

CAUCUS/FINANCE MEETING
April 10, 2024

A RESCHEDULED CAUCUS/FINANCE MEETING of the Mayor and Council of the Borough of Carlstadt was held in the Caucus Room of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey on Wednesday, April 10, 2024 at 8:00 P.M.

Mayor Robert Zimmermann asked Claire Foy, Borough Clerk to call the roll: Mayor Robert Zimmermann, Council members David Stoltz, James Lenoy, Joseph Emerson and Suzanne Fonseca were present. Councilwoman Diane DeBiase arrived at 9:05 P.M. Councilman William Roseman was absent.

Joseph Crifasi, Borough Administrator and Joseph Donahue, Borough Attorney were also present.

Mayor Zimmermann led all present in the Pledge of Allegiance to the Flag.

Mayor Zimmermann read the following notice which was published in The Record on April 8, 2024.

BOROUGH OF CARLSTADT
RESCHEDULED MEETING NOTICE

Due to an emergent situation the Caucus/Finance Meeting of the Mayor and Council of the Borough of Carlstadt is rescheduled from Wednesday, April 3, 2024 to Wednesday, April 10, 2024 at 8:00 P.M. in the Borough Hall Caucus Room, 500 Madison Street, Carlstadt, New Jersey 07072.

Mayor Zimmermann – This meeting has been called pursuant to the Open Public Meetings Law and in accordance with Section 5 of the Open Public Meetings Act, adequate notice of this meeting having been provided in the annual notice schedule which contained the time, date and location of the meeting, copies of which were sent and advertised in the following official newspapers of Carlstadt: The Record on January 10, 2024 and the Herald News on January 10, 2024 a copy of which is on the Bulletin Board in the Borough Hall and a copy on file in the office of the Borough Clerk.

PROFESSIONAL REPORT

Robert Ceberio of RCM Ceberio, LLC Management Consultants read his report for the month of March regarding projects that are being done in the Borough of Carlstadt. A copy of his report is on file in the Borough Clerk's office.

Mayor Zimmermann read the following names of the 158th Carlstadt School Picnic Committee for approval:

Chris Assenheimer
Karl Ross
Jean Kimak
Joseph Crifasi
Dominick Bracco

Marlene and Joe Biggy
Beth Penna
Eileen Milligan
Mirna Lopez
Mike and Elaine Stevens

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Debbie Foy
Councilwoman Fonseca
Councilman Lenoy
Councilman Emerson
Michele Marafelias
Lynn Biamonte
Lucia and David Suarez
OEM Coordinator
Fire Chief

Councilman Stoltz
Councilman Roseman
Councilwoman DeBiase
CPS Superintendent
CPS Teachers Union President
Police Chief
Ambulance Corps President
CPS Principal
C PS Board of Education President

Mayor Zimmermann entertained a motion to approve the School Picnic Committee.
On motion by Fonseca, seconded by Emerson, unanimous on call of those present.

CONSENT AGENDA

RESOLUTION NO. 2024-95

WHEREAS, Pegasus Transport Service, Inc. has made application to the Borough of Carlstadt for one additional limousine license; and

WHEREAS, the application has been filed together with the requisite fee, and proof of insurance and Power of Attorney as required under N.J.S.A. 48:16-14 and 16 and vehicle and driver information as required by the ordinance to the satisfaction of the Borough Clerk.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State of New Jersey that the application of Pegasus Transport Service, Inc. to operate one additional limousine license at 800 D Central Boulevard, Carlstadt, NJ 07072 be and hereby is approved for VIN # 77360 nunc pro tunc.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to issue the license to operate one additional limousine at the above referenced location for the period of one year, commencing March 28, 2024 and ending on March 28, 2025 and a Certificate of Compliance with the requirements of N.J.S.A. 48:16-14 and 16, through the period indicated on the proof of insurance as submitted with the application.

RESOLUTION NO. 2024-96

WHEREAS, Adila Enterprise, LLC DBA Danaro Limousines, Inc., 321 Tenth Street, Carlstadt, NJ 07072 has made application to the Borough of Carlstadt for the renewal of five (5) limousine licenses; and

WHEREAS, the application has been filed together with the requisite fee, and proof of insurance and Power of Attorney as required under N.J.S.A. 48:16-14 and 16 and vehicle and driver information as required by the ordinance to the satisfaction of the Borough Clerk.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State of New Jersey that the application of Adila Enterprise, LLC DBA Danaro Limousines, Inc., 321 Tenth Street, Carlstadt, NJ 07072 for the renewal of five (5) limousine licenses be and hereby is approved for VIN # 01265, # 00001, # 04036, # 16931 and # 08202.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to renew said licenses at the above referenced location for the period of one year, commencing April 10, 2024 and ending April 10, 2025 and a Certificate of Compliance with the requirements of N.J.S.A. 48:16-14 and 16, through the period indicated on the proof of insurance as submitted with the application.

RESOLUTION NO. 2024-97
AWARD OF CONTRACT

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of Neglia Engineering Associates that the Contract for:

Police Interceptor Cruisers

be awarded to Paramus Ford, Inc., 375 Route 17 South, Paramus, New Jersey 07652 for the bid amount of Ninety Thousand Dollars and Zero Cents (\$90,000.00) which represents the Base Bid and being the one and only bid submitted. This Resolution to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 2024-98

WHEREAS, Thomas Brock, retired Police Officer has filed a request for reimbursement for Medicare Insurance for the year 2023 consistent with the Carlstadt PBA Local #312 contract following the filing a formal grievance and the matter having proceeded to Arbitration with a finding in favor of the Carlstadt PBA Local #312; and

WHEREAS, the Opinion and Award of the Public Employment Relations Commission, PERC Docket No. AR 2009-98 provides for a reimbursement to be made from the date of the Opinion and thereafter.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Chief Financial Officer is hereby authorized to make payment representing reimbursement to Thomas Brock for the year 2023 in the amount of \$1,813.90 as evidenced by the documents submitted as proof thereof. Subsequent payment for future reimbursements shall be made upon request and proof of deductions submitted by Thomas Brock.

RESOLUTION NO. 2024-99
BOROUGH OF CARLSTADT
AUTHORIZING ACCEPTANCE OF A 2024 FIREHOUSE SUBS PUBLIC SAFETY
FOUNDATION GRANT AWARD FOR THE CARLSTADT POLICE DEPARTMENT

WHEREAS, the Firehouse Subs Public Safety Foundation (“Firehouse Subs”), provides grants of up to \$45,000 to first responders including fire and police departments and emergency medical service ambulance corps; and

WHEREAS, the Carlstadt Police Department made an application to the Firehouse Subs Public Safety Foundation for twelve (12) Automatic External Defibrillators (AEDs) with ARM Chest Compression Systems and has been selected for an award of \$24,478.00; and

WHEREAS, the Mayor and Council of the Borough of Carlstadt have reviewed the guidelines, and agree to grant terms and conditions including agreement for direct purchase made by the Firehouse Subs Public Safety Foundation and delivered to the Carlstadt Police Department; and

WHEREAS, the Borough of Carlstadt agrees not to make any advanced purchases prior to signing a procurement contract with the Firehouse Subs Public Safety Foundation; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt:

1. That it is hereby authorized to accept the above-mentioned grant award for AED systems; and
2. That it further acknowledges the grant by displaying the Foundation logo on granted items/equipment whenever possible; and
3. That no local match is required; and
4. That the Mayor and Council agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

RESOLUTION NO. 2024-100
RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL
ENTITLED 240-248 PATERSON PLANK RD ASSOCIATES V.
BOROUGH OF CARLSTADT
AT 248 PATERSON PLANK ROAD, BLOCK 121, LOT 1.02 HM
FOR TAX YEARS 2017 THROUGH 2021.

WHEREAS, 240-248 Paterson Plank Rd Associates has filed action with the Tax Court of New Jersey against the Borough of Carlstadt challenging the tax assessed against property located at 248 Paterson Plank Road and identified on the Borough’s tax maps as Block 121, Lot 1.02 HM for tax years 2017 through 2021; and

WHEREAS, the Borough Appraiser, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Tax Appeal Attorney, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Assessor, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Assessor, the Borough Tax Appeal Attorney and Borough Appraiser, after independent review and upon consulting with each other, jointly recommends that this matter be settled according to the terms listed below.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the Borough Tax Appeal Attorney be hereby authorized and directed to execute any and all documents necessary in order to settle this matter according to the following proposed terms:

- 1) The assessment for tax year 2021 to be reduced from \$1,918,100 to \$1,800,000.
- 2) Plaintiff to withdraw for all other years under appeal.

Mayor Zimmermann entertained a motion to approve the Consent Agenda. On motion by Emerson, seconded by Stoltz, unanimous on call of roll of those present.

Mayor Zimmermann entertained a motion to add two additional alternates to the Zoning Board. They are Dan Miller and Frank Stallone Sr. On motion by Stoltz, seconded by Lenoy, unanimous on call of roll of those present.

Joseph Crifasi, Borough Administrator said they will be known as Alternate 3 and Alternate 4. The vote will be Alternate 3 and the term ends December 31, 2024. Alternate 4 is a two-year term and expires December 31, 2025.

Mayor Zimmermann entertained a motion to approve both appointments. On motion by Stoltz, seconded by Fonseca, unanimous on call of roll of those present.

CORRESPONDENCE

Correspondence was received from the Girl Scouts of Carlstadt and East Rutherford to host a park clean up at Zimmermann Park on Friday, April 26th, in honor of Earth Day. The cleaning will be from 4 P.M. to 6 P.M. It is requested that Cobblestone Road be closed during the clean-up.

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Mayor Zimmermann entertained a motion to approve this. On motion by Fonseca, seconded by Stoltz, unanimous on call of roll of those present.

Mayor Zimmermann entertained a motion to approve a fruit basket for Chistopher Assenheimer and Christine Egan. On motion by Emerson, seconded by Lenoy, unanimous on call of roll of those present.

Mayor Zimmermann entertained a motion to open the floor to a hearing of citizens. On motion by Fonseca, seconded by Emerson, unanimous on call of roll of those present.

Mayor Zimmermann asked if any citizen wished to be heard.

Mayor Zimmermann said no one wished to be heard.

Mayor Zimmermann entertained a motion to close the floor to a hearing of citizens.

On motion by Fonseca, seconded by Stoltz, unanimous on call of roll of those present.

**EXECUTIVE SESSION MEETING ACT
RECESS INTO CLOSED SESSION**

WHEREAS, it is necessary for the Governing Body of the Borough of Carlstadt to conduct an executive session closed to the public in order to discuss one or more of the following subjects: personnel and property.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. Seq. for the purpose of discussing one or more of the following subjects: personnel and property.

AND, BE IT FURTHER RESOLVED that the public will be informed either later this evening after reconvening the public meeting or at a future public meeting said date is not predictable at the present time.

AND, BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

Mayor Zimmermann entertained a motion to go into closed session at 8:23 P.M. On motion by Emerson, seconded by Lenoy, unanimous on call of roll of those present.

On motion by DeBiase, seconded by Emerson the meeting went back into open session at 10:12 P.M. with the following members in attendance: Mayor Zimmermann, Council members Stoltz, Lenoy, Emerson, Fonseca and DeBiase.

Mayor Zimmermann entertained a motion to ratify the voice vote for the grant application for Zimmermann Park. On motion by Emerson, seconded by Stoltz, unanimous on call of roll of those present.

Mayor Zimmermann said we need to set a date for the School Picnic Committee meeting. It was decided on May 1, 2024 at 6:30 P.M.

Mayor Zimmermann entertained a motion to take Police Chief Tom Cox off probation. On motion by Emerson, seconded by Lenoy, unanimous on call of roll of those present.

Mayor Zimmermann entertained a motion to accept the arbitrator's decision on the PBA's grievance. On motion by Emerson, seconded by Lenoy, unanimous on call of roll of those present.

RESOLUTION NO. 2024-100-A

WHEREAS, the Borough of Carlstadt has solicited quotes for the 2024 Summer Concert Series; and

WHEREAS, the money for said project has been appropriated in the 2024 budget; and

WHEREAS, of the three (3) received solicitations, the quote of Cliffhanger Productions, 161 Park Avenue, Rutherford, NJ 07070, in the amount of \$44,000.00 was the lowest responsible quote for the Base Bid, and complete in all respects.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that:

1. An award of contract for the 2024 Summer Concert Series shall be made to Cliffhanger Productions, 161 Park Avenue, Rutherford, NJ 07070 in the quote amount of \$44,000.00; and
2. This resolution to take effect upon certification of this resolution by the Chief Financial Officer that sufficient funds are available.

Certification as to the availability of funds:

The Chief Financial Officer/Treasurer hereby certifies that sufficient funds are available to pay the anticipated amount of the fees and disbursement for these services.

Mayor Zimmermann entertained a motion to approve Cliffhanger Productions. On motion by Emerson, seconded by Fonseca, unanimous on call of roll of those present.

Joseph Crifasi, Borough Administrator said you already approved Chris Hasch to take the college class. He passed it and got an A so you have to make a motion to refund him the money. On motion by Emerson, seconded by DeBiase, unanimous on call of roll of those present.

Mr. Crifasi mentioned that Larry Wood needs to attend a fire sub-code convention. The cost is \$275.00 for the class.

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Mayor Zimmermann entertained a motion to approve this request. On motion by Stoltz, seconded by DeBiase, unanimous on call of roll of those present.

RESOLUTION NO. 2024-100-B
AGREEMENT FOR SOURCEWELL COOPERATIVE PURCHASING PROGRAM

WHEREAS, Sourcewell is a local government unit, public corporation and public agency under the laws of the state of Minnesota located at 202 12th Street Northeast, PO Box 219, Staples, Minnesota 56479; and

WHEREAS, the Borough of Carlstadt would like to utilize Sourcewell as a resource to purchase vehicles, equipment and other government necessities through their cooperative purchasing program; and

WHEREAS, the Borough of Carlstadt has represented that it is an eligible entity; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute an agreement of services for the Sourcewell Cooperative Purchasing Program.

Mr. Crifasi said we have to vote on this tonight. This is for Sourcewell who is a co-op that pools all of the resources of different vendors and you buy off of it without getting prices. We have to adopt Sourcewell as a vendor that we buy supplies and materials from.

Mayor Zimmermann entertained a motion to approve this. On motion by DeBiase, seconded by Emerson, unanimous on call of roll of those present.

Lori Nunziato from the Woman's Club is requesting to use the 28-passenger bus for a trip they are taking on May 14, 2024.

Mayor Zimmermann entertained a motion to approve this request. On motion by Fonseca, seconded by DeBiase, unanimous on call of roll of those present.

Mr. Crifasi mentioned we are moving back to Pay Com from the previous company World Pay. This payroll company is not in New Jersey and with their customer service and inexperience with the tax code, we decided to go back to Pay Com. They are in Parsippany and have customer service. They come on call when we need them. It will be a smoother transition back the other way. This will start on July 1, 2024.

RESOLUTION NO. 2024-100-C
AGREEMENT FOR PROFESSIONAL SERVICES

WHEREAS, Paycom will provide the Borough of Carlstadt with an Agreement for Professional Services under New Jersey Local Public Contracts Law 40A:11-2 for providing Payroll and Human Capital Management Services; and

WHEREAS, the CFO has certified that these funds have been appropriately budgeted for; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the agreement of services for the Payroll and Human Capital Management Services from Paycom, 7501 W. Memorial Road, Oklahoma City, OK 73142.

Mayor Zimmermann entertained a motion to approve the payroll company Paycom. On motion by Emerson, seconded by Lenoy, unanimous on call of roll of those present.

Mr. Crifasi mentioned there was a senior transport accident about a year ago that had car damage to the other car. Our deductible is above what the reimbursement is. We have to approve reimbursing Progressive Fire Protection Insurance \$1,645.34.

Mayor Zimmermann entertained a motion to approve this request. On motion by Emerson, seconded by Stoltz, unanimous on call of roll of those present.

Mr. Crifasi said now that we had a discussion in closed session about Special Police, you would have to appoint Dillon Caughey to the next Special Police class. Joseph Knoll applied to the class. These two are for the class. These two people will have to get a background check. On motion by Emerson, seconded by Stoltz, unanimous on call of roll of those present.

Mr. Crifasi mentioned David Lovatt, who is from Wood-Ridge, drives buses. John Solimine is coming back from carpal tunnel surgery and John recommended this person as a backup bus driver. I have his resume so let the Police do a background check on him. He can be backup for Anthony Surace in case he is needed.

Mayor Zimmermann entertained a motion for David Lovatt to have a background check done by the Police. On motion by Stoltz, seconded by DeBiase, unanimous on call of roll of those present.

Mr. Crifasi said there are two ordinances that have to be introduced. The first ordinance that we have to introduce is the towing ordinance. It is to be revamped according to state code.

FIRST READING

ORDINANCE NO. 24-3

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Carlstadt that Chapter VI, Section 12, "TOWING OF VEHICLES", of the Revised General Ordinances of the Borough of Carlstadt, 2002, be and hereby shall be amended and supplemented with the following:

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6-12. Towing of Vehicles.

6-12.1. Purpose. The purpose of this section is to establish, pursuant to N.J.S.A. 40A:11-5(1)(u), a list of towing contractors to provide towing services for the Borough of Carlstadt on a rotating basis and to establish, pursuant to N.J.S.A. 40:48-2.49, regulations governing operators engaged in the removal of motor vehicles.

6-12.2. Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

ABANDONED — Any automobile which is parked without the current year's registration or license plates, as required by law, for a period of more than 48 hours or is positioned so as to constitute an obstruction to traffic.

AUTOMOBILE — A motor vehicle of a passenger, station wagon or sports utility type that is owned or leased and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; a motor vehicle with a pickup body, or delivery sedan, a van, or a panel truck or a camper-type vehicle used for recreational purposes owned by an individual, not customarily used in the occupation, profession or business of the owner(s).

BASIC TOWING SERVICE — The removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm, at the request of authorized personnel or members of the Carlstadt Police Department and may be at the request or call of authorized police personnel when required for vehicles that are abandoned disabled, damaged in accidents, illegally parked, recovered after being stolen or in the case of an emergency.

CHIEF OF POLICE — The Chief of the Carlstadt Police Department or his/her designee.

COMMERCIAL VEHICLE — Any vehicle other than that as defined as an automobile pursuant to the definitions as contained in this section.

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

MOTOR VEHICLE ACCIDENT — An occurrence in which an automobile comes in contact with any other object for which the automobile must be towed or removed for placement in a storage facility. This includes all situations that are accidental as to the owner or operator of the motor vehicle even if they were caused by the intentional acts of another.

NONBASIC TOWING SERVICE — All towing services that are not basic towing services, as defined herein.

OFFICIAL TOWER — A licensed individual or entity appointed by the Mayor and Council and placed upon the rotation list that performs towing services for the Borough.

OUTSIDE SECURED — An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six feet high and which facility is to be lighted at night.

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

STORAGE SERVICES — The maximum allowable amount of storage charges to be charged per calendar day or part thereof. Each new calendar day period begins at 12:01 A.M.

TOW VEHICLE — Only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by manufacturer for the removal or transport of motor vehicles.

6-12.3. Official Towers to be Appointed; Tower's List.

- a. The Borough Council shall appoint persons or companies meeting the criteria set forth in this Ordinance and engaged in the business of offering the services of a motor vehicle towing or wrecker service, whereby damaged or disabled motor vehicles towed or otherwise removed from the place where they are damaged or disabled, by use of a tow vehicle, as defined in this chapter. Such persons or companies shall be known as "official towers". The persons or companies designated as official towers shall be included on a rotation list and shall provide basic and nonbasic towing services for the Borough of Carlstadt on a rotating basis. There shall be no more than two official towers at any given time.
- b. Official towers shall be identified by means of a license that shall be issued in accordance with the provisions of this Ordinance.
- c. By no later than December 1 of each year, applicants shall submit their applications to the Borough Clerk in accordance with the procedures set forth in this Ordinance. Each application shall be accompanied by a detailed certification certifying that the official tower meets the requirements of this Ordinance in regard to the issuance of licenses. Said application and certification shall be submitted to the Chief of Police for his review and approval. Failure to submit the certification or failure to continue to abide by the requirements of this Ordinance in regard to the issuance of a towing license shall subject the official tower to revocation of the license in accordance with the procedures contained herein.
- d. The award of a license to the successful applicants shall be subject to compliance with the license requirements of the Ordinance.
- e. Licenses shall be awarded pursuant to this Ordinance for a term of one year commencing on January 1 and ending on December 31 of each year.

6-12.4. Services to be Furnished.

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- a. Official tower shall furnish adequate and proper towing, storage and emergency services to motor vehicles damaged or disabled within the limits of the Borough when requested to do so by the Chief of Police or his authorized designee.
- b. No official tower shall subcontract any work to be performed pursuant to this Ordinance except in an emergency situation. The Chief of Police will, within his reasonable discretion, maintain objective guidelines on file as to emergencies and use of subcontractors. Any official tower shall be responsible for the services performed by the subcontractor and shall remain liable for any violation of this Ordinance by the subcontractor.
- c. Towing services must be provided on a twenty-four-hour, seven-day per week basis. It is required that a tow vehicle be on the site of the event within 15 minutes of the time of the call from the Police Department. If a towing contractor is called and for any reason does not or cannot perform the requested towing service, the next towing contractor on the list will be called to perform the towing service.
- d. If no towing contractor on the rotating list is able to perform towing services when necessary, the Borough is entitled to have said service performed by a contractor not contained on the rotating list.
- e. During adverse weather conditions or other emergency conditions, all towing contractors on the rotating list shall give priority to the requests for towing services made by the Borough over requests made by third parties.

6-12.5. Application Process.

- a. Applications for inclusion on the official towers' list shall be made to the Mayor and Council upon a form prepared by the Chief of Police and approved by the Borough Attorney and shall contain all of the following information:
 1. The name, residence and business address and telephone number of the owner of the towing company. If the owner is a corporation, the application shall contain the name, residence and business address and telephone number of every stockholder owning more than 10% of issued stock.
 2. Such information as may be required by the Mayor and Council concerning the personnel, vehicles, equipment storage facilities of such Applicant, as hereinafter provided, showing that the Applicant meets the minimum standards of performance.
 3. Policies or certificates of insurance coverage as herein provided.
 4. Certification that the applicant will be able to provide towing services anywhere in the Borough with a maximum response time of 15 minutes, except when extraordinary circumstances occur.
 5. Certification that the applicant will be available for service 24 hours a day, seven days a week, and that they will abide by the fees contained in or referred to in this section.

6. Consent to appointment of the Borough Clerk as the applicant's true and lawful attorney for the purposes of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
7. A sketch showing the location of the storage area(s), the number of cars that can be stored and the total square footage area of the storage area.
8. Agreement to abide by the general rules and regulations established by the Chief of Police in connection with towing procedures within the Borough.
- b. The applicant shall submit completed applications, in duplicate, to the Borough Clerk, who shall forward a copy to the Chief of Police for his review and approval. The review by the Chief of Police shall consist of the following:
 1. A background check to determine if either the applicant has been convicted of a criminal offense or the applicant or the applicant's employees have had their driver's licenses suspended or revoked within the past five years. Applicant's conviction of a criminal offense or applicant's or applicant's employees suspension of driver's license within the past five years may be because for disqualification from inclusion on the official towers' list.
 2. An inspection of the personnel, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the applicant and to determine compliance with applicable laws and regulations and the standards of performance required by this chapter.
- c. The Chief of Police shall conduct his review and render a report to the Mayor and Council, recommending either approval or denial of the applicant. The governing body shall take action with regard to the application within 20 days of receipt of the report of the Chief of Police. The applicant, or its representative, shall be given notice of the date on which the governing body will consider the application and shall be permitted to appear and be heard at that time.
- d. An applicant may be included on the official towers' list by the Mayor and Council, only by resolution adopted at a regular public meeting, when, after consideration of the application, and from such other information as may otherwise be obtained, the governing body finds that all of the following circumstances exist:
 1. The applicant has not knowingly and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this Ordinance.
 2. The applicant has met with the standards of this section and has forwarded the required hold harmless agreement and policies or certificates of insurance which shall be reviewed and approved by the Borough Attorney and the Borough's Risk Management Consultant.
 3. The application has been reviewed and approved by the Chief of Police.
- e. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Mayor and Council.

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6-12.6. Issuance of License.

- a. Upon approval of the application as herein provided, the Borough Clerk shall issue the applicant an official towers' license to be utilized in providing services pursuant to this Ordinance.
- b. Said license shall be in a form approved by the governing body and contain the following information at a minimum:
 1. Name and address of licensee.
 2. Number and the license and amount of fee paid.
 3. Date of issuance of the license.
 4. Signature of the Borough Clerk and the seal of the Borough.
 5. A list of all drivers, with evidence of their articulated vehicles driver's license or commercial driver's license.
 6. The expiration date of each license.
- c. The licenses shall be valid for the one-year period as set forth in this section, shall be nontransferable and shall be subject to revocation by the Mayor and Council for any of the following reasons:
 1. If it is subsequently determined that the applicant knowingly and with intent to deceive, made false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this Ordinance.
 2. Violation of any federal or state law or municipal ordinance or regulation relating to the operation of a motor vehicle or the provision of towing services.
 3. Violation of any rule or regulation promulgated by the New Jersey Department of Insurance.
 4. Unsatisfactory service provided pursuant to this Ordinance.
 5. Failure to annually certify compliance with the requirements of this Ordinance as required by Section 6-12.3C.
- d. The fee for the license issued under this section shall be \$1,000 per year.
- e. Licenses shall not be transferable.

6-12.7. Minimum Standards of Performance. To qualify for inclusion on the list of official towers, applicants must meet the following minimum standards:

- a. Minimum Vehicle Requirements. Every official tower shall maintain and have available to render services required by this section a minimum of:
 1. At least ~~two~~ **three** wreckers/tow trucks, with a boom rating of at least ~~25~~ **35** tons, of such construction and capacity that they will be able to tow any type of vehicle, one of which shall have 30,000 pounds under-reach wheel lifts.
 2. Three one-ton tow trucks with one-ton chassis with three-ton crane and wheel lifts.
 3. ~~Two~~ **Three** flatbed-type tow trucks, ~~one of which is at least 26 feet.~~
 - (a) **Including One Landoll Trailer and One Tractor**
 4. Equipment for jump starts, the changing of flat tires and portable heavy duty lighting.
- b. All equipment shall comply with all state and federal regulations and all vehicle operators shall possess a CDL license for over ~~18,000~~ **26,001** pounds.
- c. Each applicant shall submit, along with its application, proof of ownership, lease or other written agreement demonstrating availability as needed of the vehicles which will be utilized to provide services pursuant to this section.
- d. Minimum Equipment Requirements.
 1. Every tow vehicle or flatbed vehicle shall be equipped with the following:
 - (a) At least one amber rotating beacon or strobe light mounted on the highest practical location of the vehicle, visible from 360° when in use and visible at a minimum distance of 500 feet during daylight hours.
 - (b) One snatch block per winch.
 - (c) Safety tow lights or magnetic tow lights for towing vehicles at night.
 - (d) Extra chains and cables for pulling or securing a towed vehicle.
 - (e) At least one of each of the following:
 - (1) Heavy-duty broom.
 - (2) Shovel.
 - (3) Crowbar or prybar.
 - (4) Set of jumper cables.
 - (5) Flashlight.
 - (6) Two-pound or larger fire extinguisher of dry chemical type.

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- (7) One dozen flares or similar warning devices for placement at the scene of an accident or behind a disabled vehicle.
 - (8) Ten pounds of dry sand or a drying compound for gasoline and oil spilled onto the roadway.
 - (9) A sufficient quantity and types of tools to enable the tow operator to perform proper and adequate emergency service for the tow.
 2. Every tow vehicle or flatbed vehicle shall comply with all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements and shall be subject to inspection by the Chief of Police or his designee at any time. No changes may be made in said vehicles or equipment unless prior written approval is obtained from the governing body.
 3. Every tow vehicle or flatbed vehicle shall display the official tower's license and shall have the name, address and telephone number of the official tower conspicuously displayed on each vehicle as required by statute.
 4. Fee cards indicating the maximum rates for towing and storage of a vehicle within the Borough of Carlstadt shall be kept in the possession of each driver and presented to the driver or owner of any vehicle to be towed or stored.
 5. All tow vehicles must be equipped with either two-way radios and/or mobile telephone communications equipment with their principal place of business, including their garage and/or facilities to ensure the proper availability of services and equipment on behalf of the Borough and motorists.
 6. All tow vehicles shall be properly licensed and registered with the New Jersey Division of Motor Vehicles and each shall display New Jersey commercial license plates or apportioned plates consistent with the law.
- e. Minimum Personnel Requirements; Availability and Response Time.
 1. Official towers shall have available, at all times, a minimum of three persons with ~~articulated driver's licenses~~ or commercial licenses to provide the services required by this Ordinance. All persons employed by official towers to provide the services required by this Ordinance shall meet the following requirements and be subject to the following regulations
 - (a) Be able to provide minimum road service for disabled vehicles.
 - (b) Have a valid driver's license having no restrictions or conditional endorsements other than a condition requiring the wearing of eyeglasses.
 - (c) Obey all traffic laws and regulations.

- (d) Be subject to inspection by the Chief of Police of the Borough and shall be approved by the Chief prior to rendering any services pursuant to this Ordinance.
 - 2. Employees of the towing operator, in responding to a call, shall request and be afforded police assistance during the course of providing towing, emergency road services or removal of abandoned, disabled or accident vehicles when such employees find it necessary to turn around, back up, tow in the opposite direction of traffic or cross the median.
 - 3. A towing operator shall not permit a vehicle to be removed from the site of a vehicular accident, the scene of a crime or any other instance or situation without the prior approval and permission of a police officer and/or superior at the scene.
- f. Minimum Storage Requirements; Location.
- 1. Every official tower shall maintain an outside secured storage area meeting the following requirements:
 - (a) The storage area shall be capable of storing a minimum of ~~10~~ 15 passenger vehicles and one tractor and trailer. The area shall have at least 800 square feet of storage facilities to hold and protect "police hold" vehicles.
 - (b) The location of the storage area shall be within the County of Bergen, New Jersey, in an area north of State Highway Route 3, south of New Jersey Highway Route 46, east of the Hackensack River and west of the Passaic River.
 - (c) The storage area shall be fully enclosed by a sturdy fence having a minimum height of six feet with at least one lockable gate for ingress and egress and shall be lighted from dusk to dawn.
 - (d) The storage area shall be in an area legally zoned for such use.
 - (e) The storage facility shall be available 24 hours a day, 365 days per year and shall be open to the public on weekdays during normal business hours and for four hours on Saturdays. The applicant shall specify the hours that the facility will be open on Saturdays. Monday through Friday 09:00 am – 5:00 pm, Saturday 09:00 am – 1:00 pm. The applicant is not required to be open on Sundays.
 - (f) The official tower shall have an employee on duty during all hours in which the storage facility is open.
 - (g) ~~The official tower shall not charge a release fee or other charge for releasing vehicles to their owners after normal business hours or on weekends.~~

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- (h) The official tower shall be allowed to charge an afterhours release fee charge for releasing vehicles to their owners outside of Monday through Friday 09:00 am– 5:00 pm, Saturday 09:00 am – 1:00 pm, or any time on Sunday.
- (i) The applicant shall, with its application, submit proof of ownership or lease of the storage area.
- (j) The official tower shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this Ordinance. The official tower shall be liable for any damage incurred by such vehicles while in transit to or while stored in the storage area.

6-12.8. Utilization of the Official Towers' List.

- a. Official towers shall be placed on the official towers' list at the beginning of each year in accordance with the procedures as set forth in this Ordinance.
- b. Official towers shall rotate on the list for two weeks at a time or for such a period as designated by the Chief of Police. The two-week rotation shall commence at 12:01 a.m. Saturday and terminate at 12:00 p.m. the second Friday thereafter.
- c. All requests for service shall be made by the Chief of Police or his official designee.
- d. The Borough shall request wrecking, towing and storage services from each official tower in rotation. When called, the tower shall advise the dispatcher if a vehicle is available and the estimated time of arrival. If no tow vehicle is available or if, in the discretion of the Police Chief, or his designee making the request, the response time is insufficient under the circumstances to properly protect the public health, safety or welfare, the next official tower on the list shall be called for that particular towing event.
- e. During adverse weather conditions, heavy traffic conditions or emergency conditions, official towers shall give priority to requests from the Borough over any other requests that shall be received by the official towers.

6-12.9. Hold Harmless Agreement. Applicant shall agree in writing to assume the defense of and indemnify and hold harmless the Borough, its elected officials, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims, fees, costs, expenses, fines or penalties to which the Borough may be subjected of any kind and nature whatsoever resulting from, caused by, arising out of or as a consequence of the provisions of towing, wrecking, storage and/or emergency services provided at the request of the Borough pursuant to this Ordinance. Official towers shall enter into a hold harmless agreement in a form to be prepared by the Borough Attorney prior to being included on the official towers' list.

6-12.10. Insurance.

- a. The Tower shall maintain, during the life of its license, insurance policies of the type and with the minimum limits indicated below and, in a form, satisfactory to the Borough.

The Tower shall provide a certified copy of the policies and/or certificates of insurance satisfactory to the Borough prior to commencement of work. All policies and/or certificates shall be submitted to the Borough Risk Management Consultant for review and approval.

1. Garage Liability Insurance: limit of liability shall not be less than \$1,000,000 combined single limit (bodily injury and property damage) per occurrence, including premises operations and products/completed operation.
 2. Garage keepers' Insurance: physical damage insurance policies shall be specifically endorsed to provide "direct primary" insurance, where applicable, for vehicles in tow, possession of, or storage on property owned or controlled by the Tower. Limit of said coverage shall be not less than \$500,000.
 3. Automobile Liability Insurance: limit of liability shall not be less than \$1,000,000 combined single limit (bodily injury and property damage) per occurrence.
 4. Excess Umbrella Insurance: Limit of liability shall be not less than \$2,000,000 providing protection in excess of the \$1,000,000 garage and automobile liability coverage. Note: this requirement may be waived if the limits of liability in paragraphs a1 and 3 are not less than \$2,000,000 combined single limit.
 5. Workers Compensation Insurance: New Jersey statutory coverage, including employers' liability coverage.
- b. On all liability policies, the Borough shall be added as an additional insured, and insurance policies and/or certificates shall indicate such coverage as primary coverage notwithstanding any insurance carried by the Borough.
 - c. The official tower shall indemnify the Borough and the public against any loss due to injuries, accident or damages of any character whatsoever where any such damage is the result of act or omission of the Tower, his agents or employees in or due to the execution of the work called for under the contract.
 - d. Certified copies of all insurance policies provided above or certificates thereof must be furnished to the Borough and be in acceptable to the Borough Attorney and Borough Risk Management Consultant. Each such policy or certificate shall contain a provision that it is not subject to material change, cancellation or nonrenewal unless 30 days' prior written notice via certified mail/return receipt shall have been given to the Borough by the tower's insurer. These must be received 30 days prior to commencement of work.
 - e. The provider of any insurance required herein does not relieve the official tower of any of the responsibilities or obligations assumed by the Tower for which the Tower may be liable by law or otherwise.

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- f. If any policies contain deductible or copayments, it shall be responsibility of the official tower to pay such sums at the same time a claim is settled by the Tower's insurance company.
- g. If any policies contain limits of liability with an aggregate limit, the official tower or Tower's insurance company shall provide the Borough a statement evidencing the limits of liability required under the contract to be in force quarterly.
- h. Failure to provide and continue in force such insurance as required above shall be deemed a violation of this Ordinance and may subject official tower to suspension or revocation of the license issued hereunder.
- i. All policies shall be written in either a company licensed to do business in the State of New Jersey or a New Jersey eligible Surplus Lines Company with a minimum Best rating A-VII (A minus seven). They shall be written on an ISO (Insurance Service Office) form or better.
- j. ~~6-12.11. Towing and Storage Fee Schedule. [Amended 6-17-2020 by Ord. No. 20-5]~~
 - a. ~~Fees for towing and storage, to the extent such fees are not specified herein, may not exceed the fees established by the New Jersey State Police.~~
 - b. ~~Roadside service.~~
 - 1. ~~Passenger cars, tire change, jump start: \$125 per hour plus parts.~~
 - 2. ~~Trucks (medium/ heavy): \$175 per hour plus parts.~~
 - c. ~~Towing.~~
 - 1. ~~Motorcycles or motor scooters: \$150.~~
 - 2. ~~Light duty (up to 10,000 pounds), hook up: \$150.~~
 - 3. ~~Medium duty (10,001 pounds to 16,000 pounds): \$250 per hour.~~
 - 4. ~~Heavy duty (16,001 pounds and above): \$500 per hour.~~
 - 5. ~~Decoupling fee (if tow is not performed): 1/2 of basic charge.~~
 - d. ~~Recovery/winch (in addition to towing, per truck, including driver).~~
 - 1. ~~Light/medium duty (10,001 pounds to 16,000 pounds): \$175 per 1/2 hour.~~
 - 2. ~~Heavy duty (16,001 pounds and above): \$600 per hour.~~
 - 3. ~~Rotator/crane recovery unit: \$1,200 per hour.~~
 - 4. ~~Tractor with Landoll trailer or detach trailer: \$450 per hour.~~
 - 5. ~~Tractor/transport hauler only: \$250 per hour.~~
 - 6. ~~Refrigerated trailer with tractor: \$450 per hour.~~
 - 7. ~~Box trailer with tractor: \$400 per hour.~~
 - 8. ~~Air cushion unit: \$1,000 per hour.~~
 - 9. ~~Light tower: \$250 per hour.~~
 - 10. ~~Pallet jack: \$200.~~
 - 11. ~~Rollers: \$200.~~
 - 12. ~~Any other specialized equipment: \$250 per hour.~~
 - 13. ~~Loader/backhoe/telescopic handler/bulldozer/bobcat: \$300 per hour, each.~~
 - 14. ~~Forklift: \$300 per hour.~~
 - 15. ~~Dump truck/dump trailer with tractor: \$350 per hour.~~

- ~~16. Roll-off with container: \$350 per hour plus disposal.~~
- ~~17. Recovery supervisor vehicle: \$150 per hour.~~
- ~~18. Scene safety equipment, communications, traffic management, etc.: \$250 per hour, each.~~
- ~~19. Recovery support vehicle/trailer, additional recovery equipment: \$350 per hour.~~
- ~~e. Storage of vehicles per calendar day (inside rates two times outside rate).~~
 - ~~1. Cars/light trucks, ten-foot by twenty-foot space: \$45 per day.~~
- ~~2. Trucks (dual wheels)/single axle: \$90 per day.~~
- ~~3. Tractor/dump truck/tractor and trailer combo/trailers: \$125 per unit, per day.~~
- ~~4. Buses: \$150 per day.~~
- ~~5. Roll-off: \$125 per day, each.~~
- ~~6. Cargo/accident debris/load storage/vehicle components: \$45 per space used, per day.~~
- ~~7. Rental of any tow company supplied trailer post-accident: \$500 per day.~~
- ~~f. Mileage fees.~~
 - ~~1. There shall be no mileage fees for medium-duty and heavy-duty vehicles charged to an owner or driver for any mileage within the borders of the Borough of Carlstadt or for any mileage within the borders of the Borough to the tow operator's facility. Mileage fees are permitted for light-duty vehicles at the rate of \$6 per loaded mile within the Borough or to the tow operator's facility. Alternate destination tows will be negotiated between the towing company and the owner or driver.~~
 - ~~2. Fees for towing vehicles into or out of the Borough of Carlstadt must be agreed upon by the owner of any such vehicle, in writing, prior to the vehicle being towed. The owner or operator of a vehicle shall have the right to select a tower of his or her choice, including towers with a place of business outside of the Borough, provided that such disabled vehicle is not then interfering with the vehicular or pedestrian flow of traffic and that the location of such vehicle does not present a danger to vehicular or pedestrian traffic.~~
- ~~g. Additional services.~~
 - ~~1. Accident minor clean up and disposal of debris: \$75 per hour (one hour minimum), plus absorbent material used.~~
 - ~~2. Recovery supervisor and/or Level III specialist: \$225 per hour.~~
 - ~~3. Certified towing operator: \$125 per hour, per man.~~
 - ~~4. Manual laborers: \$100 per hour, per man.~~
 - ~~5. Fuel HazMat/spills clean up and disposal: time and material.~~
 - ~~6. HazMat and trash recovery: surcharged 10%.~~
 - ~~7. Subcontractor mark up: 10%.~~
 - ~~8. Administrative charge (only after third visit to vehicle): cars only, \$50.~~
 - ~~9. Administrative charge (medium/heavy trucks): \$200.~~
 - ~~10. After-hours release: \$75.~~
 - ~~11. Notification documentation fee: \$50.~~
 - ~~12. Tarping/wrapping vehicles: \$90 car; \$250 truck.~~
 - ~~13. Go jacks/skates: \$40.~~
 - ~~14. Borough administration fee: \$35.~~
 - ~~15. For anything not covered in this rate list, the usual and customary fee should apply.~~

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~~h. Fee cards. Fee cards conspicuously indicating the maximum rates for towing and storage of a vehicle within the Borough shall be kept in the possession of the drivers of all wreckers and presented to the driver or owner of any vehicle to be towed.~~

~~i. Itemized bill. The owner and/or occupier of any towed vehicle shall be presented with an itemized bill detailing all of the charges which the tower has billed on or before payment has been made by such vehicle owner.~~

Towing and Storage Fee Schedule:

a. Fees for towing and storage, to the extent such fees are not specified herein, may not exceed the fees established by the New Jersey State Police.

b. Roadside service.

1. Passenger cars, tire change, jump start: \$125 per hour plus parts.
2. Trucks (medium/heavy): \$175 per hour plus parts.

c. Towing.

1. Motorcycles or motor scooters: \$150.
2. Light duty (up to 10,000 pounds), hook up: \$150.
3. Medium duty (10,001 pounds to 16,000 pounds): \$250 per hour.
4. Heavy duty (16,001 pounds and above): \$500 per hour.
5. Decoupling fee (if tow is not performed): 1/2 of basic charge.

d. Recovery/winching (in addition to towing, per truck, including driver).

1. Light/medium duty (10,001 pounds to 16,000 pounds): \$175 per 1/2 hour.
2. Heavy duty (16,001 pounds and above): \$600 per hour.
3. Rotator/crane recovery unit: \$1,200 per hour.
4. Tractor with Landoll trailer or detach trailer: \$450 per hour.
5. Tractor/transport hauler only: \$250 per hour.
6. Refrigerated trailer with tractor: \$450 per hour.
7. Box trailer with tractor: \$400 per hour.
8. Air cushion unit: \$1,000 per hour.
9. Light tower: \$250 per hour.
10. Pallet jack: \$200.
11. Rollers: \$200.
12. Any other specialized equipment: \$250 per hour.
13. Loader/backhoe/telescopic handler/ bulldozer/bobcat: \$300 per hour, each.
14. Forklift: \$300 per hour.
15. Dump truck/dump trailer with tractor: \$350 per hour.
16. Roll-off with container: \$350 per hour plus disposal.

17. Recovery supervisor vehicle: \$150 per hour.
18. Scene safety equipment, communications, traffic management, etc.: \$250 per hour, each
19. Recovery support vehicle/trailer, additional recovery equipment: \$350 per hour.

e. Storage of vehicles per calendar day (inside rates two times outside rate).

1. Cars/light trucks, ten-foot-by-twenty-foot space: \$45 per day.
2. Trucks (dual wheels)/single axle: \$90 per day.
3. Tractor/dump truck/tractor and trailer combo/trailers: \$125 per unit, per day.
4. Buses: \$150 per day.
5. Roll-off: \$125 per day, each.
6. Cargo/accident debris/load storage/vehicle components: \$45 per space used, per day.
7. Rental of any tow-company-supplied trailer post-accident: \$500 per day.

f. Mileage fees.

1. There shall be no mileage fees for medium-duty and heavy-duty vehicles charged to an owner or driver for any mileage within the borders of the Borough of Carlstadt or for any mileage within the borders of the Borough to the tow operator's facility. Mileage fees are permitted for light-duty vehicles at the rate of \$6 per loaded mile within the Borough or to the tow operator's facility. Alternate-destination tows will be negotiated between the towing company and the owner or driver.

2. Fees for towing vehicles into or out of the Borough of Carlstadt must be agreed upon by the owner of any such vehicle, in writing, prior to the vehicle being towed. The owner or operator of a vehicle shall have the right to select a tower of his or her choice, including towers with a place of business outside of the Borough, provided that such disabled vehicle is not then interfering with the vehicular or pedestrian flow of traffic and that the location of such vehicle does not present a danger to vehicular or pedestrian traffic.

g. Additional services.

1. Accident minor clean-up and disposal of debris: \$75 per hour (one-hour minimum), plus absorbent material used.
2. Recovery supervisor and/or Level III specialist: \$225 per hour.
3. Certified towing operator: \$125 per hour, per man.
4. Manual laborers: \$100 per hour, per man.
5. Fuel/HazMat/spills clean-up and disposal: time and material.
6. HazMat and trash recovery: surcharged 10%.
7. Subcontractor mark-up: 10%.
8. Administrative charge (only after third visit to vehicle): cars only, \$50.
9. Administrative charge (medium/heavy trucks): \$200.
10. After-hours release: \$75.

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11. Notification documentation fee: \$50.
12. Tarping/wrapping vehicles: \$90 car; \$250 truck.
13. Go jacks/skates: \$40.
14. Borough Administration Fee: \$35;
15. For anything not covered in this rate list, the usual and customary fee should apply.

h. Fee cards.

Fee cards conspicuously indicating the maximum rates for towing and storage of a vehicle within the Borough shall be kept in the possession of the drivers of all wreckers and presented to the driver or owner of any vehicle to be towed.

i. Itemized Bill.

The owner and/or occupier of any towed vehicle shall be presented with an itemized bill detailing all of the charges which the tower has billed on or before payment has been made by such vehicle owner.

6-12.12. Miscellaneous Provisions.

- a. Copies of this Ordinance and the schedule of fees that are to be charged by official towers shall be made available to the public during normal business hours at the Borough Clerk's office and the Police Department. Copies shall also be made available to the public at each official tower's place of business. A copy of this Ordinance will be sent to the New Jersey Local Finance Board.
- b. All official towers shall post, in a prominent place at each storage area clearly visible to the public, a schedule of the fees that may be charged for all services provided pursuant to this Ordinance.
- c. The Borough reserves the right to make periodic unannounced inspections of the personnel, vehicles, equipment and storage areas of all official towers.
- d. The relationship between an official tower and the Borough is one of an independent contractors. Neither party shall be construed in any manner whatsoever to be an employee of the other, nor shall any employee or agent furnished by any party be construed to be an employee or agent of the other party. Inclusion on the official towers' list shall not be construed or considered as a joint venture, partnership, association, contract of employment or profit-sharing agreement.
- e. The municipality shall not be liable or responsible for compensating the official towers for any of the services performed under this section unless those services are performed for vehicles owned by the Borough. Compensation shall be the responsibility of the owner of the towed motor vehicles, and the official tower shall proceed directly against the owner in the event of nonpayment.

f. The official tower shall, at all times, be solely responsible for the conduct of its employees. No licensee shall discriminate as to hiring or employment practices. Licensee shall be required to sign a nondiscrimination statement.

g. The official tower shall send a copy of each tow within the Borough of Carlstadt to the Carlstadt Police Chief or his designee. The official tower shall deliver this to the Carlstadt Police Department prior to their two-week rotation. The Police Chief or his designee shall include this in the monthly report to the Police Commission.

h. The official tower shall comply with all state and federal laws and regulations concerning wages, hours and terms of employment.

6-12.13. Dispute Resolution and License Suspension or Revocation.

a. All complaints received by the Borough involving the improper or unsatisfactory performance of services by an official tower shall be immediately turned over to the Police Chief who shall provide written notice of the same to the official tower involved, with copies to the Mayor and Council and Borough Administrator. The tower shall have the opportunity to respond, in writing, within seven days.

b. Within 14 days of receipt of the Tower's response, or within 21 days of receipt of the complaint if no response is received, the Police Chief shall present the matter to the governing body.

c. The Mayor and Council shall, thereafter, consider the matter at a meeting and may request that the complainant and the tower involved appear and give testimony regarding the complaint.

d. After considering the matter, the Mayor and Council, shall make known its determination on the record and, if finding in favor of the complainant and against the official tower, may consider and impose the following penalties:

1. Suspension of the official tower's license.
2. Revocation of such license for a fixed period or duration.
3. Permanent revocation of the official tower's license.
4. Such other penalty as the Mayor and Council deems just and appropriate under the circumstances.

e. In considering the imposition of a suspension, revocation or other penalty, the Mayor and Council shall take into account factors, including, but not limited to, any prior violations of the Tower, the nature and seriousness of the complaint and the danger to the health, safety and welfare of the public.

f. Failure to surrender the license upon revocation shall constitute of violation of this Ordinance.

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g. Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against an official tower in a court of competent jurisdiction.

6-12.14. Violations and Penalties; Enforcement.

a. Any person who shall violate any provisions of this Ordinance shall, upon such determination of the governing body, be punished by a fine not to exceed \$1,000; and each violation of any of the provisions of this Ordinance and each day the same is violated shall be deemed and taken to be a separate and distinct offence.

b. In addition to the fine provided above, the violation of the provisions of this Ordinance shall be cause for the suspension or revocation of the official Towers license.

c. The Borough Police Department or any member thereof is hereby declared to be the enforcement agency of this Ordinance in accordance with due process law.

6-12.15. Additional Restrictions and Requirements.

a. Abandoned and Unclaimed Motor Vehicles; Auctions.

1. A "junk vehicle" shall be defined as a motor vehicle incapable of being operated safely or of being put in a safe operational condition except at a cost in excess of the value thereof. If the vehicle is unclaimed by the owner or other persons having legal right thereto for a period of 15 business days, the licensee shall notify a designee of the Police Department that the vehicle has been held for the statutory time and that the vehicle is ready for sale.

2. An "abandoned vehicle" shall be defined as a motor vehicle which cannot be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3. If the vehicle is unclaimed by the owner or other persons having legal right thereto for a period of 20 business days, the licensee shall notify a designee of the Police Department that the vehicle has been held of the statutory time and that the vehicle is ready for sale.

3. The Carlstadt Police Department, on behalf of all the licensees hereunder, shall be charged with the obligation to obtain junk titles from the Commissioner of the Motor Vehicle Commission whether any such vehicle is denominated as a junk vehicle and/or an abandoned vehicle pursuant to N.J.S.A. 38:10A-1 et seq. For purposes of this section, all such licensees shall be defined as a "motor vehicle repair facility" by either trade name and/or corporate designation. The owner of vehicles towed by order of the Police Department for violations of law and/or are deemed to be abandoned shall be subject to provide any licensee hereunder with the necessary title provided for in N.J.S.A. 38A:10A-1 et seq.

4. Procedure for Action of Abandoned and Unclaimed Motor Vehicles:

(a) On a monthly basis, each licensee shall forward to the Chief of Police, or his designee, a report listing all vehicles still in storage that remain unclaimed by the owners. This list will also indicate those vehicles qualified to be processed for a "junk title" based upon their physical and/or mechanical condition. The Chief of Police, or his designee, will then process the necessary paperwork through the NJMVC to obtain a junk title for the abandoned/unclaimed vehicle. Upon receipt of the title the Borough of Carlstadt will then turn over the junk title to the licensee for proper disposal of the vehicle.

(b) If a vehicle is deemed worthy of auction, then the Borough of Carlstadt will process vehicle as per the requirements provided by NJMVC in "Public Agency's Guide to Abandoned & Unclaimed Vehicles" [OS/SS-322(R/15)]. The Borough of Carlstadt will hold auctions at the Carlstadt Memorial Building within a reasonable amount of time from receipt of the OS/SS-88 from NJMVC. The Borough of Carlstadt will establish the open bid based on local current market value as required by the NJMVC.

(c) If the vehicle is sold a public auction, the licensee will be paid any towing and storage charges due, the Borough will be reimbursed any fees incurred to conduct the action, and then the remainder will go to the Borough of Carlstadt Treasurer for receipt. The Borough of Carlstadt will provide the buyer all the necessary paperwork to obtain a title in their name. However, the vehicle will not leave the licensee's location until the vehicle is titled in the buyer's name and there is proof of insurance provided to the Borough of Carlstadt. The licensee will give the buyer 48 hours to obtain necessary paperwork and release before storage fees resume at the Borough authorized rate.

(d) If the vehicle is not sold, then the Borough of Carlstadt will complete the process, obtain a valid title, and turn the title over to the licensee. In the event the proceeds do not cover the outstanding towing and storage charges, then the excess will be waived by the licensee and no further funds will be due from the Borough of Carlstadt or the purchaser of the vehicle.

5. This section will be administered in accordance with N.J.S.A. 39A:10-1 et seq.

6-12.16.

(Reserved)

6-12.17.

(Reserved)

6-12.18.

(Reserved)

6-12.19.

(Reserved)

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Savings Clause. All other provisions of Chapter VI, Section 12 “Towing of Vehicles”, shall remain in full force and effect.

Repeal of Prior or Inconsistent Ordinance. All ordinances or parts thereof inconsistent herewith are hereby repealed as to such inconsistency only.

Severability. If any section, clause, sentence or other part of this Ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date. This Ordinance shall take effect immediately upon passage and publication as required by law.

RESOLUTION NO. 2024-100-D

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE AMENDING CHAPTER VI, SECTION 12 “TOWING OF VEHICLES”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 15th day of May, 2024 at 7:00 o’clock P.M. or as soon thereafter as the matter can be reached, at the regular meeting place of the Carlstadt Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk be, and she hereby is, authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Mayor Zimmermann entertained a motion to introduce the Towing of Vehicles Ordinance No. 24-3. On motion by Emerson, seconded by Stoltz, unanimous on call of roll of those present.

Mr. Crifasi mentioned the second one that has been prepared is we adopted the hours of operation for our parks. Unfortunately, it was put into the section A which is the public basketball and the rinks and it did not refer to the complex on Garden Street. We have to change it to all the parks in the Borough. This will be from 9:00 A.M. until one hour after sunset and for Carlstadt residents only.

Mayor Zimmermann entertained a motion for first reading on this ordinance. On motion by Emerson, seconded by DeBiase, unanimous on call of roll of those present.

Mr. Crifasi said the only other one we have to work on for the next meeting is the hotel occupancy. Our Borough Attorney, Joseph Donahue, worked on an ordinance for open session. This will limit the stay at hotels. We did not have any long term stays in Carlstadt. Mr. Donahue is wording the ordinance that states the limitation of how long you can stay in hotels.

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Councilman Emerson said that in our complex where the big goal fences are at the bottom, they are basically buckled. This is from the ball pressure. Mr. Crifasi said we will add a fence post in the middle and stretch it and when the ball gets kicked, the fence won't stretch. Councilman Emerson said the caps on the fence have popped off already. Two of them were found on Garden Street.

Mayor Zimmermann entertained a motion to adjourn the meeting at 10:25 P.M. On motion by Emerson, seconded by Fonseca, unanimous on call of roll of those present.

APPROVED: _____
ROBERT J. ZIMMERMANN, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK