coming in and saying "it ain't secure."

That's one of the issues that we're having. It doesn't say what it is. He can come to my shop next year when we're doing the application and he can find something else that he doesn't like. It's what should be printed. It should be black and white. This isn't the first Council I argued before saying that something was wrong in an ordinance. If it says you need five tow trucks, it's five tow trucks. There's no subcontracting--this is what it is. It should be straight. So, if that's what they want, I feel like it should be put in there and everybody should have to follow it.

We brought up about L.J. Wurst [& Sons]--who's calling?...are they calling [L.J. Wurst & Sons] or are they calling George's [Auto Body]? Where do the cars go back to if there's a problem? Who do you go to? Is it George's [Auto Body]? Is it [L.J. Wurst & Sons]? Is it even legal for [L.J. Wurst & Sons] to be operating out of George's [Auto Body] when George's [Auto Body] has the CO and has the application for his business? It's like having a dual use, if that makes any sense. There's two companies running out of the same yard, so who has access to it? Is it George's [Auto Body]? Is it [L.J. Wurst & Sons]? ...Who's coming and going out of the yard? To me, I would say, George's [Auto Body].

The ordinance says, pretty black and white, that they need to own the tow trucks... You can't lease the tow trucks because you need...a leasing license to lease the trucks to another shop. So, if L.J. Wurst [& Sons] was leasing the trucks to him, he can't. He doesn't have a license, I can guarantee it. He needs a dealer's license to do that. He does not have that. So, the truck should be registered to George's [Auto Body]. They should be running under George's [Auto Body] name, and doing the tows under George's [Auto Body] employees, not a subcontractor running out of another shop. I don't know Pitman's code, but I know every other Township--it wouldn't fly, but I don't know exactly what they're doing. Make any sense?

I just don't understand where the security is coming from. Like I said, I don't know how much crime is here in Pittman. I don't live here. I don't really travel through here. I know there's quite a bit in Glassboro--especially when the college kids are down there, there's a lot going on. But there's just not a lot of cars that require that, so I don't understand why it's even being brought up to me. It's just all these other Townships, I satisfy every one of them. There's never an issue...There's probably more going on in Washington Township than there is in Pitman, so I would think that if I'm towing for them, I mean...you're saying Washington Township cops are not trained [enough] to say that my shop's not good enough? I would think that they are. I mean, if we want to bring testimony in from all these other Townships, I guess we could to see what is the requirement to have. They check the fence, they make sure the gates are locked on, they see you have a building and that's it. ...This says the same thing. I just don't understand how it's [Lieutenant] Streater saying it's unsecured...that's not true. ...If he's worried about employees, there's employees out doing the calls. If they don't want employees doing the calls, then say, "Hey, this is an impound you got to call me and say they're bringing the car in, we're dropping it in the building, you guys are going to take the key to the building lock, it up and leave so nobody has access to it...would make more sense, but that's not...standard in any other Township or any other protocol. So, I think he's twisting the ordinance and putting what he feels is not a secure facility when, indeed it is.

- **Mayor Razze (to Council):** *Anything else from anyone here? All right.*
- **Attorney Versak:** *Thank you for your time.*
- **Mayor Razze:** *Thank you.*
- **Attorney Versak:** *Appreciate it.*

Closed Session

The subject of the Closed Session will be Litigation.

Motion to go into closed session: McCleery
Time: 11:02 pm
Ayes all.

Second: Morozin

Motion to re-open regular meeting: McCleery
Time: 11:32 pm

Second: Morozin

Ayes all.

Upon returning to the regular meeting, Council took the following action:

Councilman Blackmore presented Resolution No. 162, 2026 for consideration.

Resolution No. 162, 2026 – Denying the Appeal of Steve’s Auto Body and Repair LLC Pursuant to Borough Code Section 4-20

Motion: Blackmore

Second: Musto

Roll Call:

Council President Mazzola: Yes

Councilman Blackmore: Yes

Councilwoman Guarni: Yes

Councilwoman McCleery: Yes

Councilman Morozin: Yes

Councilwoman Musto: Yes

Adjournment

Motion: Mazzola

Second: Blackmore

Time: 11:34 pm

Ayes all.

Respectfully submitted

Sandra McCafferty, Borough Clerk