

**REGULAR MEETING  
Mayor and Council  
Borough of Harrington Park, New Jersey  
November 18, 2019**

**(PAH) Call Meeting to Order**

**Time: 7:01pm**

**Mayor's Announcement:**

In compliance with Chapter 231, Public Law 1975, adequate notice of the meeting was made. It is included in the Annual Meetings posted on the bulletin board in the Municipal Center. Copies have been emailed to the BERGEN RECORD, SUBURBANITE and THE NORTHERN VALLEY PRESS. A copy has been filed with the Borough Clerk, and copies have been provided to individuals requesting the same.

**(ALB) Roll Call:**

	PRESENT	ABSENT
NAPOLITANO(AN)	x	
EVANELLA (GE)	x	
WALKER (DW)	x	
BROCKMAN (JB)	x	
PEDERSEN (JP)		x
CHUNG (JC)	x	

**Also present:**

**Ms. Ann H. Bistriz, Borough Clerk (ALB)  
Mr. Kunjesh Trivedi, CFO CTC (KJT)  
Mr. John Dineen, Borough Attorney (JRD)**

**(PAH) Flag Salute**

**(PAH) Minutes Approval**

**October 15, 2019**

**Motion AN**

**Second JB**

**Discussion No Discussion**

**Vote AIF**

**October 21, 2019**

**Motion GE**

**Second JC**

**Discussion No Discussion**

**Vote AIF**

**(PAH) Consent Agenda-Resolutions-**

**All matters listed under this section are considered to be routine by the Borough Council and will be enacted by one motion as listed below. There will not be separate discussion of**

these items. Should discussion be desired, that item will be removed from the Consent Agenda and will be considered separately under New or Old Business on the Agenda.

**Consent Approval (A- D)**

**A Amendatory Resolution BCUW 2019-138**

**B Authorization to Purchase Fire Truck 2019-139**

**C Payment of Claims 2019-140**

**D Authorization of Professional Services (Neglia Engineering/Pavilion Project) 2019-141**

**Motion AN**

**Second JC**

**No Discussion**

**Roll Call AIF (JB Abstain B)**

**(PAH) Consent Correspondence “AA”**

**Motion JC**

**Second DW**

**Vote AIF**

### **Individual Committee Reports**

**(PAH) Mayor Hoelscher**

**(AN) Planning Bd., Bd. of Adjustment, Construction, Fire, Ambulance**

**Building Department:** \$18,185 for permits

**Fire Department:** 14 Calls, 2 Drills, 1 Officer’s Meeting, 1 Interboro Meeting, attended 1 parade. Help with the HP 5K.

Members help a vendor with photographs for products and in return provided the donation of lights to the Department.

AN would like Council to consider replacing another Chief’s car for the Department.

The current one is over 10 years old and has electrical problems. It’s currently in rotation but not as dependable as the Department would like. AN has worked with the Department and the Finance Department to implement a long term spending plan so there is a list of expiring equipment and potential equipment to be budgeted in the future, so the Council can be prepared and fiscally responsible.

Discussion followed by GE to inquire into the allowable usage of the Chief Vehicles outside the use of the Fire Department. AN response-there is reporting and monitoring on the use of the vehicles which is primarily in the vicinity of the Borough. However, they are permitted to be used for transportation to the Annual Fire Convention and any training that is necessary.

**Ambulance Corps:** 10 Calls, 9 Mutual Aid

**(GE) Police, Municipal Court, Personnel**

**(DW) DPW, Building & Grounds, Sanitation/Recycling**

**(JB) Board of Health, Environmental Commission**

**(JP) Finance, Admin. & Exec., Grants**

**(JC) Recreation Commission, Liaison to Board of Education, Public Information**  
No report-Meeting will be Nov. 18<sup>th</sup>.

**(ALB) Borough Clerk/Administrator**

**Old Business**

**(AN)** Inquiry of email to CSX regarding the fire that took place behind the Police Station on the tracks. He saw an inspector at the site and he pointed out the location of the incident. AN also noted the amount of trains and the slow speed-he is concerned out the availability of first responders for emergencies.  
ALB will reach out to her contacts to determine the status of all above.

**New Business**

**(JC)** There is a need for a computer for the Recreation Director. KJT is already in the works to be ordered.

**Meeting Open to the Public**

**Motion GE**

**Second DW**

**Vote AIF**

No one present

**Meeting Closed to the Public**

**Motion GE**

**Second JC**

**Vote AIF**

**(PAH) Mavor's Report**

- **Sine Die January 4, 2020 at 11:30 am followed by the 2020 Reorganization Meeting at Noon.**
- **Suellen Spillane will be honored as Citizen of the Year at the December 16, 2019 meeting.**
- **Chief Maalouf will also honor Doreen Tietz who is retiring as a crossing guard.**
- **Borough Parking Lot has been paved, striping has been delayed due to the weather.**

**Ordinances**

**(GE) Ordinance #742 Second Reading by title only-Addendum -E**

AN ORDINANCE OF THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 66 OF THE BOROUGH CODE OF THE

BOROUGH OF HARRINGTON PARK (Police Promotion Process)

**Motion GE**  
**Second AN**

**Meeting Open for Discussion of Ordinance #742 Only**  
**Motion GE**  
**Second AN**  
**Vote AIF**

**No one present for discussion**

**Meeting Closed to Discussion**  
**Motion GE**  
**Second DW**  
**Vote AIF**

**Discussion by Council-None**  
**Roll Call Vote AIF**

**(GE) Introduction of Regulation Towing and Storage of Vehicles Ordinance #743 by title only-Addendum F**  
**Motion GE**  
**Second JB**  
**Discussion-(ALB) Ordinance is necessary for legal purposes**  
**Vote AIF**

**(PAH) Motion for Closed Session GE Time: 7:27pm**  
**Second DW**  
**Vote AIF**

**RESOLUTION**

**WHEREAS**, N.J.S.A. 10:4-12 permits a public body to conduct business in Closed Session during a public meeting; and

**WHEREAS**, the Mayor and Council deem it necessary to discuss certain matters in Closed Session as permitted by the aforesaid statute.

**(GE) Contractual-Police Chief**

**BE IT FURTHER RESOLVED** that discussion of the aforementioned subjects may be made public at such time as disclosure of the discussion will not detrimentally affect the interest and Borough as to said discussion.

**Return to Open Session 7:55pm**  
**Adjournment-Time: 7:55pm**  
**Motion: GE**  
**Second: DW**  
**Vote: AIF**

**Addendum A**  
**RESOLUTION**  
**2019-138**

**AMENDATORY Resolution**  
Borough of Harrington Park

WHEREAS, the Borough of Harrington Park has for a long time worked with BC UW/Madeline to identify and construct affordable housing opportunities for persons with handicaps within the Borough of Harrington Park;

WHEREAS, over a lengthy process BC UW/Madeline has engaged various developers to assist in the selection/financing and construction of a project within the Borough of Harrington Park meeting such needs;

WHEREAS, BC UW/Madeline has secured a site which has been included in the resolution of the COAH litigation involving the Borough of Harrington Park and entitled *In the Matter of the Application of the Borough of Harrington Park*, County of Bergen, BER-L-6299-15;

WHEREAS, the Court has accepted and endorsed the resolution of such litigation which specifically anticipates the construction by BC UW/Madeline of handicap assisted housing within the Borough of Harrington Park;

WHEREAS, BC UW/Madeline is preliminarily processing paperwork for site plan approval to begin the construction of the housing anticipated by Court Order but has in fact incurred substantial expense bringing this project to fruition;

WHEREAS, BC UW/Madeline has requested that the Borough of Harrington Park waive the customary site plan, subdivision and permit fees (not to include professional escrows or) necessary to process the application to build;

WHEREAS, the Mayor & Council have determined that BC UW/Madeline has been an active partner in assisting the Borough in providing for such needed housing and that such efforts warrant the Borough of Harrington Park, in this instance, to waive those fees for site plan, subdivision and permitting and allowing for the construction of the proposed project;

NOW THEREFORE BE IT RESOLVED the Borough clerk, Chief Financial Officer or such other authorized person shall attend to waiving the fees referenced for the benefit of the BC UW/Madeline project.

**Addendum B**  
**Resolution**  
**2019-139**  
**Authorization to Purchase Fire Truck**

**WHEREAS**, P.L. 2011, c139 permits local government units to utilize national cooperative contracts as a method of procurement for goods and services pursuant to N.J.S.A 52:34-6.2.(b)(3); and

**WHEREAS**, The Borough of Harrington Park Resolution 2019-120 authorizes The Borough of Harrington Park to utilize the Houston Galveston Area Council's Cooperative Purchasing Program (HGAC) as a duly qualified national cooperative purchasing entity; and

**WHEREAS**, The Borough of Harrington Park Fire Department has been authorized to purchase one (1) Pierce HGAC Base Model TA03 Impel Single Axle 107ft Ascendant Aerial from Enforcer single Axle 107ft ascendant Aerial with Options; and (1) Ford F550 Mini Pumper HGAC TB02.

**WHEREAS**, The Borough solicited and received a quote dated 07-25-19 (1) Pierce HGAC Base Model TA03 Impel Single Axle 107ft Ascendant Aerial from Enforcer single Axle 107ft ascendant Aerial with Option utilizing Houston Galveston Area Council's Cooperative Purchasing Program (HGAC) National Purchasing Contract in the amount of \$1,020,564.29; and (1) Ford F550 Mini Pumper HGAC TB02 in the amount of \$301,589.63.

**WHEREAS**, The Borough Council has determined that the lowest responsive/responsible quote for both is 1,322,153.92; and

**WHEREAS**, the Chief Financial Officer has provided a Certification as to Availability of Funds; and C 04-55-219-733-001.

**WHEREAS**, The Borough has requested and received from Fire and Safety Services, Inc. required documents, including a Business Entity Disclosure Certificate, pursuant to N.J.S.A.P.L. 2011, c.139, to be in compliance with N.J.S.A.40A:11-1 et seq.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of The Borough of Harrington Park, County of Bergen, State of New Jersey awards a contract with Fire & Safety Services Inc., as an authorized vendor the HGAC National Purchasing Contract #FS12-17 for the purchase of one (1) Pierce HGAC Base Model TA03 Impel Single Axle 107ft Ascendant Aerial from Enforcer single Axle 107ft ascendant Aerial to exceed \$ 1,020,564.29 in accordance with the quoted HGAC Contract Pricing Worksheet and (1) Ford F550 Mini Pumper HGAC TB02 in the not to exceed amount of \$301,589.63 in accordance with the quoted HGAC Contract Pricing Worksheet.

**BE IT FURTHER RESOLVED**, that the contract amount shall not exceed the amount of the agreement to be entered into between the parties without further authorization of the Governing Body; and the Chief Financial Officer has certified that the funds are available in account number C 04-55-219-733-001.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk shall forward a copy of this Resolution to the Chief Financial Officer, QPA, Fire Chief and HGAC.

#### **Addendum C**

**2019-140**

#### **Payment of Claims**

**WHEREAS**, claims have been submitted to the Borough of Harrington Park in the following amounts under various funds of the town:

Current Appropriations (2018)	\$ 0.0
Current Appropriations (2019)	\$ 723,330.50
General Capital Fund	\$ 8,595.52
Animal Trust	\$ 4,371.40
Miscellaneous Trust	\$ 6,205.40
Affordable Housing Trust	\$
Open Space Trust Fund	\$ 6,578.00
Grants	\$ 3,830.00
<b>Total</b>	<b>\$ 752,910.82</b>

**WHEREAS**, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, Borough Council, and the chief financial officer; and

**WHEREAS**, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Harrington Park and that the claims specified on the schedule attached hereto, following examination and approval by the Council and Chief Financial Officer and Department Head be paid and checks issued accordingly; and

**WHEREAS**, claims have already been paid in the following amounts for the purpose specified below:

Payroll- Salaries/Wages 10/25/19	\$ 121,304.31
Payroll- Salaries/Wages 11/08/19	\$ 122,804.57
Payroll- Salaries/Wages	\$
Local School- September-October 2019	\$ 2,081,118.00
Regional School –	\$
Health Benefits- July- August 2019	\$
Capital Fund	\$
Debt Services Principle (bond)	\$
Debt Services Interest	\$
Debt Service Loan/Interest (NJEIT)	\$
<b>TOTAL</b>	<b>\$ 2,325,226.88</b>

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Harrington Park that the claims totaling **\$3,078,137.70** be approved and ratified respectively.

**Addendum D  
Resolution  
2019-141**

**AGREEMENT FOR PROFESSIONAL SERVICES**

WHEREAS, Borough of Harrington Park has chosen to enter into a grant agreement in the amount of \$101,925.00 (Dollar for Dollar Matching Grant) with the Bergen County Open Space Trust Fund to construct a pavilion, drainage improvements, and electrical improvements at Highland Field within the Borough; and

WHEREAS, Neglia Engineering Associates has provided the Borough with an Agreement for Professional Services for this project; and

WHEREAS, the Agreement for Professional Services includes a lump sum cost of \$16,305.00 representing Engineering and Surveying Costs, on a time basis (schedule in contract) not to exceed \$11,000.00 representing Construction Management Services, and on a material basis (schedule in contract) not to exceed \$1,500.00 representing Reimbursable Expenses; and

WHEREAS, the CFO has certified that these funds have been appropriately budgeted for; and  
Acct#: C04-5519-731-002

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the agreement of services for the Bergen County Open Space Trust Fund project for Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, New Jersey.

**Addendum E**  
**ORDINANCE NO. #742**

AN ORDINANCE OF THE BOROUGH OF HARRINGTON PARK, IN  
THE COUNTY OF BERGEN, NEW JERSEY, AMENDING AND  
SUPPLEMENTING CHAPTER 66 OF THE BOROUGH CODE OF THE  
BOROUGH OF HARRINGTON PARK

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, THAT CHAPTER 66 OF THE BOROUGH CODE IS HERBY AMENDED AS FOLLOWS:

**§ 66-7\_A\_\_\_ Appointment and Promotion of Officers**

**Promotion of Officers – Captain, Lieutenant and Sergeant**

- A. Goals.** The Borough of Harrington Park desires to promote the most qualified candidates to the ranks of Captain, Lieutenant and Sergeant. This section establishes the eligibility requirements and the process for promotion to those ranks. In accordance with N.J.S.A. 40A:14-129, promotion of any officer shall be made from the membership of the Harrington Park Police Department.

**B. Eligibility requirements.**

- (1) **Sergeant.** For promotion to Sergeant, no person shall be eligible for such promotion unless he or she:
  - (a) Shall have served as a full-time police officer in the Harrington Park Police Department for at least three years;
  - (b) Shall be graded on all Harrington Park Police Department performance standards in his or her three most recent annual performance evaluations conducted by his or her superiors; and
  - (c) Shall possess (i) an associate's degree; or (ii) 64 college credits. This education requirement shall not apply to officers employed by the Harrington Park Police Department as of the date of the adoption of this ordinance.
  
- (2) **Lieutenant.** For promotion to Lieutenant, no person shall be eligible for such promotion unless he or she:
  - (a) Shall have served as a full-time officer on the Harrington Park Police Department for at least five (5) years;
  - (b) Shall be graded on all Harrington Park Police Department performance standards in his or her three most recent annual performance evaluations conducted by his or her superiors; and
  - (c) Shall possess a bachelor's degree or higher. This education requirement shall not apply to officers employed by the Harrington Park Police Department as of the date of the adoption of this ordinance.
  
- (3) **Captain.** For promotion to Captain, no person shall be eligible for such promotion unless he or she:
  - (a) Shall have served at least five (5) years as a full-time officer on the Harrington Park Police Departments.
  - (b) Shall be graded on all Harrington Park Police Department performance standards in his or her three most recent annual performance evaluations conducted by his or her superiors; and
  - (c) Shall possess a bachelor's degree or higher. This education requirement shall not apply to officers employed by the Harrington Park Police Department as of the date of the

adoption of this ordinance.

**C. Process.**

- (1) In creating the list of eligible candidates for promotion, the Interview Committee (comprised of the Borough Police Committee and the Chief of Police) shall score/rank each such candidate as follows:
  - (a) Each eligible candidate shall construct, write and provide an original essay, on a topic to be provided by the Chief of Police, which will be scored by the Interview Committee. The results of such written essay shall constitute 35% of the overall total score for each eligible candidate based on the score accorded to each eligible candidate arrived at averaging the total scores the individual members of the Essay Committee. The total possible points for this essay shall be 100 points. For example, a candidate whose average score for the essay is 90 points shall receive 31.5 points towards his/her overall total score ( $90 \times 35\% = 31.5$  points).
  - (b) Each eligible candidate shall be interviewed by the Interview Committee. All candidates so interviewed by the Interview Committee shall be asked the same questions. The results of such oral interview by the Interview Committee, and its consideration of the candidate's past performance based upon evaluations conducted during the preceding three years, shall constitute 65% of the overall total score for each eligible candidate based on the score accorded to each eligible candidate arrived at by averaging the total scores of the individual members of the Interview Committee for such interview. The total possible points for this oral interview shall be 100 points. For example, a candidate who receives a total of 90 points for this oral interview shall receive 58.5 points towards his/her overall total score ( $90 \times 65\% = 58.5$  points).

Assessment of any candidate by the Interview Panel shall include at least the following: employee evaluations; knowledge of police procedure and supervisory skills; merit; productivity; demonstrated ability and accomplishments; in-service education and specialized training; specialized assignments; attitude and demeanor, comportment and interpersonal skills; reputation with in the Department for fairness, lack of bias and cooperative policing, professional and civic commendations; seniority.

- (2) Candidates shall not discuss any of the questions or disclose any information about the process.
- (3) The candidate(s) receiving the highest total combined score(s) as calculated by reference to Subsection C(1)(a) and (b) above shall be deemed the first candidate recommended to the Council for promotion.
- (4) Notwithstanding anything in this chapter to the contrary, the Borough of Harrington Park reserves the right to waive the essay and/or oral interview components of the promotional process, when the number of eligible candidates for a particular position is equal to or less than the number of vacant positions and the Borough intends to fill all vacant positions., or

create a position by ordinance. If the Borough elects to so waive the essay and/or oral interview components, all other components of the promotional process within this section not so waived shall remain in effect.

- (5) Notwithstanding anything in this chapter to the contrary, the Borough of Harrington Park reserves the right to relax and/or waive the eligibility requirements for a particular position(s) if the number of eligible candidates for such position(s) is less than the number of vacant positions and the Borough intends to fill all vacant positions. If the Borough so elects to relax or waive the eligibility requirements, all candidates for the particular position(s), including those who are eligible as a result of the waiver or relaxation of such requirements, shall not be required to undergo or participate in the applicable process set forth hereinabove.
- (6) Nothing herein shall be construed as conferring a right upon any candidate to promotion, the decision of the Mayor and Council with respect to such appointment/promotion shall be absolute and the Mayor and Council in its sole and absolute discretion may determine not to create and/or fill any vacancy within the ranks of the Police Department.

#### **D. Announcement of Promotional Opportunity**

Based on an existing vacancy and after approval by the Governing Body, which may be withdrawn at any time, the Chief will announce when a promotional opportunity occurs in a given position through an announcement posted at police headquarters. The announcement shall state the position which is open, eligibility requirements, and a request that each officer submit a letter of intent, along with a standard business-type resume, within 10 days of the date of the posting. It shall also state that the process requires 1) a written essay on a topic to be provided by the Chief that will be assessed by the Chief and the Essay Committee; and 2) an Oral Interview by the Interview Committee.

For any eligible officer who does not wish to be considered, such officer shall provide a letter of declination declining to be considered. If a letter of intent or letter of declination is not received within the 10 day period, such officer shall be deemed to have declined to be considered. The 10 day deadline may be extended by the Chief for good cause.

#### **E. Duration of Eligibility List**

- A. A list of the results will be posted and an eligibility list will only remain in effect for each announced vacancy, and shall not be maintained once said announced vacancy is filled. Candidates may review their individual results through the Chief of Police.
- B. After the expiration of the eligibility list, candidates will be required to reapply for any subsequent promotional process.

#### **Promotion of Officers – Chief of Police**

The Chief of Police and Deputy Chief of Police shall be appointed by the Mayor, with the

advice and consent of the Governing Body. The process for Captains, Lieutenants and Sergeants shall not apply.

Except as modified herein, all other provisions of Chapter 66 shall remain in full force and effect as previously adopted.

**Addendum F**  
**ORDINANCE #743**  
**AN ORDINANCE REGULATING**  
**TOWING AND STORAGE OF VEHICLES**

**WHEREAS**, the Borough of Harrington Park is desirous of establishing criteria and procedures for the selection of towing contractors to be utilized by the Borough on a rotational and as-needed basis; and

**WHEREAS**, N.J.S.A. 40:48-2.49 authorizes municipalities to establish by ordinance reasonable, non-exclusionary and non-discriminatory regulations for the towing and storage of vehicles; and

**NOW, THEREFORE**, be it ordained by the Mayor and Council of the Borough of Harrington Park, County of Bergen and State of New Jersey as follows:

Section 1.     Purpose.

The purpose of this Ordinance is to establish, pursuant to N.J.S.A. 40:48-2.49, (i) a list of towing contractors to provide towing services for the Borough of Harrington Park on a rotating basis (“Towing List”) and (ii) regulations governing operators engaged in the removal of motor vehicles.

Section 2.     Application and Licensure.

A.     An individual or entity seeking placement on the Towing List shall be required to submit an application and receive the approval of the Police Department of the Borough of Harrington Park (“Police Department”) prior to the issuance of a license.

B.     All applicants are required to complete a form furnished by the Police Department, providing any and all information prescribed by the Chief of Police of the Borough of Harrington Park (“Chief of Police”). Any application deemed incomplete will be disregarded without any further notification.

C.     Each towing contractor (“Towing Contractor”) must be able to demonstrate to the Borough that it is thoroughly qualified and experienced in the towing and removal of vehicles of all types, and that it has adequate facilities, equipment, expertise, licensing, and personnel to perform the services required by these specifications in a manner satisfactory to the Police Department.

D. The Police Department shall conduct a background check of the Towing Contractor, its officers and employees prior to making a determination of placement on the Towing List.

E. A license may be denied, suspended, or revoked upon any of the following grounds:

1. Submitting a fraudulent or misleading application.
2. A criminal conviction of the towing operator or a named principal of the towing operator.
3. Failure to respond reliably to calls for assistance or any other unsatisfactory performance action which interferes with the proper operation of the rotating system maintained by the Police Department.
4. Failure to utilize safe and adequate equipment as defined herein.
5. Violations of motor vehicle laws and/or municipal ordinances.
6. Failure or refusal to tow or remove a motor vehicle when requested to do so by an appropriate municipal official.
7. Violations of the zoning ordinance or any other applicable ordinances or codes of the Borough of Harrington Park pertaining to the use or condition of the premises used by the Towing Contractor in conducting the towing business.
8. Violations of the provisions of this ordinance or any of its rules, regulations, and policies promulgated hereto.

F. Licenses shall be applicable for a one (1) year term, which shall commence January 1 through December 31. An Application must be submitted to the Police Department on or before December 1 for review to serve for the succeeding year. All applications shall be accompanied by a non-refundable fee in the amount of One Hundred and Twenty Five (\$125.00) Dollars.

G. Licenses shall be renewed annually by December 31 of the preceding year. Towing Contractors already on the Towing List will receive a renewal application by mail. The renewal fee shall be in the amount of Seventy-five (\$75.00) Dollars.

Section 3. Denial, Suspension, Revocation, Hearing.

A. When an application for a license is denied by the Borough of Harrington Park, the Applicant may serve a Notice requesting a hearing. Said Notice shall be served on the Borough Clerk and the Applicant shall set a hearing at a regularly scheduled meeting of the governing body.

B. Proceedings for the suspension or revocation of a license shall be initiated by the service of a Notice setting forth the charges proffered against the Towing Contractor. Said Notice shall be served by the Chief of Police or his/her designee, either personally or via certified mail, return receipt requested, and shall contain a date, time and place for a hearing to be held by the governing body of the Borough of Harrington Park. The Towing Contractor shall have the right to file an answer to the Notice and to appear in person, or be represented by counsel, and give testimony at the place and time fixed for the hearing.

#### Section 4. Towing List; Rotation.

A. A Towing List of the accepted Towing Contractors shall be kept with the Chief of Police. Each new Towing Contractor shall be placed on the bottom of the Towing List upon registration with the Borough. The Towing List shall be a rotating list as provided in paragraphs, B, C and D of this Section.

B. The Police Department will call the Towing Contractor on the top of the Towing List on the towing rotation schedule, on an add-needed basis. The Towing Contractor that is called, if it shall perform any of the services covered by this chapter, shall be placed at the bottom of the Towing List and not called again until all other on-call Towing Contractors on the Towing List have been called.

C. If a Towing Contractor is unavailable to perform required services when called upon by the Police Department, for any reason whatsoever, the Towing Contractor shall be charged with a call and placed at the bottom of the Towing List, and the next available on-call Towing Contractor shall be called.

D. If a Towing Contractor, after being dispatched, is recalled and is not required to perform any duties or services covered by this Ordinance, the Towing Contractor shall remain on the top of the Towing List. However, if a Towing Contractor arrives at the scene of an incident in which its services are required and cannot perform said services, it shall lose its place on the Towing List, and the next on-call Towing Contractor on the Towing List shall be called.

#### Section 5. Rules and Regulations.

A. All Towing Contractors placed on the Towing List shall be available 24 hours per day, 7 days per week, to respond to a call in accordance with the towing rotation schedule of on-call status established by the Chief of Police.

B. All Towing Contractors shall respond to a call in any part of the Borough within fifteen (15) minutes. If a Towing Contractor does not respond within fifteen (15) minutes of a call, the Towing Contractor next on the list shall be called and entitled to provide services as needed, and the first Towing Contractor shall forfeit any claim to compensation.

C. All drivers and operators of towing vehicles shall be properly licensed to operate a motor vehicle within the State of New Jersey and are subject to driver's license checks by the Police

Department at the time of registration and at least on an annual basis thereafter. All towing vehicles shall be properly registered and inspected in accordance with the applicable laws.

D. All drivers and operators of towing vehicles must tow their vehicles in a safe manner.

E. All Towing Contractors shall be capable of providing reasonable roadside services to disabled vehicles such as, but not limited to, jump-starting, changing of flat tires and providing fuel. Such services shall only be performed if they can be done safely, as determined by the police officer on the scene.

F. All Towing Contractors shall make available a copy of its basic rates and a business card to all owners and operators of motor vehicles which will be towed.

G. All Towing Contractors shall keep accurate records of all motor vehicles towed and stored at the direction of the Police Department. A copy of such records shall be provided to the Borough upon request.

H. Towing Contractors shall not remove any motor vehicle which has been abandoned or involved in an accident in any public roadway without first notifying the Police Department.

I. The owner of a motor vehicle shall have the right to request a towing service only if there is no emergency situation or imminent road hazard as determined by the Police Department.

J. The Towing Contractor shall notify the Police Department of all vehicles found by the Towing Contractor to have been abandoned and not claimed within fourteen (14) days after being stored. The Police Department shall, upon notification, expeditiously process the vehicle in accordance with the New Jersey Motor Vehicle Code concerning abandoned and unclaimed motor vehicles.

K. In the case of multiple vehicles, the Towing Contractor or the Police Department may request the help of another Towing Contractor on the Towing List.

#### Section 6. Storage Facilities.

A. All storage facilities operated or used by Towing Contractor shall meet all local zoning and code requirements, and must be located within four (4) miles of the geographic center of the Borough of Harrington Park or within the Borough.

B. All Towing Contractors shall have an indoor storage facility at its disposal for motor vehicles which have been involved in criminal activity and impounded by the Police Department.

C. All storage facilities shall have a business office open to the public between normal business hours at least five (5) days a week, excluding holidays.

D. All outside storage facilities shall be secured and fully enclosed by a sturdy fence having a minimum height of six (6) feet, with a lockable gate for ingress and egress, and shall be lighted from dusk to dawn.

E. A Towing Contractor shall not charge a release fee or other fee for releasing motor vehicles to their owners after normal business hours or on weekends.

#### Section 7. Towing and Storage Rates.

The following fees are established as being the usual and customary rates for towing and storage of automobiles, trucks, vans, motorcycles, mopeds, and scooters:

1. A fee in connection with towing services for impounded or abandoned vehicles shall be in the amount of One hundred dollar (\$100.00) Dollars per vehicle and includes mileage.

2. Towing in connection with accident calls shall be at a minimum in the amount of one hundred dollars (\$100.00) Dollars per vehicle. Additional time spent at the accident scene over ½ hour shall be in the amount of Seventy (\$70.00) Dollars per hour.

3. Storage Fees shall be in the amount of Thirty-Five (\$35.00) Dollars per day.

4. Service calls, which constitute any service other than towing, use of flatbed, or winching, shall be in the amount of seventy-five (\$75.00) Dollars per call to the scene.

5. A decoupling fee shall not exceed \$25.00.

6. Towing and storage of vehicles 16,000 lbs. and over shall not exceed those fees established for towing vehicles as established and accepted by the New Jersey State Police.

#### Section 8. Rights of Owners/Operators of Motor Vehicles.

A. The owner or operator of any motor vehicle requiring towing or storage shall have the right to remove all personal items and effects from the motor vehicle unless the Police Department has placed a police hold on any such items.

B. The motor vehicle owner or his or her representative shall have the right to take photographs of any stored vehicle for insurance purposes.

C. Upon request of the motor vehicle owner or his or her representative, a Towing Contractor shall provide a detailed and itemized bill for all services rendered.

#### Section 9. Equipment.

A. All towing vehicles providing towing services herein shall meet all of the requirements of Revised Statutes Title 39, "Motor Vehicles and Traffic Regulation".

B. All towing vehicles must have radio equipment with a 24 hour dispatch service or a cellular telephone for the purpose of maintaining communications with the Police Department radio desk.

C. All towing vehicles must be equipped with at least one fire extinguisher, safety chains, substances for application to small liquid spills, and stiff push brooms to clean debris at the scenes, one broom and shovel, emergency warning lights, and one (1) set of dolly wheels.

#### Section 10. Collection of Fees.

Owners of vehicles towed shall be responsible for all fees for services rendered. Tow Operator shall look solely to owner for payment of fees.

#### Section 11. Insurance Requirements.

Towing Contractors shall be required to purchase, maintain and provide during the time of service on the Towing List, proof of insurance furnished by a reputable insurance company licensed to do business in the State of New Jersey containing the following coverage:

1. Fire, theft, collision and comprehensive including vandalism and malicious mischief in the minimum amount of Fifty Thousand (\$50,000) Dollars.

2. Liability and property damage insurance covering the Towing Contractor's business, equipment and other vehicles in the minimum amount of Five Hundred Thousand (\$500,000) Dollars for single-limit coverage and One Hundred Thousand (\$100,000) Dollars for all damages arising from the injury.

3. Worker's Compensation insurance as required by law, including, but not limited to statutory New Jersey Worker's Compensation Benefits, and Employers' Liability in the minimum amount of One Hundred Thousand (\$100,000) Dollars.

#### Section 12. Violations; Penalties; Suspension

A. All violations of this Ordinance, and all complaints by the public or Police Department against any Towing Contractor, shall be forwarded to the Mayor and Borough Council.

B. The Mayor and Borough Council, in their discretion, shall determine if any complaint or violation against a Towing Contractor is of such a serious nature as to warrant a hearing and possible disciplinary measures. If the Mayor and Borough Council decide that a hearing is required, it shall, upon proper notice to all interested parties, conduct a hearing in which all parties may present evidence. If, after a hearing, the Mayor and Borough Council find that a Towing Contractor has violated any provision of this Ordinance, it may in accordance with the gravity of the offense:

1. Fine the violating party an amount not exceeding the sum of One Thousand (\$1,000.00) Dollars.

2. Suspend the violating party from the Towing List for a period of time not exceeding than three (3) months for a first offense; not exceeding six (6) months for a second offense; not exceeding one (1) year for a third offense.

3. Permanently remove the violating party from the Towing List for any violation after its third offense.

Section 13. Indemnity Clause

The Towing Contractor shall execute a separate certification stating that it will hold harmless, indemnify and defend, at the Towing Contractor's expense, the Borough, its employee and officials from any and all claims, demands, suits or actions for personal injury or property damage brought against the Borough, its employees, and officials for any activities which arise out of any services performed pursuant to this Ordinance.

Section 14. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 15. Severability.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 16. Effective Date.

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

**Addendum AA  
Correspondence**

October 28, 2019  
Bergen JIF Public Notice for hearings November 2019.  
November 7, 2019  
Master Plan Resolutions adopted-Borough of Closter  
PSEG Public Hearings November 2019  
November 15, 2019  
Correspondence from 5K Committee regarding fundraising