

**WORK SESSION  
DECEMBER 3, 2019**

Borough Clerk Barbara Dispoto calls the December 3, 2019 Council Meeting of the Mayor and Council to order at 7:38pm.

**SALUTE TO THE FLAG**

**STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

“On January 3, 2019, adequate notice of this meeting pursuant to the Open Public Meetings Act has been furnished by inclusion thereof in the Annual Schedule of Meetings for 2019, which has been posted on the bulletin board at Borough Hall, filed with the Borough Clerk, faxed to the Our Town, The Record, and The Community News newspapers and distributed to all persons, if any, requesting copies of same pursuant to said Act.”

In case of an emergency or fire alarm you must evacuate the building by using any of the exit doors in the room. They are immediately to my right and the double doors at the rear of the room. Occupants must exit the building by using the staircase and not the elevator.

This meeting is being recorded by both video and audio and may be rebroadcast.

**ROLL CALL**

**Members of the Governing Body present:** Mayor Febre, Council members Bennin, Bolan, Ullman, Lindenau, Garofalow. Also present were Borough Attorney Brian E. Eyerman, Borough Administrator Roberta Stern and Borough Clerk Barbara Dispoto. Council member Gervino was absent.

**PROCLAMATIONS, PRESENTATIONS, ETC.**

NONE

**Greg Polyniak, Borough Engineer – Monthly Engineer Report**

1. **MAYWOOD AVENUE STREETScape – PHASE II (NJDOT MUNICIPAL AID GRANT)**  
Neglia Engineering Associates understands that per the Year 2017 NJDOT Municipal Aid Grant awarded grant project list that the Borough has received a grant in the amount of \$165,627.00 for the Maywood Avenue Streetscape – Phase II. We understand that the NJDOT will forward a grant agreement package to the Borough for review and signature. The required project completion schedule would be listed within the grant agreement package.

Status: At this time, the remaining open item is the PSE&G light pole and fixture installation. PSE&G has been notified to install these improvements with the completion of the streetscape amenities. We anticipate that this would occur within the next few months pending weather conditions.

2. **YEAR 2019 ROADWAY IMPROVEMENTS PROGRAM**

The Borough intends to proceed with a Year 2019 Roadway Improvement Program. The following roadways are to be included:

1. Park Avenue (from Elm Street to City of Hackensack Border)
2. Romaine Avenue (from Golf Avenue to terminus)
3. Edgewood Place (from South Elm Street to Golf Avenue)
4. Spring Valley Road (from Spring Valley Avenue to Borough of Paramus Border)
5. Spring Valley Avenue – One Lane (from Spring Valley Road to Lincoln Avenue plus 100 feet)

Status: The contractor proceeded with concrete improvements on Romaine Avenue, Edgewood Place, and Park Avenue in mid-October 2019. Milling and paving occurred in early November 2019 with roadway striping occurring shortly thereafter. Minor punch list such as greenbelt restoration remains which would be addressed during Spring 2020.

**3. GOLF AVENUE FROM ROMAINE AVENUE TO EAST PASSAIC STREET (YEAR 2019 NJDOT MUNICIPAL AID GRANT FUNDED)**

The Borough received a letter from the NJDOT awarding \$197,000 to the Golf Avenue improvement project. Since the NJDOT Funded Roadway (Golf Avenue) requires a thirty-day pre-bid review and approval prior to bid, our office prepared construction documents and forwarded them to the NJDOT on July 09, 2019. We also forwarded copies of the construction documents to the Borough.

Status: Once the project is completed, our office will issue an NJDOT construction inspection letter. After the final inspection letter is received from the NJDOT, our office would proceed with municipal and NJDOT closeout. This would permit the Borough to receive the remainder of its outstanding NJDOT Municipal Aid Grant funds.

**MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)**

Mayor Febre opened the meeting to the public for any comments on or off the agenda.

Tom Richards, Golf Avenue thanked the outgoing members and shared his appreciation for the time and effort they have given to this community.

**PUBLIC HEARING ON PENDING ORDINANCES – ADOPTION OF ORDINANCES**

**ORDINANCE # 22-19**

**AN ORDINANCE TO AMEND CHAPTER 127 ENTITLED “BINGO AND RAFFLES” OF THE BOROUGH OF MAYWOOD CODE IN THE BOROUGH OF MAYWOOD, STATE OF NEW JERSEY**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:**

**WHEREAS**, Borough of Maywood Code Chapter 127 entitled “Bingo and Raffles” provides for the issuance of licenses for bingos and raffles in the Borough of Maywood; and

**WHEREAS**, pursuant to N.J.A.C. 13:47-4.1(a), an “issuing authority” reviews and determines whether to approve or deny a bingo or raffle license application; and

**WHEREAS**, N.J.A.C. 13:47-1.1 defines “issuing authority” to mean “the governing body of a municipality or a person to whom a municipal governing body has delegated by ordinance the authority to approve the granting of raffle and bingo license”; and

**WHEREAS**, the Mayor and Council of the Borough of Maywood wish to supplement and amend Chapter 127 to delegate the authority to issue bingo and raffle licenses to the Borough Clerk or if he/she is unavailable, the Chief of Police;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, as follows:

**Section 1.** Chapter 127 is amended to add Article II entitled “Licensing” at subchapter §127-5 which shall be added and shall read as:

**Article III Licensing**

**§127-5 Application and Approval**

To set up, maintain, or permit, suffer or allow to be set up, kept or maintained in any house or other premises or place any device or game of chance for the purpose of gaming, or engage in any game of chance either as banker, player, dealer or otherwise for the purpose of gaming, except those bona fide qualified organizations which, pursuant to N.J.S.A. 5:8-24 et seq. (Bingo Licensing Law), and N.J.S.A. 5:8-50 et seq. (Raffles Licensing Law), may conduct games of chance on any day, including Sunday, upon application to and approval by the Borough Clerk pursuant to the rules and regulations of the New Jersey Legalized Games of

Chance Control Commission. In the event that the Borough Clerk is unavailable or unable to review the application, the Chief of Police shall approve or disapprove of the application pursuant to the rules and regulations of the New Jersey Legalized Games of Chance Control Commission.

**Section 2.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**Section 3.** All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

**Section 4.** This ordinance shall be effective upon passage.

Mayor Febre opened the meeting to the public for any comments or questions relative to the foregoing ordinances.

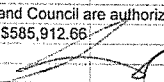
Council member Lindenau moved for the adoption, seconded by Council member Bennin. Motion carried by the members present.

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinance #22-19 be and is passed upon second and final reading and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

**PRESENTATION OF BILLS AND CLAIMS AND REQUEST FOR PUBLIC COMMENT**

**The Clerk presented the bill resolution.**

Council President Garofalow moved for approval, seconded by Council member Ullman. Motion carried by the members present.

DECEMBER 3, 2019 BILL LIST		
FUND #	APPROPRIATION	AMOUNT
01	CURRENT FUND	\$578,729.83
04	CAPITAL FUND	\$500.00
05	SWIM POOL	\$89.25
12	ESCROW	\$782.67
13	ANIMAL CONTROL	
22	FIRE PREVENTION	
23	OTHER TRUSTS	\$105.91
26	RECYCLING TRUST	\$5,705.00
27	UCI TRUST	
28	DRUG ENFORCEMENT	
35	RECREATION TRUST	
TOTAL BILL LIST:		
Be it resolved, Mayor and Council are authorized to issue and sign warrants in payment of vouchers of \$585,912.66		
 Mayor Adrian J. Febre		

BOROUGH OF MAYWOOD

**DECEMBER 3, 2019 BILL LIST**

<u>Vendor</u>	<u>PO #</u>	<u>Chk #</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Invoice</u>
AAA EMERGENCY SUPPLY	192261	112923	1775.99	INV#00296436 8/23/19	01-2010-26-2672-211	INV#00296436 8/23/19
AAA EMERGENCY SUPPLY	192419	112923	68.59	AIR PAK REPAIR #17-A	01-2010-26-2672-211	INV#00295646
AAA EMERGENCY SUPPLY	192420	112923	0.00	INV#296207	01-2010-26-2672-211	INV#296207
AAA EMERGENCY SUPPLY	192420	112923	184.68	INV#296207	01-2010-26-2672-211	INV#296207
AHRENS, HENRY III	192554	112885	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
APEX COPY & PRINT, LLC	192460	112924	130.00	GARAGE SALE SIGNS	01-2010-22-1952-163	GARAGE SALE SIGNS
BALASA, CHRISTOPHER	192555	112886	62.50	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
BERGEN COUNTY DEPT.	192551	112925	530.00	INV#FLU-885	01-2010-27-3312-115	INV#FLU-885
BERGEN MUN. EMP.	192539	112926	6075.00	DEC 2019 DENTAL	01-2010-23-2202-113	DEC 2019 DENTAL
BOLLINGER, INC.	192549	112927	22184.31	DEC 2019	01-2010-23-2202-113	DEC 2019 RX COVERAGE
BROADVIEW NETWORKS	192425	112868	971.34	INV#18561535 9/15-10/14/2019	01-2010-26-3102-197	INV#18561535 9/15-10/14/2019
BUDA, JOSEPH	192462	112869	210.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
Borough of Maywood	0	11151904	1252.04	NOVEMBER 20, 2019 PAYROLL	01-1615-00-0000-001	
Borough of Maywood	0	11151904	7900.52	NOVEMBER 20, 2019 PAYROLL	01-2010-20-1001-204	
Borough of Maywood	0	11151904	4531.15	NOVEMBER 20, 2019 PAYROLL	01-2010-20-1201-011	
Borough of Maywood	0	11151904	5757.85	NOVEMBER 20, 2019 PAYROLL	01-2010-20-1451-204	
Borough of Maywood	0	11151904	653.85	NOVEMBER 20, 2019 PAYROLL	01-2010-20-1501-204	
Borough of Maywood	0	11151904	7866.11	NOVEMBER 20, 2019 PAYROLL	01-2010-22-1951-204	
Borough of Maywood	0	11151904	27300.48	NOVEMBER 20, 2019 PAYROLL	01-2010-25-2401-091	
Borough of Maywood	0	11151904	9430.19	NOVEMBER 20, 2019 PAYROLL	01-2010-25-2401-093	
Borough of Maywood	0	11151904	7514.50	NOVEMBER 20, 2019 PAYROLL	01-2010-25-2401-095	
Borough of Maywood	0	11151904	1688.87	NOVEMBER 20, 2019 PAYROLL	01-2010-25-2401-098	
Borough of Maywood	0	11151904	7846.99	NOVEMBER 20, 2019 PAYROLL	01-2010-25-2401-170	
Borough of Maywood	0	11151904	118977.82	NOVEMBER 20, 2019 PAYROLL	01-2010-25-2401-204	
Borough of Maywood	0	11151904	41727.83	NOVEMBER 20, 2019 PAYROLL	01-2010-26-2901-204	
Borough of Maywood	0	11151904	3206.71	NOVEMBER 20, 2019 PAYROLL	01-2010-27-3303-204	
Borough of Maywood	0	11151904	1474.68	NOVEMBER 20, 2019 PAYROLL	01-2010-28-3701-204	
Borough of Maywood	0	11151904	1062.69	NOVEMBER 20, 2019 PAYROLL	01-2010-29-3902-061	
Borough of Maywood	0	11151904	14175.52	NOVEMBER 20, 2019 PAYROLL	01-2010-29-3902-061	
Borough of Maywood	0	11151904	0.00	NOVEMBER 20, 2019 PAYROLL	01-2010-36-4722-247	
Borough of Maywood	0	11151904	8993.23	NOVEMBER 20, 2019 PAYROLL	01-2010-36-4722-247	
CABRERA, ANDY	192463	112870	35.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
CABRERA, LUIS	192464	112871	210.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
CASTELLANO, ALEX	192465	112872	210.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
CHEN, ELSA	192466	112873	106.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
CHIEF FIRE EQUIPMENT &	192392	112928	31.50	DRY CHEM EXTINGUISHER	01-2010-25-2612-097	DRY CHEM EXTINGUISHER INV#219532

<u>Vendor</u>	<u>PO #</u>	<u>Chk #</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Invoice</u>
CHRISTOPHER NICHOLS	192484	112929	39.18	GAS REIMB 10/25/19	01-2010-26-2902-146	GAS REIMB 10/25/19
CILENTO, FRANK	192556	112887	150.00	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
CLARKE CATON HINTZ,	192182	112930	540.71	JULY 2019 PROFESSIONAL SERVICES RENDERED	01-2010-20-1552-167	JULY 2019 PROFESSIONAL SERVICES RENDERED
COLANTINO, ANTHONY	192557	112888	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
CORRIGAN, KENNETH	192558	112889	212.50	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
D & E UNIFORMS	192193	112931	385.00	FIRE-POLICE VESTS	01-2010-25-2612-128	INV#56006
D G & SONS LLC	192116	112932	21169.00	REPLACE BLOWN MOTOR TRUCK 209	01-2010-26-3152-071	REPLACE BLOWN MOTOR TRUCK 209 INV#4210
D'AMBROSIO, GIUSEPPE	192559	112890	62.50	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
DARIO, ALBERT, METZ	192489	112933	9000.00	INV#1679	01-2010-20-1552-028	INV#1679
DAVID PEGG	192579	112891	658.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
DEHUTO, CAROLYN	192560	112892	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
DEHUTO, PHYLLIS	192467	112874	21.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
DEPOSITORY TRUST	0	11151903	28331.25	NOVEMBER 2019 INTEREST DUE REFUNDING BOND	01-2010-45-9302-104	
DONAHUE, CARA	192562	112893	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
DITOMASSO, MAC	192561	112894	133.33	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
ENFORSYS POLICE	191146	112934	500.00	CROSSMTC & BEAST INTERFACES	01-2010-25-2402-057	CROSSMTC & BEAST INTERFACES INV#8856
ERIK ARONSON	192483	112935	33.84	PRESENTATION 10/30/19	01-2010-25-2402-146	PRESENTATION 10/30/19
FAJVAN, ROBERT	192563	112895	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
FEBRE, ADRIAN	192564	112896	187.50	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
FIRST BATTALION	192383	112936	1596.50	INV#938M-INV	01-2010-26-2672-102	INV#938M-INV
GAETA RECYCLING CO.,	192496	112937	64294.30	inv#2333979,2333981,2333985	01-2010-26-3052-152	inv#2333979,2333981,2333985
GARGAGLIANO, JOHN	192565	112897	708.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
GEOSITS, GARY	192469	112875	210.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
GIORDANO, JEFF	192566	112898	180.00	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
GOLDBERG, ROBERT	192470	112876	21.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
GOODMAN, TERESE	192471	112877	210.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
GRIFFING, JUSTIN	192567	112899	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
GUINNESS, MARK	192472	112878	21.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
HELPAP, RON	192568	112900	210.00	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
HOFMANN, HERMAN	192570	112901	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
HOLLYWOOD, RYAN	192569	112902	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
HUNTER TECHNOLOGIES	192606	112962	1515.90	INV#34407017 NOV 2019	01-2010-26-3102-197	INV#34407017 NOV 2019
INSURANCE DESIGN	192548	112938	725.00	INV#419510	01-2010-23-2202-113	INV#419510
KAUKER & KAUKER LLC	192402	112939	1950.00	INV#2019-252,253	01-2010-20-1652-162	INV#2019-252,253
KAVANAGH, TOM	192571	112903	608.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
KELESHIAN, NICHOLAS	192572	112904	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
LANGUAGE LINE SERVICES	191511	112940	50.00	4/19 TO 12/19 LANGUAGE SERVICES	01-2010-25-2402-057	INV#4669683
LICHTENBERGER, FRANK	192573	112905	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
MARIA REDA	192593	112941	540.00	BANK RECS	01-2010-20-1452-078	BANK RECS

Vendor	PO #	Chk #	Amount	Description	Account	Invoice
MARTINEZ, GABRIEL	192473	112879	210.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
MAYWOOD PUBLIC LIBRARY	192528	112942	9667.83	NOV 2019 APPROPRIATION	01-2010-26-3152-033	NOV 2019 APPROPRIATION
MBI	192488	112943	1500.00	INV#66832	01-2010-20-1002-149	INV#66832
METRO HYDRAULIC JACK	192248	112944	466.00	INV#216920, 216991	01-2010-26-3152-263	INV#216920, 216991
MILLER, ARTHUR	192575	112906	90.00	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
MONTANY, JOHN	192474	112880	160.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
MORAN, JAMES	192576	112907	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
MULVANEY, DANNY	192577	112908	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
MCMANUS, JOHN	192574	112909	908.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
NAUTA, DAVID	192475	112881	210.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
NJ PLANNING OFFICIALS	192427	112945	325.00	INV#MPJ-205132019	01-2010-20-1812-146	INV#MPJ-205132019
NORTH JERSEY MEDIA	191122	112946	12.65	LEGAL ADS	01-2010-20-1202-169	INV#0003879812
OPTIMUM	191513	112947	0.00	NOV 2019	01-2010-25-2402-057	11/8/2019 INV
OPTIMUM	191513	112947	59.19	NOV 2019	01-2010-25-2402-057	11/8/2019 INV
OPTIMUM	191562	112947	112.62	#07870-801160-09-5 205 E. HUNTER	01-2010-26-3102-197	11/8-12/7/19
OUR TOWN NEWSPAPER	192449	112948	76.00	INV#10077 10/26/2019	01-2010-22-1952-163	INV#10077 10/26/2019
P & A AUTO PARTS	191682	112949	543.20	MISC. PARTS & SUPPLIES	01-2010-26-3152-071	MISC. PARTS & SUPPLIES
PAUL, MAUREEN	192476	112882	175.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
PAVLIK, MARK	192578	112910	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
PAYTON ELEVATOR	192487	112950	155.00	INV#075298	01-2010-20-1002-133	INV#075298
PEGG, MICHAEL	192580	112911	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
POHNS, JOHN	192581	112912	105.00	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
READY REFRESH BY NESTLE	192184	112951	361.05	10/19 TO 12/19 DRINKING WATER	01-2010-26-3112-132	INV#09K0437956899
REINER, JASON	192589	112913	50.00	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
REINER, MATTHEW	192582	112914	808.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
ROBERT DeNUTO	192468	112883	210.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
ROCHELLE PARK AUTO BODY	192445	112952	325.00	INV#35759	01-2010-26-3152-071	INV#35759
RUTHERFORD, DEANA	192583	112915	125.00	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
SARDEN, JOSE	192477	112884	106.00	CLOTHING ALLOW. 10/1/18-9/30/19	01-2010-25-2612-128	CLOTHING ALLOW. 10/1/18-9/30/19
SCARINCI HOLLENBECK,	192512	112953	569.90	INV#222899 COAH MATTERS	01-2010-20-1552-167	INV#222899 COAH MATTERS
SCHLOSSARECK, JAY	192584	112916	18.75	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
SCOZZAFAVA, ANTHONY	192585	112917	658.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
SMITH, DARION	192590	112918	50.00	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
SPECTROTEL	192538	112954	1405.99	INV#9365162	01-2010-26-3102-197	INV#9365162
SPEEDWAY UNIVERSAL	192592	112955	199.44	INV#62477838 FUEL CHARGES	01-2010-26-2902-146	INV#62477838 FUEL CHARGES
STATE OF NJ HEALTH BENE	0	11151901	60631.32	OCTOBER 2019 NJ STATE HEALTH BENEFITS-ACTIVE EMPLOYEES	01-2010-23-2202-113	
STATE OF NJ HEALTH BENE	0	11151902	32677.09	OCTOBER 2019 NJ STATE HEALTH BENEFITS-RETIRED EMPLOYEES	01-2010-23-2202-113	
STEGER, GEORGE	192586	112919	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
STELTER, ED	192587	112920	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.

Vendor	PO #	Chk #	Amount	Description	Account	Invoice
SUEZ WATER OF NEW	191550	112956	0.00	-4/1 TO 12/31/19 HYDRANT SERVICE	01-2010-25-2652-094	HYDRANT 11/1-11/30/19
SUEZ WATER OF NEW	191550	112956	9847.42	-4/1 TO 12/31/19 HYDRANT SERVICE	01-2010-25-2652-094	HYDRANT 11/1-11/30/19
SUEZ WATER OF NEW	192524	112956	748.51	10/3-11/4/2019 WATER	01-2010-26-3112-109	10/3-11/4/2019 WATER
SUEZ WATER OF NEW	192524	112956	197.96	10/3-11/4/2019 WATER	01-2010-26-3112-112	10/3-11/4/2019 WATER
SUEZ WATER OF NEW	192524	112956	407.62	10/3-11/4/2019 WATER	01-2010-28-3752-279	10/3-11/4/2019 WATER
THE HON COMPANY	192384	112957	663.83	SQHMW00104-1	01-2010-25-2542-084	INV#1283
TOWNSHIP OF ROCHELLE	192546	112958	5021.74	SEPT 2019-FUEL	01-2010-31-4622-144	SEPT 2019-FUEL
TURRO, LOUIS	192588	112921	558.60	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
VERIZON	191567	112959	77.99	53-222-633-0001-58 4/19 TO 12/19 FIRE DEPT	01-2010-26-2672-150	10/28-11/27/19
VERIZON	191568	112959	0.00	-#752-054-982-0001-81 INTERNET SERVICE	01-2010-26-3102-197	11/1-11/30/19
VERIZON	191568	112959	42.99	-#752-054-982-0001-81 INTERNET SERVICE	01-2010-26-3102-197	11/1-11/30/19
VERIZON CONNECT NWF,	192526	112960	265.30	INV#OSV000001935419	01-2010-26-3102-197	INV#OSV000001935419
VERIZON WIRELESS	191512	112961	0.00	4/19-12/19-ACCT #582512510-0001	01-2010-25-2402-057	INV#9842062344
VERIZON WIRELESS	191512	112961	366.68	4/19-12/19-ACCT #582512510-0001	01-2010-25-2402-057	INV#9842062344
VERIZON WIRELESS	192525	112961	159.51	INV#9841564710 10/7-11/6/19	01-2010-26-3102-197	INV#9841564710 10/7-11/6/19
VILLANUEVA, LUIS	192591	112922	50.00	2019 FIRE DEPT CLOTHING ALLOW.	01-2010-25-2662-044	2019 FIRE DEPT CLOTHING ALLOW.
<b>Total Fund 01 Current Fund</b>				<b>578729.83</b>		
MCNERNEY & ASSOC., INC.	192485	410123	500.00	INV#2019-349	04-2150-55-9620-001	INV#2019-349
<b>Total Fund 04 CAPITAL FUND</b>				<b>500.00</b>		
SUEZ WATER OF NEW	192523	1355	89.25	10/3-11/4/2019	05-2010-55-5020-018	10/3-11/4/2019
<b>Total Fund 05 POOL OPERATING</b>				<b>89.25</b>		
NEGLIA ENGINEERING	192428	121124	782.67	INV#1902662	12-9635-00-9635-000	INV#1902662
<b>Total Fund 12 ESCROW OTHER TRUST</b>				<b>782.67</b>		
VERIZON	191598	221032	105.91	-FIRE PREVENTION	22-2000- - -	INV#9841564711
<b>Total Fund 22 FIRE PREVENTION</b>				<b>105.91</b>		
CONRAD'S CONCESSIONS	192543	231057	680.00	INV#1992	23-2000-00-0000-002	INV#1992 PRETZEL CART-TREE LIGHTING
NORTH JERSEY CARRIAGE,	192540	231058	1350.00	CARRIAGE RIDE FOR TREE LIGHTING	23-2000-00-0000-002	CARRIAGE RIDE FOR TREE LIGHTING
PARTY TIME RENTALS, INC	192542	231059	2325.00	SNOW GLOBE PKG	23-2000-00-0000-002	SNOW GLOBE PKG-TREE LIGHTING 11/29/19
REINDEER MAGIC &	192541	231060	1350.00	REINDEER FOR TREE LIGHTING	23-2000-00-0000-002	REINDEER FOR TREE LIGHTING
<b>Total Fund 23 OTHER TRUSTS</b>				<b>5705.00</b>		
<b>Total Bill List:</b>			<b>585,912.66</b>			

## **CORRESPONDENCE AND REPORT OF BOROUGH CLERK**

Borough Clerk Dispoto discussed a letter she received regarding 200 Route 17 LLC requesting a meeting with the Mayor and Council for a possible zone modification. At this time due to ongoing litigation the Mayor and Council will not move forward with the scheduling of a meeting as requested. She then discussed the receipt of a NJDOT award letter granting Maywood a \$200,000 grant for Palmer Avenue and Bus stop signage. Received a brochures for the 2020 municipal officials training sessions, she will reach out to the 2020 Council members as to their interest in attending.

Bids were accepted today for the new Senior Bus. In total the Borough received 3 bids and 2 lowest of them had only a \$600.00 difference. Bid packets have been given to the Borough Attorney for his review.

RFQ for borough professionals have been posted and are due no later than 10:00 am on December 10<sup>th</sup>.

Rabies Clinic has been scheduled for January 8, 2020 from 7 to 9 pm at the Senior Center and the Clerk's office will be in attendance to issue 2020 dog and cat licenses.

## **REPORT OF ADMINISTRATOR**

Borough Administrator discussed seminars she attended at the League. She stated Trenton is stalled on the plastic bag decision. She further stated that styrofoam collection, cooking oils are two of the biggest issues for recycling. She discussed the resolution for the Energy Audits, and suggested a letter be sent to each household explaining this opportunity. She thanked everyone who came to the Tree Lighting. Ms. Stern thanked Pleasant Avenue Dental office for allowing the placement of the Snow Globe on their property, and the distribution of hot coffee, cookies hand warmers. Ms. Stern advised the Mayor and Council on another successful auction which profited a little over \$21,000.00 for the Borough.

## **COMMITTEE REPORTS**

### Councilwoman Bennin

- Thank you Roberta for a successful kick off to the holiday season
- DPW and Superintendent job well done taking care of the roads in the first snow storm.
- DPW and the individuals on the 3<sup>rd</sup> floor could help educate the public on Recycling.
- Merchants and home owners, please remember to clean your sidewalks.
- Work on the Bakery is continuing.
- New gift shop opening soon at 8 W Pleasant
- Saturday, December 7 is the opening of Mind Body & Soul
- All remember you will need to get a CO when changing occupant

### Councilman Bolan

- Downtown looks fabulous
- Went to the both schools for the closing of the time capsule along with Councilman Garofalow

### Councilman Ullman

- Green Team little break for the winter months
- Looking for tree recovery program with the Arbor Day program along with Spring Clean up
- Townwide Shred Event on Dec 7<sup>th</sup> from 9:00am to 1:00pm.
- TREPS program was very successful for the second year.
- Public comment phase is coming to an end – you still can send your comments to the State regarding your opinion about changing High Schools.

Councilman Gervino was absent

### Councilman Lindenau

- Spoke about teaching kids how to play ice hockey

### Council President Garofalow

- Discussed the opportunity to learn hockey which he will be coaching all ages; need to supply to you own equipment

- Tree lighting was fantastic. The Padovano family did a spectacular job on the tree.
- Thunder the reindeer was fantastic.
- The 76<sup>th</sup> annual Santacade on Dec 24<sup>th</sup>. Full schedule is on the Borough website
- TAANAC has official environmental assessment has initiated the start of the study to change the route a little further west over Route 17.

**REPORT OF MAYOR**

Mayor Febre reminded all to remove cars from the streets for snow removal. Also, shovel out the fire hydrant that is near your residence. The decorations on Pleasant Avenue are wonderful and are done from the heart. The Mayor congratulated Roberta on a great job with the Tree Lighting event.

**ACTION LIST ITEMS**

NONE

**RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING**

1. Sergeant Glenn Tutschek submitted his resignation/retirement letter from the Police Department for the Borough of Maywood effective February 1, 2020.

Council member Bolan moved the resignation/retirement be accepted, seconded by Council member Ullman. Motion carried by the members present.

**APPOINTMENTS – APPROVAL OF THE FOLLOWING**

NONE

**COUNCIL APPROVAL OF THE FOLLOWING**

NONE

**RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING**

**RESOLUTION # 209-19**  
**TRANSFER OF FUNDS**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, pursuant to N.J.S.A. 40A:4-58, not less than 2/3 thereof affirmatively concurring, that the Chief Financial Officer be authorized to make the following transfers in the 2019 Appropriation Reserves:

**TRANSFERS – 12/03/2019**  
**CURRENT ACCOUNT**

<b>ACCOUNT #</b>	<b>ACCOUNT NAME</b>	<b>DEBIT (DECREASE)</b>	<b>CREDIT (INCREASE)</b>
01-2010-26-2902-256	Streets & Roads O/E		\$3,000.00
01-2010-27-3312-146	Board of Health Miscellaneous O/E	\$1,000.00	
01-2010-28-3742-107	Senior Citizens Club – New (Golden Age)	\$2,000.00	
01-2010-30-4203-118	Celebration of Public Events	\$2,500.00	
01-2010-31-4292-001	Sewer Testing		\$2,500.00
01-2010-36-4732-247	Public Employees' Retirement System	\$2,200.00	
01-2010-36-4742-247	Police & Fire Pension Fund		\$2,200.00
<b>TOTAL</b>		<b>\$7,700.00</b>	<b>\$7,700.00</b>

**RESOLUTION # 210-19**  
**RESOLUTION CALLING FOR STUDY COMMISSION TO REVIEW THE**  
**OPEN PUBLIC RECORDS ACT**

**WHEREAS**, the Borough of Maywood strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

**WHEREAS**, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

**WHEREAS**, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

**WHEREAS**, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

**WHEREAS**, the Borough of Maywood has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

**WHEREAS**, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA requests by public entity personnel and counsel and possibly defending our actions before the Government Records Council or in Superior Court; and

**WHEREAS**, Borough of Maywood received and responded to 324 OPRA requests in 2017, 309 OPRA requests in 2018, and to date has received and responded to 242 OPRA requests as of September 1, 2019; and

**WHEREAS**, Maywood municipal staff has spent approximately 80 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 104 hours since 2017; and

**WHEREAS**, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Maywood must often times rely on the municipal attorney to review certain OPRA requests, resulting in possible additional fees; and

**WHEREAS**, a request containing telephone bills consumed the time of two borough employees for one entire day researching each number contained in the bill to verify as to whether the number was an unlisted number; and

**WHEREAS**, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

**WHEREAS**, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

**NOW, THEREFORE BE IT RESOLVED**; that the governing body of the Borough of Maywood appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to Assemblywoman Swain, Assemblyman Tully, Senator Joseph A. Lagana, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Loretta Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.



**RESOLUTION # 211-19**  
**RESOLUTION FOR RENEWAL OF MEMBERSHIP OF THE SOUTH BERGEN**  
**MUNICIPAL JOINT INSURANCE FUND**

**WHEREAS**, the Borough of Maywood is a member of the South Bergen Municipal Joint Insurance Fund; and

**WHEREAS**, said renewed membership terminates as of December 31, 2019 unless earlier renewed by agreement between the Municipality and the Fund; and

**WHEREAS**, the Municipality desires to renew said membership;

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS;**

1. The Maywood Borough agrees to renew its membership in the South Bergen Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage's, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the South Bergen Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

**RESOLUTION # 212-19**  
**RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF BERGEN**  
**AND THE BOROUGH OF MAYWOOD FOR THE PROVIDING OF MUNICIPAL HUMANE**  
**LAW ENFORCEMENT OFFICER (MHLEO) SERVICES FOR THE BOROUGH OF**  
**MAYWOOD**

**WHEREAS**, with the passage of new legislation S3558/A5231, an Act concerning the enforcement of animal cruelty laws, there now exists a need to have a Municipal Humane Law Enforcement Officer (MHLEO) in the Borough of Maywood; and

**WHEREAS**, pursuant to their proposal of November 6, 2019, the County of Bergen, Department of Health Services has offered to provide these services to the Borough at a cost of \$2,866.50 for the 2020 calendar year; and

**WHEREAS**, the County of Bergen, Department of Health Services has the expertise and experience necessary to perform these duties; and

**WHEREAS**, pursuant to N.J.S.A. 40A:65-1, et seq., any municipality of the State of New Jersey may contract with any other State agency, County, municipality or municipalities for the shared provision of any service that any party to the agreement is empowered to provide within its own jurisdiction;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Maywood that the Mayor is authorized and the Borough Clerk shall attest to the Inter-Local Agreement between the County of Bergen and the Borough of Maywood engaging the Bergen County Department of Health Services to provide Municipal Humane Law Enforcement Officer (MHLEO) Services for the Borough; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be forwarded to the County of Bergen and a copy of the contract for such services shall be on file for public review with the Borough Clerk.

**RESOLUTION # 213-19**  
**RESOLUTION URGING THE LEGISLATURE AND GOVERNOR TO ENACT A LAW**  
**BANNING SINGLE USE PLASTIC AND PAPER BAGS**

**WHEREAS**, it is estimated that a person will use five hundred single use disposable bags per year; and

**WHEREAS**, over four billion single use bags are used annually in the State of New Jersey; and

**WHEREAS**, single use plastic bags pose an environmental hazard to the local, state, and global environment as they are often improperly discarded and end up in waterways or on land where they are mistaken as food by marine and land-based animals; and

**WHEREAS**, single use plastic bags have a low percentage rate of recycling; and

**WHEREAS**, single use paper bags also have a negative environmental impact and are a contributor to greenhouse gas emissions and climate change; and

**WHEREAS**, paper bag manufacturing is a resource-intensive process whose overall carbon footprint is comparable to, or more significant than, plastic bag manufacturing when one factors in water and air pollutants, energy use, deforestation, diesel emissions and solid waste disposal; and

**WHEREAS**, due to the weight and volume of single use paper bags, it requires seven times the resources to transport paper bags as compared to plastic bags; and

**WHEREAS**, paper bags do not decompose in landfills and it takes a significant amount of energy and chemicals to properly recycle paper bags; and

**WHEREAS**, some municipal governments across New Jersey are enacting competing ordinances to address consumer reliance on single use plastic and paper bags; and

**WHEREAS**, this municipal action has created a patchwork of regulations across the state which has made it difficult and confusing for consumers to shop and businesses to operate in multiple municipalities; and

**WHEREAS**, other states including California, New York, and Connecticut have adopted laws regarding the regulation of plastic and paper bags;

**NOW, THEREFORE, BE IT RESOLVED** by Mayor and Council of the Borough of Maywood that it does hereby support the enactment of state legislation to create a law across all municipalities that bans single use plastic and paper bags, with certain uniform exemptions, thereby encouraging consumers to utilize reusable bags; and

**BE IT FURTHER RESOLVED** That a copy of this resolution be sent to the Office of the Governor, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, and our State Legislators.

**RESOLUTION # 214-19**  
**A RESOLUTION AUTHORIZING THE CLOTHING ALLOWANCE TO MEMBERS**  
**OF THE MAYWOOD VOLUNTEER FIRE/POLICE AND FIRE DEPARTMENT**

**WHEREAS**, The Mayor and Council of the Borough of Maywood recognize the sacrifice and effort of the members of the Borough of Maywood Volunteer Fire/Police and Fire Department; and

**WHEREAS**, The Mayor and Council of the Borough of Maywood recognize that such dedication and service to the community should not be a financial burden to the volunteers, and as such, the Mayor and Council wish to authorize the clothing allowance to the members of the Maywood Fire/Police and Fire Department to account for any expenses occurred in the purchase of uniforms or personal clothing/equipment needed to keep the Borough of Maywood safe;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, that the Borough Administrator is hereby authorized to disperse the clothing allowance in the amount of \$24,990.04.

Buda, Joseph	Fire/Police	\$210.00
Cabrera, Andy	Fire/Police	\$35.00
Cabrera, Luis	Fire/Police	\$210.00
Castellano, Alex	Fire/Police	\$210.00
Chen, Elsa (Joy)	Fire/Police	\$106.00

DeNuto, Phyllis	Fire/Police	\$21.00
DeNuto, Robert	Fire/Police	\$210.00
Geosits, Gary	Fire/Police	\$210.00
Goldberg, Robert	Fire/Police	\$21.00
Goodman, Terese	Fire/Police	\$210.00
Guinness, Mark	Fire/Police	\$21.00
Leaver, William	Fire/Police	\$210.00
Martinez, Gabriel	Fire/Police	\$210.00
Montany, John	Fire/Police	\$160.00
Nauta, David	Fire/Police	\$210.00
Paul, Maureen	Fire/Police	\$175.00
Rodriguez, Renato	Fire/Police	\$35.00
Sarden, Jose	Fire/Police	\$106.00
Stavola, Karen	Fire/Police	\$210.00
Stavola, Thomas	Fire/Police	\$210.00
Febre, Jon	Junior Fire	\$50.00
Reiner, Jason	Junior Fire	\$50.00
Smith, Darion	Junior Fire	\$50.00
Stelter, Zach	Junior Fire	\$50.00
Villanueva, Luis	Junior Fire	\$50.00
Ahrens III, Henry	Fire Department	\$558.60
Avon, Tyler	Fire Department	\$120.83
Bahto, Matthew	Fire Department	\$608.60
Balasa, Christopher	Fire Department	\$62.50
Buskiewicz, John	Fire Department	\$200.00
Cilento, Frank	Fire Department	\$150.00
Colantino, Anthony	Fire Department	\$558.60
Corrigan, Kenneth	Fire Department	\$212.50
D'Ambrosio, Guiseppe	Fire Department	\$62.50
Defina, Anthony	Fire Department	\$558.60
DeRio, Joseph	Fire Department	\$608.60
Denuto, Carolyn	Fire Department	\$558.60
DeYoung, Roy	Fire Department	\$658.60
DiTomasso, Mac	Fire Department	\$133.33
Donahue, Cara	Fire Department	\$558.60
Fajvan, Robert	Fire Department	\$558.60
Febre, Adrian	Fire Department	\$187.50
Gargagliano, John	Fire Department	\$708.60
Gildea, Patrick	Fire Department	\$15.00
Giordano, Jeff	Fire Department	\$180.00
Golabeck, Matthew	Fire Department	\$558.60
Griffing, Justin	Fire Department	\$558.60
Helpap, Ron	Fire Department	\$210.00
Hill, Chris	Fire Department	\$10.00
Hollywood, Ryan	Fire Department	\$558.60
Hoffman, Herman	Fire Department	\$558.60
Kavanagh, Tom	Fire Department	\$608.60
Keleshian, Nicholas	Fire Department	\$558.60
Lichtenberger, Frank	Fire Department	\$558.60
McManus, John	Fire Department	\$908.60

Mellone, Joe	Fire Department	\$558.60
Miller, Arthur	Fire Department	\$90.00
Moran, James	Fire Department	\$558.60
Mulvaney, Danny	Fire Department	\$558.60
Neumann, Gary	Fire Department	\$558.60
Pavlik, Mark	Fire Department	\$558.60
Pegg, David	Fire Department	\$658.60
Pegg, Michael	Fire Department	\$558.60
Pohts, John	Fire Department	\$105.00
Reiner, Matthew	Fire Department	\$808.60
Rutherford, Deana	Fire Department	\$125.00
Rutherford, Robert	Fire Department	\$558.60
Schlossareck, Jay	Fire Department	\$18.75
Scozzafava, Anthony	Fire Department	\$658.60
Steger, George	Fire Department	\$558.60
Stelter, Eddie	Fire Department	\$558.60
Turro, Louis	Fire Department	\$558.60
Tuttle, Chris	Fire Department	\$558.60
Tuttle, Tom	Fire Department	\$558.60
Westcott, Brandon	Fire Department	\$233.33

**RESOLUTION # 215-19**

**RESOLUTION AUTHORIZING CIEL POWER, LLC AS THE BOROUGH'S CONTRACTOR TO PERFORM HOME ENERGY ASSESSMENTS**

**WHEREAS**, the Borough of Maywood did request for proposals for a professional to provide Home energy assessments to the Borough's homeowners in order help the residents of the Borough save money, realize comfort, and complete/meet the standards of the Home Performance with Energy Star Program (HPwES) and

**WHEREAS**, the sole response to the request for proposal was Ciel Power, LLC of Kearny, New Jersey; and

**WHEREAS**, the Mayor and Council of the Borough of Maywood recognize Ciel Power, LLC of Kearny, New Jersey as having the experience and qualifications necessary to perform this service to the residents of Maywood; and

**WHEREAS**, New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1* et seq., permits such service without the need of public bidding;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Maywood, County of Bergen, State of New Jersey that the Mayor be and he is hereby authorized and directed to execute any and all documents necessary to appoint Ciel Power, LLC of Kearny, New Jersey as the Borough of Maywood's professional to provide Home Energy Assessments to the Borough's homeowners.

**RESOLUTION # 216-19**

**RESOLUTION APPROVING OF REMUNERATION FOR UNUSED VACATION TIME TO CHIEF OF POLICE JOSEPH NATALE**

**WHEREAS**, the Mayor and Council of the Borough of Maywood recognize the service and dedication of Police Chief Joseph Natale and wish to authorize the remuneration for his 2019 unused vacation days that became surplus due to his unforeseen medical issues; and

**WHEREAS**, the Mayor and Council of the Borough of Maywood declare and recognize that payment for unused vacation days is anomalous and that such payment is limited to the particular facts and

circumstances surrounding the instant matter and further declares that same does not create a precedence or practice within the Borough of Maywood;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Maywood, County of Bergen, State of New Jersey that the Borough Chief Financial Officer, Borough Administrator, and/or other official of the Borough is authorized to make the above mention remuneration in the amount of \$15,310.60 to Police Chief Joseph Natale for his unused 2019 vacation days and further declares that same does not create a precedence or practice within the Borough of Maywood.

Council President Garofalow moved for approval, seconded by Council member Lindenau. Council Member Bennin discussed the wording at the conclusion of Resolution 215-19. Borough Attorney Eyerman read into the minutes that Resolution 215-19 shall include that homeowners are the responsible party for the costs associated within the RFP. Motion carried by the members present.

## **INTRODUCTION OF ORDINANCES**

### **ORDINANCE # 23-19**

### **AN ORDINANCE REVISING CHAPTER 305 OF THE BOROUGH CODE GOVERNING TOWING WITHIN THE BOROUGH**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

**WHEREAS**, the Mayor and Council of the Borough of Maywood has recognized a need to revise Chapter 305 of the Borough code to revise the practice of vehicle towing and the resulting vehicle storage within the Borough.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Maywood, County of Bergen, State of New Jersey, as follows:

**Section 1:** That the chapter 305 entitled "Towing Services" is stuck in its entirety and replaced with the following and shall now read as:

Chapter 305: Towing and Storage of Vehicles.

#### **§ 305-1 Purpose and scope.**

- A. N.J.S.A. 40:48-2.49 authorizes the Borough to regulate the business of removal and storage of motor vehicles and to set rates and charges for the same.
- B. The Borough of Maywood seeks to exercise the authority conferred by the aforementioned statute and adopts this chapter establishing minimum requirements for a towing contractor to provide services and/or vehicle removal and/or impoundment and/or storage of vehicles when determined necessary by the Borough of Maywood Police Department.
- C. The provisions of this chapter shall not apply to the towing of a motor vehicle from private property. Towing from private property is governed by regulations set forth in N.J.A.C. 13:45A-31.6 and pursuant to § 305-4.

#### **§ 305-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ABSORBENT** — A granulated or powdered substance used to soak up fluids used in the operation of motor vehicles. A bag or container of absorbent will be defined as weighing 50 pounds.

**ADMINISTRATIVE CHARGES** — Charges for post-accident services, including but not limited to services such as physical inspection, telephone and/or fax calls, removal of personal items, additional paperwork and more than three trips to the motor vehicle in storage.

**BASIC ENVIRONMENTAL CLEANUP** — The cleanup and removal of small quantities of fluids used in the operation of a motor vehicle which leak onto the ground.

**BASIC TOW** — Arriving at the site from which a motor vehicle will be towed, hooking a motor vehicle to, or unloading a motor vehicle onto a tow truck, transporting a motor vehicle to a storage facility, unhooking or unloading a motor vehicle from a tow truck and situating the motor vehicle in the space in which it will be stored.

**BASIC TOWING SERVICE** — The towing of a vehicle or the removal and transportation of a vehicle from a highway, street or other public or private property.

**CHIEF OF POLICE** — The highest ranking sworn officer within the Borough of Maywood Police Department.

**CONSENSUAL TOWING** — The towing of a motor vehicle, when the owner or operator of the motor vehicle has consented to have the towing operator tow the motor vehicle.

**CRUISING** — The operation of a tow truck within the Borough of Maywood to solicit vehicle towing, emergency road service and/or other related towing services unless in response to a police request.

**DECOUPLING** — Releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

**DISABLED VEHICLE** — A motor vehicle which has been abandoned or rendered inoperable by mechanical failure or accident. Any motor vehicle, operable or inoperable, which constitutes a hazard to the motoring public by its location shall be deemed disabled for the purposes of this chapter.

**EMERGENCY ROAD REPAIR SERVICE** — Repairs which may be performed at the location of a disabled vehicle, including, but not limited to, flat tire changing, jump-starting, gasoline deliveries, etc.

**EXAMINATION AREA** — An unobstructed, flat, forty-foot-by-twenty-five-foot area where a vehicle can be placed when needed for inspection by the police.

**HEAVY-DUTY WRECKER** — A tow truck with dual rear wheels and air brakes capable of towing and wheel lifting large vehicles damage-free and which meets the following minimum requirements:

- A. Gross vehicle weight (GVW): 35,000 pounds minimum.
- B. Gross vehicle weight rating (GVWR): 80,000 pounds.
- C. Boom and winch rating: 50,000 pounds minimum or 25 TON rating.
- D. Cable size: 5/8 inch.
- E. Cable length: 200 feet.
- F. Under-reaches rating: 80,000 pounds.
- G. Wheel lift extended rating: 12,000 pounds.

**IMPOUNDMENT** — The storage of a motor vehicle upon the order of the Police Department at either the towing operator's storage area or at a Borough facility as a result of abandonment, involvement in an accident, suspected criminal activity and/or any violation of Title 39 of the New Jersey Statutes or municipal ordinances.

**LICENSED WRECKER/TOW TRUCK** — Any wrecker/tow vehicle licensed pursuant to the provisions of this chapter.

**LICENSEE** — Any person, firm, partnership, association, corporation, company or organization of any kind that has been issued a license by the Borough, pursuant to this chapter, to provide wrecker/towing services to the Borough.

**LIGHT-DUTY WRECKER** — A tow truck with dual rear wheels capable of towing or wheel lifting vehicles which meets the following minimum standards:

- A. GVW: 14,000 pounds.
- B. Boom rating: 8,000 pounds.
- C. Winch rating: 8,000 pounds.
- D. Cable size: 3/8 inch.
- E. Cable length: 100 feet.
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Extended rating: 3,000 pounds.

**LOADED MILE** — Distance in miles that a tow vehicle travels while towing a vehicle.

**MEDIUM-DUTY FLATBED** — A vehicle carrier equipped with a wheel lift and roll back/tilt bed with dual wheels capable of removing and transporting small trucks, full-size vans or large passenger cars damage-free and which meets the following minimum requirements:

- A. GVW: 18,000 pounds.
- B. Winch rating: 8,000 pounds.
- C. Cable size: 3/8 inch.
- D. Bed length: 17 feet.
- E. Bed width: seven feet (inside side rails).
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Wheel lift extended: 3,000 pounds.

**MEDIUM-DUTY WRECKER** — A tow truck with dual rear wheels capable of towing and wheel lifting small trucks damage-free and which meets the following minimum requirements:

- A. GVW: 18,000 pounds.

- B. Boom rating: 16,000 pounds.
- C. Winch rating: 16,000 pounds.
- D. Cable size: 3/8 inch.
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Extended rating: 3,000 pounds.

**MOTOR VEHICLE** — All vehicles propelled other than by muscular power, excepting such vehicles as run only upon rails and tracks and motorized bicycles, motorized scooters, motorized wheelchairs, and motorized skateboards.

**NONCONSENSUAL TOWING** — The towing of a motor vehicle without the consent of the owner or operator of the vehicle. Nonconsensual towing includes towing of a motor vehicle when law enforcement orders the motor vehicle to be towed, whether or not the owner or operator consents.

**ORDINARY CARE** — That care which is normally used to protect a motor vehicle from further damage, including but not limited to the use of tarps for environmental protection and security protection for storage areas.

**OUTSIDE SECURED STORAGE FACILITY** — Any motor vehicle storage facility that is not located within an enclosed structure and that conforms to the following minimum standards:

- A. The entire land area shall be enclosed by a fence of sturdy construction, a wall or other manmade barrier that is at least seven feet in height, with a minimum of one lockable gate for ingress and egress, in accordance with local zoning regulations.
- B. All entry points shall have a locking device.
- C. The area shall have adequate lighting to protect stored vehicles from vandalism.
- D. The towing operator shall submit proof that he owns or leases an area within an area of 1.5 miles from 15 Park Avenue, Maywood New Jersey (Borough Hall). Said proof shall include the deed or deeds to the property or the leases to the same. The towing operator shall submit proof of local zoning compliance for use of the storage facility.

**OWNER** — A person, firm, corporation or partnership who owns and/or operates a motor vehicle on the roads and highways within the Borough of Maywood.

**PERSON** — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

**POLICE** — The Borough of Maywood Police Department.

**PRINCIPAL LOCATION** — The licensed place of business of the towing operator. The towing operator shall maintain a place of business where trucks, in response to police requests, are normally kept. The principal location must be open to the public, between 8:00 a.m. and 6:00 p.m. at least five days per week and the principal location shall contain a clean, comfortable waiting area with toilet facilities.

**PRIVATE PROPERTY TOWING** — The nonconsensual towing from private property or from a storage facility of a person's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted, or otherwise park without authorization or immobilization of, or preparation for moving or removing of such motor vehicle to which a service charge is made, either directly or indirectly.

**RECOVERY** — The procedure in which the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while moving the vehicle to a towable position; can be achieved by several actions that may include but are not limited to winching and rigging.

**ROADWAY CLEANUP** — The sweeping and removal of all debris left on the roadway as a result of an accident or incident.

**ROTATING LIST** — The list of towers prepared by the Chief of Police from which, each week, the on-duty tower for the week is designated.

**SITE CLEANUP** — The use of absorbents to soak up any liquids from a motor vehicle at the site from which the motor vehicle will be towed and sweeping and removal of all debris left on the roadway as a result of an accident or incident.

**STORAGE DAY** — Any twenty-four-hour day or any portion thereof, with a new day beginning at 12:00 midnight.

**STORAGE SERVICES** — The storage and/or holding of vehicles indoors or outdoors by a licensee under the authority of this chapter.

**TARPING** — Covering a motor vehicle to prevent weather damage.

**TOWING OPERATOR** — A person, firm, corporation or partnership engaged in the business of providing towing, road service and storage services for motor vehicles.

**UNCLAIMED VEHICLE** — Any vehicle towed by a licensed tower pursuant to this chapter that is left unclaimed for a period in excess of seven calendar days.

UNLOADED MILE — Distance in miles traveled by a tow vehicle to a disabled vehicle or the distance in miles traveled by a tow vehicle after dropping off a vehicle out of town at the customer's request.

VEHICLE — Every device in or upon or by which a person or property is or may be transported upon a highway, except devices moved by human power.

WAITING TIME — Additional time that a tow operator spends at the scene, other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to emergency medical services (EMS) which must be performed and/or police investigations.

WINCHING — The process of moving a motor vehicle, by the use of chains, nylon slings or additional links of winch cable, from a position that is not accessible for direct hookup for towing a motor vehicle. Winching also includes recovering a motor vehicle that is not on the road, and righting a motor vehicle that is on its side or upside down, but does not include pulling a vehicle onto a flat bed tow truck.

WINDOW WRAP — Any material used to cover motor vehicle windows that have been damaged.

WRECKER/TOW TRUCK A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying, recovering or removing any and all kinds of motor vehicles which are unable to be and actually are not operated under their own power from the place where they are disabled to some other place, or any vehicle(s) which the Police Department has ordered to be impounded. A tow vehicle must be manufactured by a tow-truck manufacturer that is nationally recognized by the towing industry.

YARD CHARGE — A charge for a motor vehicle, towed into the storage facility of the licensed tower that is inoperable and must be towed from the licensed tower's storage facility to a public street for towing by a secondary tower.

### **§ 305-3 Licensing required.**

- A. Towing operators meeting the qualifications set forth below shall yearly submit an application, in writing, to the Borough Clerk to be considered for placement on a rotating list of towing operators. There shall be a minimum of two (2) towers on the list per calendar year. A new list is compiled every year. All applicants wishing to be on the list must apply every year.
- B. All applicants for a towing license, in order for the application to be deemed complete, must provide the following:
  - (1) The complete legal business name, business address, principal location address and Department of Transportation (DOT) number.
  - (2) The complete home address, home telephone number, date of birth and social security number of the applicant, if a sole proprietorship, or the complete home addresses, home telephone numbers, dates of birth and social security numbers of the principal officers and partners if the licensee is a corporation or partnership.
  - (3) Photocopies of all registrations of every tow vehicle to be operated by the applicant. If the tow vehicle is leased, the applicant is required to submit a copy of the lease agreement.
  - (4) The names, addresses and telephone numbers of any persons possessing any liens and/or encumbrances on the principal location.
  - (5) The name, address and telephone number of the applicant's insurance carrier and photocopies of each certificate of insurance issued by the carrier.
  - (6) Photocopies of all towing vehicle operators' current driver's licenses, their social security numbers and a drivers license abstract
  - (7) Photocopies of criminal and civil background searches for all towing vehicle operators'.
  - (8) Evidence demonstrating that the applicant has at least five years of personal experience in the field of towing and storing of vehicles.
  - (9) Proof that the applicant has a principal location within 1.5 miles of 15 Park Avenue, Maywood New Jersey.
  - (10) Proof that the applicant's principal location meets all zoning requirements applicable to the jurisdiction in which it is located.
  - (11) Proof that the applicant can guarantee a fifteen (15) minute response time on all calls with the exception of delays caused by unexpected traffic or unusual conditions.
  - (12) The applicant shall provide an affidavit that the information given in the application is true and correct.



- (13) The applicant shall provide an agreement that, upon issuance of a license, the licensee shall indemnify and hold harmless the Borough of Maywood, its agents, servants and/or employees from and against all claims of a third party relating to the towing and/or storage service of the licensee.
- (14) Applications will be processed according to the order in which they were filed with the Borough Clerk.

**§ 305-4 Exceptions.**

- A. Owner required service. No license shall be required for the on-site repair and/or towing or storage of any vehicle when the request is received by the towing operator from the owner prior to a police request or if the owner or operator of a vehicle requests the police contact a tow company of his choice.
- B. Towing from private property. No license shall be required by the police to tow any vehicle from private property without the consent of the owner except on the express instruction of the police in the event of an emergency.

**§ 305-5 Application fee.**

All yearly applications shall be accompanied by a nonrefundable fee of \$500 payable to the Borough of Maywood. The application fees are in addition to any fee for criminal background checks required in in this chapter as well as any other fees required by this chapter. Said fees are in addition to the license fees as set forth in this chapter

**§ 305-6 Investigation and inspection by police.**

- A. Applications received by the Borough Clerk shall be referred to the Chief of Police within five business days of receipt. The Chief of Police or his designee shall initiate an investigation to be made of the applicant and of its proposed business operation and shall perform inspections of the vehicles to be licensed.
- B. As part of the Chief of Police's investigation of the license application, criminal and civil background checks on all persons listed in the application will be reviewed.
- C. The licensee and all employees must be trustworthy in that the licensee must safeguard vehicles and personal property belonging to others as well as secure and protect evidence when a vehicle is impounded by the police due to an accident investigation or criminal activity. Therefore, to protect the public interest, the Borough may disqualify any applicant wherein an employee, owner, principal, agent and/or officer has been convicted of a crime involving moral turpitude or excessive moving violations or a substantial violation under this chapter.
- D. The Chief of Police shall, within fourteen (14) days after the receipt of the completed application, complete the investigation and inspection and submit a written report to the Borough Clerk. The report shall include recommendations that the applicant be accepted or denied.
- E. The licensee shall notify the Borough Clerk in writing of any criminal charges, motor vehicle offenses or ordinance violations that are issued against the licensee or its employees during the term of the license. Failure to make the proper notification to the Borough Clerk may result in the revocation of the license.
- F. If a towing company charges a consumer a fee for a private property or other nonconsensual towing service that is disputed by the consumer, the parties shall make a good faith effort to resolve the dispute with the Police Department. If the parties are unable to resolve the dispute, the complaint may be forwarded to the Director of the New Jersey Division of Consumer Affairs, who shall make a determination as to whether or not the fee is unreasonable under N.J.A.C. 13:45A-31.5. The Director may order the towing company to reimburse the consumer for an amount equal to the difference between the charged fee and a reasonable fee, plus interest.

**§ 305-7 Issuance of licenses; fees; term of license.**

- A. Upon written notification by the Chief of Police to the Borough Clerk that an application has been reviewed and the Police investigation has been completed, the Borough Council shall at a public meeting, consider the issuance of a license.
- B. In addition to the application or renewal application fees set forth in this chapter the yearly license fee shall be \$500, payable to the Borough of Maywood.
- C. Upon approval by the Borough Council, the Borough Clerk of the Borough of Maywood shall issue a license to the licensee pursuant to this chapter.
- D. All towing licenses will be issued for a period of one year beginning January 1 of each year and expiring on December 31. Applications for license and license renewal are to be

completed and returned to the Borough Clerk by November 1 of each year for a license for the following calendar year. Licenses or renewals filed after December 1 will not be accepted for the following calendar year.

- E. Licenses are the property of the Borough of Maywood and may not under any circumstances be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship.
- F. Upon the issuance of the license, the licensee may during the term of the license advertise and place on his equipment that the licensee is an authorized police tower for the Borough of Maywood.
- G. The licensee shall respond to a call from the Maywood Police Department with a tow truck at the scene within 15 minutes of receiving the call. Failure to respond within 15 minutes on two or more calls shall be grounds for revocation or nonrenewal of the license.

**§ 305-8 Rotating list; cruising prohibited.**

- A. The towing operator must be able to provide, 24 hours a day, seven days a week, towing services for the Borough, on a rotating basis, at the direction of the Chief of Police or his designee.
- B. The Chief of Police or his designee shall assign call-out weeks from the rotating list. A tower that wishes to change his assigned week due to vacation or conflict may do so with the approval of the Chief of Police or his designee.
- C. The Chief of Police or his designee shall prepare two lists:
  - (1) Light-duty/medium-duty towing and recovery.
  - (2) Heavy-duty towing and heavy recovery.
- D. The on-duty tower shall be called for the removal and storage of the disabled vehicle. In the event that the on-duty tower is unable to respond to calls or to respond in a timely manner due to unusual conditions, the next tower on the rotating list shall be called.
- E. Cruising by a towing company's vehicles is not permitted.

**§ 305-9 Enforcement; Revocation of license.**

- A. Enforcement.
  - (1) All complaints received by the Borough regarding a towing operator's performance under the provisions of this chapter shall be investigated by the Chief of Police or his designee and resolved to the satisfaction of all parties. In the event that the complaint cannot be resolved to the mutual satisfaction of the parties, the matter shall be submitted to the Business Administrator or his designee. The decision of the Business Administrator or his designee shall be final.
  - (2) The towing operator shall at all times comply with this chapter, or the Borough shall remove the towing operator from the rotating list after written notification from the Police Department and an opportunity for a hearing conducted by the Business Administrator.
  - (3) The Chief of Police is hereby designated to enforce the provisions of this chapter in accordance with due process of law.
  - (4) The Chief of Police shall investigate and keep, and maintain for a period of five years, a record of all complaints that are received regarding the provisions set forth in this chapter.
- B. Revocation of license.
  - (1) The Chief of Police shall have the right to suspend any license issued under this chapter upon the determination that there have been two violations of the licensed towing company guidelines and regulations.
  - (2) The Chief of Police shall be the sole administrator of this list, and any violations or complaints concerning any licensed tow truck company shall be addressed to the Chief of Police.
  - (3) Any license suspended shall cause the company to be removed from the list for one year from the date of the suspension. The licensed tow company which has been suspended may reapply to be on the rotating list on January 1 of the year after the suspension has been lifted.
  - (4) The Chief of Police has the authority to suspend any license at any time for criminal activity, Title 39 violations or any violation(s) of this chapter. When a license is suspended, the Chief of Police shall forward a full report to the Mayor and Council within 15 business days after said suspension. If the licensee objects to the determination of the Chief of Police, the licensee may request a hearing before the Council. The licensee must notify the Borough Clerk in writing of a request for a hearing within 20 days of the suspension notice issued by the Chief of Police. The

Council, at the conclusion of the hearing, may affirm or reverse the decision of the Chief of Police.

- (5) The Chief of Police may inspect any or all licensed wreckers at any time. If at any time the Chief of Police finds the equipment inadequate or unsafe, the Chief of Police may demand immediate correction and suspend the wrecker license until such time as the violation is corrected. Once a wrecker license is suspended, all identifiers listing the wrecker as a Borough of Maywood police wrecker shall be removed from the wrecker by the licensee.

**§ 305-10 Equipment requirements.**

- A. The equipment to be used by the towing operator shall meet the following requirements:
  - (1) All equipment must be of the type, condition and design to efficiently perform the work required by the Borough of Maywood.
  - (2) A licensee, when filing an application and at all times while holding a license under this chapter, shall own or lease for use in performing the services required by the license the following pieces of equipment
    - (a) Regular wrecker service: a minimum of two (2) trucks (two flatbed tow trucks and one wrecker).
    - (b) Heavy-duty wrecker service: a minimum of one heavy-duty wrecker. It shall not be a requirement that each operator maintain a heavy-duty wrecker. Only those operators that maintain a heavy-duty wrecker in addition to the regular wrecker service equipment shall be placed on the heavy-duty wrecker call-out list.
- B. The following safety equipment shall be carried on all towing trucks:
  - (1) Chains and tie-downs to secure vehicles.
  - (2) A snatch block.
  - (3) An auxiliary safety light kit to be placed on the rear of a towed vehicle that does not have functioning taillight flashers.
  - (4) Rotating amber emergency lights mounted on top of truck. (A state-issued permit is required and must be in the truck.)
  - (5) Two white work lights facing from the rear of the truck.
  - (6) One shovel and broom.
  - (7) Fifty pounds of absorbent.
  - (8) Jumper cables or a jump box.
  - (9) A steering wheel tie down.
  - (10) A toolbox with assorted hand tools normally used to conduct emergency roadwork and towing.
  - (11) Two reflectorized traffic safety vests.
  - (12) One five-pound A-B-C-rated dry powder fire extinguisher.
  - (13) One flashlight.
- C. A reflectorized traffic safety vest shall be properly worn as the outside garment by all employees performing work while on a roadway, 24 hours a day.
- D. The towing operator shall provide all trucks with a shovel, broom and other equipment necessary to clean up broken glass and debris from the scene of any accident to which they are summoned. The towing operator shall be responsible for the subsequent cleanup. Each truck shall have a minimum of 50 pounds of absorbent for oil and/or any other liquid, except gasoline, that might be spilled onto a roadway as a result of an accident. If gasoline is spilled as a result of any accident, it shall be the responsibility of the Police Department to notify the Fire Department for immediate removal. Absorbed liquids, other than gasoline, shall be removed from the roadway by the tower, placed in plastic bags and then placed in the towed vehicle by the towing operator and shall be disposed of by the owner of said vehicle. The towing operator may charge a fee as set forth in the Borough of Maywood Fee Ordinance.
- E. All trucks used by the towing operator shall be kept in a clean, good-working condition. The towing operator shall have displayed on all of his trucks in such a manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.
- F. Each towing operator shall furnish the following information with respect to the aforementioned trucks: the make, model, year and registration number of each truck and the DOT number. A photocopy of each registration and insurance card shall also be included. For leased trucks, the towing operator shall be required to furnish a copy of each lease. Only trucks listed shall be used by the towing operator.

**§ 305-11 Storage facility requirements**

The towing operator shall have a storage facility that meets the following requirements:

- A. The outside storage facility used for storage of vehicles shall be paved or stoned.
- B. The outside storage facility shall provide a minimum of 3,000 square feet of storage space.
- C. All storage facilities shall be located within 1.5 miles of 15 Park Avenue, Maywood, NJ.
- D. Signs which readily identify the storage facility and which comply with all applicable laws and local zoning regulations shall be installed.
- E. No towed vehicle shall be parked upon a public or private street or sidewalk. Said vehicle shall be stored by the towing operator within the licensed storage area so provided.
- F. The entire outside storage area shall be enclosed by a fence or sturdy construction, a wall or other manmade barrier that is at least seven feet high which may include one foot of barbed wire, with at least one lockable gate for ingress and egress, in accordance with local zoning regulations.
- G. The impound area shall be properly lighted from dusk to dawn and must be properly safeguarded from vandalism and/or theft.
- H. The Borough of Maywood Police Department shall be granted access to any part of the impound area at any time, day or night, for the purpose of inspection and/or investigation. This shall include indoor and outdoor areas.
- I. There shall be no unescorted access to the aforementioned impound area by the public. Said area shall be posted in accordance with Borough of Maywood Police Department regulations.
- J. A small storage area shall be set aside for vehicles that may be involved in a police incident. In addition, an indoor secured area shall be provided for at least one vehicle, when requested by the police. These vehicles may contain, or are themselves, evidence needed for potential criminal or civil cases. These vehicles shall not be removed from the safe and secure inside storage area until written permission is obtained from the Borough of Maywood Police Department.
- K. The towing operator shall conspicuously post at his place of business the fee schedule for storage and towing of vehicles. Reference to this Chapter shall be posted on the fee schedule.
- L. There shall be no piling of vehicles.
- M. The towing operator shall provide reasonable accommodations for after-hours release of stored motor vehicle and can charge a release fee of \$25.00 for the release of motor vehicle to their owners outside of the normal business hours or on weekends.

#### **§ 305-12 Towing operator personnel**

The employees of the towing operator shall meet the following requirements:

- A. An employee of the towing operator shall under no circumstances be deemed an agent, servant and/or employee of the Borough or represent to the public that he/she is an employee of the Borough of Maywood.
- B. No person shall be employed by the towing operator unless he/she has obtained a Background Investigation and has been approved by the Borough of Maywood Police Department. Any towing operator with a record of a felony criminal conviction may not be qualified to receive a license. Any of its employees with a felony conviction may not perform any services under this Ordinance.
- C. The towing operator and his employees are prohibited from collecting or attempting to collect a fee, commission, pay or charge other than as provided for in this chapter.
- D. The name of the individual tow truck employee shall be listed on the towing ticket/receipt.
- E. The towing operator shall provide sufficient number of employees to maintain the requirements of this Ordinance.
- F. The towing operator shall provide the Borough of Maywood with a list of said personnel and copies of each operator's commercial driver license (CDL) and social security number. All new employees shall be registered with the Borough of Maywood prior to performing any services under this contract. Information on employees shall be updated every six (6) months in order to keep current with changes in personnel.
- G. No towing operator shall employ, directly or indirectly, any employee of the Borough of Maywood Police Department.
- H. No cruising by personnel shall be permitted.
- I. The licensee shall be responsible for basic environmental cleanup and may charge the owner of the vehicle involved in the actual spill a fee of \$25.00 plus any additional costs necessary to remediate an environmental impact, if any. No cost shall exceed the maximum enumerated yearly rates as permitted for towers providing services to the New Jersey State Police.
- J. The licensee shall be responsible for roadway cleanup, which shall include but not be limited to removing broken glass and debris at the scene of an accident, as per N.J.S.A.

39:4-56.8b, and may charge the owner of the vehicle that created the debris a fee as outlined fee of \$25.00.

- K. The police officer at the scene of an accident or disabled vehicle shall be in complete charge and shall be responsible to guarantee that the scene is properly cleared and safe for traffic to resume safely.
- L. The towing operators and all employees must be trustworthy and the towing operator must safeguard vehicles and personal property belonging to others, as well as secure and protect evidence when a vehicle is impounded by the police, due to an accident investigation or criminal activity.
- M. The towing operators shall notify the Borough Clerk in writing of any criminal charges, motor vehicle offense or ordinance violations that are issued against the towing operators or its employees.

#### **§ 305-13 Records and inspections.**

- A. The towing operator shall maintain records of all vehicles towed, stored and released by it. Records shall be kept for a three-year period. These records shall include the name of the responding police officer, name of towing employee, the date and time of tow-in, destination towed, vehicle tag number and state, vehicle identification number, make, model, color and year of vehicle, itemized charges to the owner of the vehicle and the disposition of the vehicle and date thereof.
- B. The towing operator shall maintain a record of all property found anywhere in the towed vehicle, including the trunk and glove compartment when open and where a key is available.
- C. The Borough of Maywood shall, upon request have access to any and all of these records.
- D. The licensee shall notify the Borough of Maywood Police Department, in writing, of any vehicle that is left unclaimed for a period in excess of seven calendar days.
- E. The licensee shall prepare and issue to the owner/operator a written itemized invoice for all services rendered under this chapter. The invoice shall reflect the date, time, location and the employee that performed the service and that the service performed was at the request of the Borough of Maywood Police Department. A copy of the invoice shall be retained by the licensee and filed in a manner that coincides with the licensee's current filing methods that will allow immediate access to such record when requested by the Borough of Maywood Police Department.
- F. The licensee shall incur the cost of preparing a payment rate circular for fees listed under this chapter and shall distribute this rate circular at the time of tow to all customers, at no cost, which also includes directions to the storage location, business hours, phone numbers, major credit cards accepted and other methods of payment accepted.

#### **§ 305-14 Education of drivers.**

- A. Tow-truck drivers shall have and maintain a valid driver's license for the tow vehicle that they operate. Drivers that operate heavy duty wreckers shall have the following endorsements on their commercial driver's license:
  - (1) Hazardous materials endorsement.
  - (2) Double- and triple-trailer endorsement.

#### **§ 305-15 Compensation.**

- A. The Borough and its Chief shall not be liable to a licensee with respect to service rendered to any owner pursuant to the license or otherwise. The licensee shall look only to the owner of such vehicle for payment of service charges or any other compensation.

#### **§ 305-16 Insurance requirements.**

- A. The towing operator shall provide and maintain the following types of insurance coverage to be obtained from insurance companies licensed to do business in the State of New Jersey and shall provide the Borough with certificates of insurance evidencing proof of the following required coverage:
  - (1) Automobile liability in an amount not less than \$1,000,000 for bodily injury per person, \$3,000,000 for bodily injury per accident and \$500,000 for property damage per accident.
  - (2) Workers' compensation as required by statute.
  - (3) Garagekeeper's liability in an amount not less than \$500,000 per claimant and \$1,000,000 for more than one claimant.
  - (4) Garage liability in an amount not less than \$2,000,000 combined single limit.
  - (5) Comprehensive general liability in an amount not less than \$2,000,000

- B. Policies shall be endorsed to provide collision coverage for vehicles in tow.
- C. On all policies except workers' compensation, the Borough shall be named as an additional insured & as the Certificate Holder.
- D. All policies must contain a provision requiring notification to the Borough of any policy cancellation or revision at least 30 days prior to either cancellation or revision.
- E. The towing operator shall provide an excess or umbrella liability insurance policy in the amount of \$2,000,000.

**§ 305-17 Indemnification.**

- A. The application of a towing operator for a license pursuant to this chapter shall include an agreement by the towing operator that upon the issuance of a license, the licensee shall indemnify the Borough against all claims of third parties relating to towing services provided by the licensee.

**§ 305-18 Rules and Regulations.**

The Chief of Police may issue rules and regulations from time to time on the operation of the towing services and storage facilities to implement but not exceed the purposes of this chapter.

**§ 305-19 Fees; methods of payment; heavy-duty vehicle recovery.**

- A. The following is the fee schedule for basic automobile, motorcycles, motorized bikes, towing services and heavy-duty vehicle recovery:
  - (1) Basic towing service (two-axle vehicle) under 10,000 pounds.
    - (a) Rate: \$100.
    - (b) Additional axles: \$35 each.
  - (2) Basic towing service (two-axle vehicle) over 10,001 pounds to 16,000 pounds.
    - (a) Rate: \$250.
    - (b) Additional axles: \$35 each.
  - (3) Basic flatbed rate: \$125.
    - (a) The basic flatbed rate applies to vehicles that cannot be towed by another means.
    - (b) Flatbed towing of a vehicle with wheel lift does not qualify for the flatbed rate.
  - (4) Motorcycles and motorized bikes. Rate: \$100.
  - (5) Heavy-duty towing (over 16,001 pounds).
    - (a) Rate: \$500 per hour (one-hour minimum), billed in thirty (30) minute increments.
    - (b) Shaft removal: \$45.
    - (c) Brake release: \$45.
    - (d) No mileage fee from the point of tow to the licensee's storage yard.
  - (6) Air cushion device in heavy-duty vehicle recovery.
    - (a) Rate: \$550 per hour.
- B. The following is the fee schedule for storage services for all types of vehicles:
  - (1) Inside building, storage facility capacity:
    - (a) Under 10,000 pounds: \$45 per day.
    - (b) Each additional axle: \$20 per day.
  - (2) Outside secured, storage facility capacity:
    - (a) Under 10,000 pounds: \$35 per day.
    - (b) Additional axle: \$20 each per day.
    - (c) Over 10,000 pounds: \$75 per day.
    - (d) Over 10,000 pounds, tandem axle: \$100 per day.
    - (e) Tractor-trailer combination: \$140 per day.
- C. Emergency road service: \$75.
  - (1) Emergency road service: jump start, bringing up to two gallons of fuel, tire change.
  - (2) If a tow results, there will be no charge for road service, except cost of emergency gas if placed into the vehicle's tank.
- D. Rates for vehicle recovery and/or winching:
  - (1) Wreckers and personnel.
    - (a) Medium-duty wrecker: \$150 per hour, to be charged in thirty (30) minute increments with a one-half-hour minimum.
    - (b) Heavy-duty wrecker: \$300 per hour to be charged in thirty (30) minute increments with a one-hour minimum.
    - (c) Additional manpower: \$60 per hour per man.
    - (d) Level 3 Recovery Supervisor: \$90 per hour.
  - (2) Licensees may, however, charge additional fees for extraordinary recovery and/or winching. All services must be itemized on the statement for services.

- E. Additional services that may be required:
- (1) Axle pull/drive shaft/transmission disconnect: \$40 flat rate.
  - (2) Hookup air: \$25 flat rate.
  - (3) Roadway cleanup: \$50 per hour, to be charged in thirty (30) minute increments with a one-half-hour minimum.
    - (a) When basic environmental cleanup is required, a charge of \$25 for each fifty-pound bag of absorbent and plastic bags for removal may be charged.
    - (b) Cleanup services, including time and absorbent, must be itemized on the statement.
  - (4) No yard charge may be billed.
  - (5) Waiting time: \$40 per hour, in excess of fifteen (15) minutes, which shall be calculated based upon each fifteen (15) minutes spent at the site from which a motor vehicle will be towed, with fewer than fifteen (15) minutes, rounded up to fifteen (15).
  - (6) The use of window wrap or tarping is \$25.
  - (7) The licensee shall prepare an itemized billing invoice for all services rendered.
- F. A towing company that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 p.m. the next day, the towing company shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing company may charge for two days of storage.
- G. Customers must be able to use cash, insurance company check, debit card, charge card or credit card to pay for services. The Borough will not be held liable for, or assist the towing operator in the collection of any unpaid fees that are incurred for performing towing or storage services.
- H. The rates on the "Borough of Maywood Towing and Storage Rate Schedule" represent the maximum rates permitted under this chapter. It shall be unlawful for any licensee to charge a rate in excess of the rates prescribed or for any service not specifically covered in this chapter.
- I. Mileage rates. There shall be no mileage charge, for any vehicle towed under this chapter, to respond to the service call or from the point of service back to the licensee's principal location. If the owner or operator designates the vehicle to be towed to another location other than the licensee's principal location, then the licensee may charge for loaded mileage outside the boundaries of the Borough of Maywood. Mileage charges per mile outside of Maywood shall be \$4 per mile or part thereof.
- J. Heavy vehicle recovery (over 16,000 pounds).
- (1) To perform heavy vehicle recovery, the Borough requires that the licensee have on-scene a recovery supervisor with a Level 3 certification from the Towing and Recovery Association of America (TRAA) or other nationally recognized certification.
  - (2) To perform heavy vehicle recovery under this chapter, the licensee must:
    - (a) Visually document the recovery scene through photos or videotape.
    - (b) Prepare a written report of all procedures employed, actions taken, equipment used and manpower requirements to complete the recovery process in the safest manner and provide a copy to the vehicle owner with the statement for services.
    - (c) Prepare an itemized billing invoice for all services rendered.
  - (3) If the licensee finds it necessary, due to the nature of the recovery, to contract additional recovery services to supplement its equipment and manpower recovery, the contracted service providers must work under the supervision of the licensee. The licensee may not subcontract the entire recovery. In the event that the heavy-duty wrecker operator is unable to handle the recovery, then the next heavy-duty wrecker on the rotating list shall be called.

### **§ 305-20 Violations and penalties.**

- A. Any person or towing operator who violates the provisions of this chapter shall, upon conviction, be fined as follows:
- (1) First offense: not less than \$100 nor more than \$500.
  - (2) Second offense within a one-year period: not less than \$500 nor more than \$1,000 and mandatory license suspension.

(3) Third offense within a one-year period: not less than \$1,000 and a one-year license suspension.

B. In addition to any penalties that may be imposed by the Municipal Court, the Borough Council may, after conducting a hearing regarding the violation(s), terminate the license issued pursuant to this chapter for repeated violations of this chapter. “

**Section 2:** The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

**Section 3:** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 4.** All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 5:** This ordinance shall take effect upon passage and publication according to law.

#### **ORDINANCE # 24-19**

#### **AN ORDINANCE TO AMEND CHAPTER 52 ENTITLED “PERSONNEL POLICIES” OF THE BOROUGH OF MAYWOOD CODE IN THE BOROUGH OF MAYWOOD, STATE OF NEW JERSEY**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:**

**WHEREAS,** Borough of Maywood Code Chapter §52-2 entitled “Grant of benefits; calculation” provides for retirement health benefits of full time permanent employees of the Borough of Maywood who are not covered by collective negotiation agreements; and

**WHEREAS,** the Mayor and Council of the Borough of Maywood wish to revise, update and clarify existing inconsistencies within the current ordinance, Chapter §52-2, for the calculation of retirement benefits for employees of the Borough of Maywood not covered by a collective bargaining agreement;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, as follows:

**Section 1.** Chapter 52 subchapter 2 is amended by striking sections A, B and C in their entirety and replace same with the following language. Chapter §52-2 shall now read as:

§52-2 Grant of benefits; calculation.

- A. With respect to employees of the Borough of Maywood who shall retire from employment from the Borough of Maywood effective on or after May 1, 2004, and who have 25 or more years as a full-time permanent employee of the Borough of Maywood, such employees shall be entitled to receive a continuation of hospitalization and medical coverage as shall be provided to other full-time permanent employees of the Borough of Maywood who are not covered by collective negotiations agreements, as may hereinafter be modified, added or deleted, in the discretion of the Borough of Maywood.
- B. Any contribution paid by the employee for any and all insurance coverage shall extend into retirement at the same percentage rate.
- C. When eligible for Medicare coverage all employees, as a condition of continued health benefits as provided for herein, shall apply for and pay such sums as may be due for Medicare coverage, Parts A and B. To this end, the health benefits provided by the Borough hereunder shall become supplementary coverage.



**Section 2:** The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

**Section 3:** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 4.** All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 5:** This ordinance shall take effect upon passage and publication according to law.

Council President Garofalow moved for the introductions, seconded by Council member Bolan. Motion carried by the members present.

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinances #23-19 and #24-19, pass on first reading and that said Ordinances will be further considered for final passage at a meeting of the Mayor and Council to be held on December 17, 2019 at 7:30pm at the Borough Hall, 15 Park Avenue, Maywood, New Jersey at which time and place all persons interested therein will be given an opportunity to be heard concerning the same, and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

#### **NEW BUSINESS**

NONE

#### **OLD BUSINESS**

1. Discussion of Charging Station - awarding of vendor  
A supplier needs to be named within 60 days of the grant being awarded. Council agreed to award the installation to Bryan Electric who made the presentation to the Mayor and Council are have been award a NJ State Contract. Discussion as to enter into the 3 or 5 year subscription will take place at a later date.
2. Discussion of the appointment of COAH Administrator and Liaison  
Roberta Stern will be named both positions in the interim. The Borough will need to time to go out for RFQs for the COAH Administrator.
3. Underground Storage Tanks have been worked on by the DPW for 8 years.  
The vendor would like to attend a Council meeting in the New Year to discuss a change in scope with no fee change.

#### **CLOSED SESSION – IF APPLICABLE**

**WHEREAS**, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Governing Body wishes to discuss:

#### **Personnel**

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public;

**NOW THEREFORE BE IT RESOLVED**, that the public be excluded from this meeting; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Maywood do not envision that they will return to open session after the closed session but reserves the right to do so.

Council President Garofalow made a motion to go into closed session; seconded by Council member Lindenau. Motion carried by the members present.

Council President Garofalow made a motion to return to the public portion; seconded by Council member Lindenau. Motion carried by the members present.

**ADJOURNMENT**

Council President Garofalow moved the meeting be adjourned; seconded by Council member Lindenau and so carried at 9:39p.m.

Respectfully submitted;

Barbara L. Dispoto, RMC  
Borough Clerk