

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
JULY 15, 2019, 7:00 P.M.**

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Meditation:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Banahan Koch Peters
Rice Rodriguez Sorensen
6. **Workshop Session**
 - Request from Cameron Spector to film on August 10th & 11th using Lake Ave/FH Fields/FH Road Dock
 - Joint Insurance Fund Renewal Committee
 - Support Path to Progress Recommendations (NJ Economic and Fiscal Policy Workgroup)
 - FAQ Topic(s)
 - Website Upgrade
 - Proposed Amendment to Ordinance No. 2019-10, Banning Plastic Straws, Styrofoam and Plastic Bags
 - Basements and High-Water Discussion
 - Jamie Riley Memorial Scholarship Pickle Ball Tournament: October 5th and 6th
7. **Public Comment on Agenda Items**
8. **Approval of Minutes**
 - June 24, 2019 Regular Meeting
 - June 24, 2019 Executive Session
9. **Old Business**
 - Hearing and Adoption of Ordinances**
 - 2019-09 Amend Tow Truck Operator Ordinance - Fees
 - 2019-10 Ordinance Banning Plastic Straws, Styrofoam and Plastic Bags
10. **New Business**
 - Consent Agenda**
 - Resolutions**
 - 2019-132 Executive Session: Personnel, Acquisition of Property, Pending Litigation & Contract Negotiations
 - 2019-133 Approve Block Party - Gentry Drive (Third Street to Denise Court)
 - 2019-134 Approve Block Party - First Street (Lexington Avenue to Lincoln Avenue)
 - 2019-135 Chapter 159: Alcohol Education and Rehabilitation Enforcement
 - 2019-136 Approve Fire Department Membership Application – Cameron Lewis
 - 2019-137 Approve Fire Department Affiliate Application - Ashley Finamore (Auxiliary)
 - 2019-138 Approve Fire Department Affiliate Application - Dora Finamore (Auxiliary)
 - 2019-139 Approve Fire Department Affiliate Application - Carol Corbett (Auxiliary)
 - 2019-140 Award Contract for Website Services – Civic Plus
 - 2019-141 Approve Release Agreement for David L. Becker, DPW Laborer
 - 2019-142 Payment of Vouchers
 - 2019-143 Approve Reimbursement to Fair Haven First Aid – Sale of 2006 Ambulance

Department Reports

May 2019

-Chief Financial Officer

June 2019

-Municipal Clerk

-Dog License

-Police Department

-Planning Board and Zoning Board

-Municipal Court

11. **Good of the Borough - Please stand and identify yourself by clearly stating your name and address for the record** (*Please observe a time limit of three minutes*)
12. **Adjournment**

PROCEDURE FOR CITIZEN PARTICIPATION AT COUNCIL MEETINGS

The Fair Haven Borough Council and the Mayor welcome comments, suggestions and inquiries from residents of Fair Haven. To that end, provision is made for a public discussion period at each meeting. It is listed as:

“Public Discussion” – near the end of the meeting where any topic may be addressed.

You must wait to be recognized by the Mayor. **IDENTIFY YOURSELF BY CLEARLY STATING YOUR NAME AND ADDRESS FOR THE RECORD.** Limit your comments to three (3) minutes. Once a particular topic has been addressed by a member of the public, he/she will not be recognized to talk again on the same topic until all others have been heard a first time.

If you wish to reserve time to speak in advance, you may address your request to Allyson Cinquegrana at 732-747-0241 extension 221, by noon on the Friday preceding the meeting.

You will **NOT** be recognized, **NOR SHOULD YOU COMMENT OR CARRY ON A DEBATE OR DIALOGUE WHILE BUSINESS OF THE BOROUGH IS BEING ADDRESSED BY MAYOR AND COUNCIL.**

THE NEXT COUNCIL MEETING WILL BE HELD ON JULY 29TH

**BOROUGH OF FAIR HAVEN
ORDINANCE 2019-09**

**AMEND BOROUGH CODE 4-15, SECTION 10, FEES AND CHARGES FOR
TOW TRUCK OPERATORS**

BE IT ORDAINED by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey, as follows:

I.

The purpose of this Ordinance is to supplement Chapter 4, specifically Section 15.10 Fees and Charges for Tow Truck Operators.

NOTE: The section of Chapter 4 that is to be supplemented by Ordinance is Section 15.10 Fees and Charges. All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 4-15 that will remain unchanged are shown in normal type.

BE IT ORDAINED by the Governing Body of the Borough of Fair Haven that it is necessary to establish regulations for Tow Truck Operators in the Borough of Fair Haven.

Purpose and Scope.

The purpose of this section is to establish a rotating tower/wrecker list to be utilized by the Police Department of the Borough of Fair Haven regarding wrecked, abandoned, impounded or similar vehicles and to regulate the towing and storage of motor vehicles which result from Police Department calls for assistance, and to establish towing and storage fee schedules.

The provisions of this section apply to all businesses who provide towing and storage services for motor vehicles who shall participate in the rotating call list in the Borough of Fair Haven.

General Licensing

Definitions. Certain words and phrases in this section shall have the following meanings:

Authorized Storage Facility shall mean a motor vehicle storage facility in compliance with the Zoning Ordinance of the Borough of Fair Haven or other municipality which has a temporary storage facility for disabled or abandoned vehicles.

Automobile or Motor Vehicle shall mean a private passenger automobile of a private passenger or station wagon type and a motor vehicle with a pickup body, or delivery sedan, a van or a panel truck as well as motorcycles and mopeds.

Basic Towing Service shall mean the removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way berm, or from being impaled upon any other object within the right-of way berm.

Borough shall mean the Borough of Fair Haven

Cruising shall mean the operation of an unengaged wrecker along the public streets in any fashion intended likely or calculated to solicit business.

Inside Buildings shall mean a vehicle storage facility that is completely indoors, having one (1) or more openings in the walls for storage and removal of vehicles and that is secured by a locking device on each opening.

Motor Vehicle Accident shall mean an occurrence in which a motor vehicle comes in contact with any other object for which the motor vehicle must be towed or removed for placement in a storage facility.

Operator shall mean the person, firm or corporation which owns or leases and operates or causes to be operated a tow truck and includes the words "owner", "licensee" and/or "contractor."

Outside Secured shall mean an automobile storage facility that is not indoors and is secured by a fence, wall or other manmade barrier that is at least six (6') feet high and is installed with an alarm system or similar on-site security measures. The facility is to be lighted at night.

Outside Unsecured shall mean an automobile storage facility that is not indoors and is not secured by a fence, wall or other manmade barrier, and all other storage facilities not defined above as inside building or outside secured.

Police Officer shall mean, for the purposes of this section, any regular police officer or special police officer of the Borough of Fair Haven and any State Police Officer or the Borough Code Enforcement Officer, Zoning Officer, Parking Enforcement Officer or their designees.

Storage Charges for 24-Hour Period shall mean the maximum allowable amount to be charged by a storage facility for a 24-hour period or fraction thereof. A new 24-hour period begins at 12:01 a.m.

Tow List shall mean a list containing the names and addresses of towing and storage contractors maintained by the Police Department who will be called on a rotating basis when the Police Department determines that the assistance of such services is required within the Borough.

Tow Vehicle shall mean only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or underreach equipment specifically designed by its manufacturer for the removal or transport of motor vehicles.

Tow Vehicle's Base of Service shall mean the towing operator's principal place of business where the tow vehicle is stationed when not in use.

Applicability.

This section shall apply to any operator who provides towing and who seeks to provide motor vehicle tow service in the Borough of Fair Haven pursuant to the rotating towing call list described herein.

License Required.

No operator shall operate within the Borough of Fair Haven without obtaining a license in accordance with the provisions of this section. Specifically exempted from this license requirement are towing operators engaged solely in the towing, transporting, conveying or removing from private property within the Borough, or those directly and privately engaged or designated by the person responsible for the vehicle to be towed, transported, conveyed or removed.

No operator shall be eligible for inclusion on the rotating call list described in this section unless such operator shall obtain a license from the Borough of Fair Haven for inclusion on the tow list. There shall be no subcontracting of services allowed.

Application Process for License.

a . An application for a license to be placed upon the list to be utilized by the Police Department shall be made by the person or firm engaged in operating a storage facility and a tow vehicle in the Borough of Fair Haven.

b. The application shall include the following information:

1. The full name, address, telephone number and tax identification number of the applicant. If the application is made for a partnership, corporation or other business entity, it shall state the names and addresses of the officers; names and addresses of the directors or partners; names and addresses of anyone owning ten (10%) percent or more of the applicant; and the address and telephone number of the corporate registered office and registered agent or the managing partner.

2. The description by make, model, license number, year, gross vehicle weight, vehicle identification number and color of each tow vehicle which will respond to towing calls.

3. A statement setting forth a maximum gross vehicle weight the applicant is capable of towing.

4. A statement setting forth a maximum size vehicle the applicant is capable of towing.

5. The address at which each such tow vehicle will be principally kept.

6. The street address and the municipal tax map lot and block number of the proposed authorized storage facility to which towed vehicles will be taken and at which they will be stored. In the event that the applicant does not own or control such a storage facility, the applicant shall present a lease agreement by a person who does own or control such a storage facility evidencing that the applicant has permission to store towed vehicles at that facility; said lease shall be for a term of not less than the period of validity of the license sought.

7. The names, addresses and driver's license numbers of all drivers of tow truck wreckers.

8. The telephone number available on a 24-hour per day basis at which the Police Department may summons a tow vehicle at any time of day or night.

9. Copies of insurance policies or certificates of insurance required under this section.

10. An Employment Nondiscrimination Statement.

11. A Statement of Compliance with all State and Federal laws and regulations concerning wages, hours and terms of employment.

c. The applicant shall file with the Borough Clerk completed application forms which forms shall be furnished by the Chief of Police. Each application for a license shall be accompanied by an application fee of one hundred fifty (\$150.00) dollars.

d. The Borough Clerk shall refer the application for a license to the Police Department for investigation and report. After the application has been submitted and reviewed by the Police Department, the Chief of Police will recommend approval or disapproval of the application. The Police Chief's recommendation shall be dependent upon both the applicant's ability to perform in accordance with this section and upon the applicant's personal fitness to engage in a business regulated in the public interest. Factors which the Chief of Police shall consider for reasons of personal fitness shall include:

(1) convictions of indictable offenses;

(2) convictions of crimes involving moral turpitude; and

(3) convictions of crimes involving use or possession of a controlled dangerous substance.

Application Filing Dates and Term of License.

Applications for the initial licenses under this section shall be made to the Borough Clerk on or before August 31, 2007. The first licenses issued hereunder shall be effective until December 31, 2008. Thereafter, licenses shall be effective for a period of one (1) year commencing January 1 of each pertinent year. Applications for licenses shall be filed no later than December 1st prior to the commencement of the period for which a license is sought. By filing the application, each applicant agrees to comply with all provisions of this Chapter.

License Fees.

The fee for each license under this section is ~~one hundred (\$100.00)~~ **one hundred fifty (\$150.00)** dollars.

Establishment and Operation of Call List.

- a. The Chief of Police or his designee shall establish a rotating call list for towing service for the Borough to be called by a member of the Police Department in the event the owner or driver of a disabled vehicle is unable to or fails to indicate any specific choice of towing operator to remove the disabled vehicle. A current copy of the call list shall be available for inspection by the public at the office of the Borough Clerk and the Police Department. Any towing and storage contractors qualifying and obtaining a license pursuant to this section shall be included on the list and those on the list shall be called on a rotating basis to provide the required towing and storage services.
- b. Whenever a towing and storage contractor is called through the Police Department, whether as a result of being next on the tow list, or for another reason, that the towing and storage contractor will rotate to the bottom of the list.
- c. The Chief of Police or his designee shall establish such other procedures and such reasonable regulations concerning the call list as are necessary to expedite and facilitate the rendition of the services described herein, including such procedures which will insure that all towing operators on the call list are summoned on a nondiscriminatory basis in rotating order. Notwithstanding the foregoing, nothing contained herein shall prevent the Chief of Police or his designee from requesting additional towing service from others if, in the judgment of such person, the size, nature or scope of the conditions or the performance of the called towing service requires that assistance be rendered.

Standards and Qualifications. The following are the minimum standards/qualifications required to be considered for inclusion on the tow list:

- a. Accidents Involving Large Vehicles. The towing and storage contractors must be prepared to promptly clear the roadway of any or all types of disabled vehicles. Where the vehicles are too large for the service to remove from the scene, after clearing the roadway, the service may call for assistance of others. The towing and storage contractor is required to have appropriate arrangements available for this assistance at all times.
- b. Response Time. The towing and storage contractor must meet the following response times within the Borough of Fair Haven:
 1. Day (7:00 a.m.-7:00 p.m, seven (7) days a week) - fifteen (15) minutes;
 2. Night (7:00 p.m.-7:00 a.m., seven (7) days a week) - twenty (20) minutes;
 3. Heavy Duty Service Requirements - thirty (30) minutes.

Response time determination is to be initiated when the police call requesting towing is completed. Where the police cannot reach the next eligible contractor on the list, that contractor shall be deemed to have forfeited its position and the next succeeding contractor on the list shall be called.

c . Performance Standards. The contractor will be responsible for the conduct of contractor's employees.

The towing and storage contractor will meet the following response performance standards:

1, Ninety (90%) percent of all calls referred will be answered (towing vehicle on scene) within the response time outlined above.

2. Not more than ten (10%) percent of the calls will be answered within an additional ten (10) minutes (day or night).

3. No response will be later than twenty-five (25) minutes, whether day or night, with the exception of paragraph b,3 above.

d . Equipment Requirements. No license shall be issued to a towing operator and storage contractor who does not possess for use in this business the following equipment, which equipment shall be inspected by the Chief of Police or his authorized representative prior to the issuance of a license:

1. Tow Vehicle. Each towing operator must have available at least one (1) professionally constructed wrecking vehicle, capable of performing all towing or roadway clearance tasks assigned by the Borough.

2. Safety Equipment. Each vehicle shall have appropriate authorized beacon and warning lights, tow vehicle illumination, stop lights and portable fire extinguishers.

3. Specialized Equipment. At least one (1) of the available tow vehicles must be equipped for dolly service and winching.

4. Cleanup Equipment. All tow vehicles must carry road cleanup equipment and supplies including brooms, rakes, trash cans and shovels and speedy dry type materials. The towing service is responsible for the prompt and safe removal of the disabled vehicle and for the prompt and complete removal of all litter and debris resulting from the accident with the exception of hazardous materials as set forth in N.J.S.A. 39:4-56.8.

e. Disabled Vehicle Storage. The towing service must operate a suitable, fenced and secure vehicle storage area in an area zoned for such use. The lot must be able to store at least fifteen (15) full-size vehicles. Said storage yard must be within a five (5) mile radius of the intersection of River Road and Fair Haven Road in the Borough of Fair Haven. This radius shall be measured by the shortest available route. The storage yard must be adjacent to or part of the towing operator's regular commercial business, which must be in operation at least six (6) days a week during working hours. The storage yard and the commercial business must satisfy the applicable Borough Ordinances in all respects.

Authorized personnel with the Department of Police will have twenty-four (24) hour, seven (7) day a week, access to vehicles within the authorized service storage yard. If there are in excess of fifteen (15) vehicles to be stored, they may be stored elsewhere as long as the alternate lot complies with the specifications of the regular storage lot, and appears on the towing and storage contractor's insurance certificate.

f. Insurance.

1. The towing and storage contractor shall maintain the following minimum insurance coverage with

an insurance company licensed to do business in New Jersey in the name of the applicant for the entire term of the contract:

(a) Automobile liability in an amount not less than one million (\$1,000,000.00) dollars combined single limits.

(b) Worker's compensation as required by statute.

(c) Garage keeper's liability in an amount not less than sixty thousand (\$60,000.00) dollars per location.

(d) Garage liability in an amount not less than one million (\$1,000,000.00) dollars combined single limit.

(e) Miscellaneous coverage to provide complete protection to the Borough against any and all risks of loss or liability, including comprehensive general liability.

2. The property damage policies are to be endorsed to provide for collision coverage for the vehicles in tow. The Borough is to be listed as an additional insured. Also, the policies are to provide for the indemnification of the Borough. The insured's coverage must be for the entire term of the license.

3. Certificate of Insurance. At time of application, the towing and storage contractor shall present a Certificate of Insurance evidencing the above coverage by an insurance company licensed to do business in the State of New Jersey. Included on such Certificate shall be a statement that the insurance company or agent will notify, in writing, the Chief of Police immediately of any change, cancellation or lapse of such coverage.

Such statement shall not include language making such notification permissive, nor language absolving the company/agent from liability for failure to notify. Additionally, the applicant agrees to notify the Chief of Police immediately of any change, cancellation or lapse of insurance coverage.

g. General Standards. All towing operators and their employees shall be fully trained and knowledgeable in the operation of all required equipment and shall be subject to background investigations by the Borough Police Department.

All towing operators must be available for service on a 24-hour, seven (7) days per week basis without exception, unless authorized by the Chief of Police.

h. Indemnification. All licensees agree to indemnify and hold the Borough of Fair Haven and its officers and employees harmless from any liability, expense or costs of suit, including reasonable attorney's fees and costs, arising out of or resulting from any action of the applicant in performing towing and storage services in the Borough of Fair Haven.

i. Rules and Regulations.

I. No towing operator shall engage in cruising as defined in this section.

2. No towing operator shall solicit or attempt to divert patrons of another towing operator whether or not licensed under this section, nor shall a towing operator solicit or divert prospective patrons of a given repair service to any other repair service.

3. No flashing lights or sirens shall be used by a towing operator except by permission granted by the Chief of Police.
4. The governing body hereby designates the Police Department generally, and the Chief of Police particularly, as the supervising authority to enforce the provisions of this section as well as the rules and regulations adopted hereunder.
5. Prior to license renewal and again during the month of March, each towing operator licensed under this section shall be inspected by the Chief of Police or his designee for fitness.
6. Each licensed towing operator at all times shall maintain and carry the necessary equipment to remove disabled or locked vehicles or equipment necessary to operate or open vehicles to enable public safety personnel to remove entrapped passengers.
7. Each towing operator, prior to departure from the scene where it performed towing services, shall clean and clear the streets of any customary debris resulting from any accident at such scene and shall at all times carry the necessary equipment to perform such cleaning services.
8. No towing operator, licensed under this Section or otherwise, shall respond to the scene of an accident except upon the request of the driver or owner of the vehicles involved or except upon notification by the channel of communication established by the Police Department to notify licensed towing operators of the necessity of their presence.
9. Refusal to tow at the scene of the towing and the type of car refused shall be reported by the Police Officer assigned to the incident to his superior. The report of refusal shall be furnished to the Chief of Police and the Borough Clerk as soon as practicable.
10. When any unusual situation occurs which may be dangerous to the safety of the public, such as dangerous cargo, solvents, fluids, natural gas, etc., the most qualified towing operator will be selected by the Police Department.
11. Where no designation has been made, licensed towing operators are authorized to remove the vehicle to the towing operator's place of business.
12. Where vehicles are towed to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence, or for other purposes, such vehicle shall not be released from police custody unless the owner of the vehicle furnishes the Police Department with a receipt that towing service fees have been paid.
13. In all cases where cars are to be towed for illegal parking, summonses for such offenses shall be issued prior to towing.
14. No towing operator operating under the license issued hereunder shall employ directly or indirectly any personnel or employees of the Borough of Fair Haven.
15. The Police Department shall maintain a log record of calls to licensed towing operators under this section. Said record shall be available for inspection by any licensed towing operator upon reasonable notice.
16. The authorized towing operator shall not charge any towing or storage fee for vehicles which have been ordered impounded by the Police Department as a result of an investigation, nor for Borough of Fair Haven

municipal cars that have broken down or have been involved in accidents within the Borough limits, and which vehicles are stored at a Borough facility. With such a municipal tow, the towing operator will not lose the position at the top of the rotational list.

17, No license issued pursuant to this section shall be transferable and upon cessation of activity under the license through revocation or otherwise, the license shall be determined null and void.

18. Such additional rules and regulations as may be promulgated shall take effect after notification of such rules and regulations upon all holders of licenses for towing operators. Service shall be made by forwarding these rules and regulations by certified mail, return receipt requested, to the licensee at the address listed in his most recent application.

j. Fees and Charges.

1. Fee Schedule. Each applicant shall attach to its application for a license a copy of its current fee schedule, which must not be in excess of that provided for in this section. In the event an applicant is included on the tow list and will be amending its fee schedule from that previously filed with the Chief of Police, such amendment, together with a complete amended fee schedule, shall be filed with the Borough Clerk and the Chief of Police at least thirty (30) days prior to implementing and charging pursuant to such amended fee schedule. The fact of filing a fee schedule with the Chief of Police shall not in any way be construed as authority to charge any fees in excess of those permitted by this section. All customer bills must be in an amount not exceeding the rates provided for herein.

2. Maximum Rates. The maximum rates, as fixed on Schedule "A" attached to and incorporated into this section, shall apply to the towing and storage of all passenger vehicles except those exempted pursuant to N.J.S.A. 17:33B-47 et seq. and N.J.A.C. 11:3-38.1 et seq. as well as to all non-passenger vehicles not exceeding three (3) tons in weight. There shall be no additional charges for services including, but not limited to, flat bedding, waiting time, cleanup costs, and additional labor, when only basic towing services as defined are provided.

3. Services to Other Types of Vehicles or Extraordinary Services; Rates. In the case of services rendered to vehicles other than the types of vehicles mentioned in paragraph j,2. (Schedule A, referred to herein), may be found at the end of this section. preceding, or services of a nature beyond basic towing services as defined, or services other than covered by basic rate, or services rendered in an extraordinary case involving unusual conditions, the rate to be charged shall be fair and reasonable and shall not exceed those fees set forth on the filed fee schedule referred to in paragraph j,l. hereinabove, based on the location, the length of time, the number of men and machinery involved and the difficulty of the job.

k. Authorized Borough Service Receipt Form.

1. Towing Service Receipt Form. The towing and storage contractor will complete and file with the Police Department a towing service receipt form for every vehicle serviced on Borough assignment. A pre-printed form supplied by the towing and storage contractor will include at least the following information:

(a) Authorized service business name, address and business phone number.

(b) Time, location and vehicle information.

(c) Towing representative's signature.

(d) Detailed service charges and fees.

2. Distribution of Form. The receipt will be multi-copy and issued as follows:

(a) Original. Issued immediately to owner upon completion of service and payment of bill.

(b) Police. Issued monthly to Police Department upon completion of services.

(c) Owner's Accident Receipt. Issued at the accident site to the owner prior to the removal of the vehicle. In the event the owner is incapacitated or disputes the assignment, the owner's accident receipt may be issued to the Police Department.

(d) Copies. As deemed necessary by towing service.

3. Follow-up Report. A quarterly report must be filed with the Police Department containing the following information:

Description of each vehicle towed pursuant to request by Police Department during months for which report is given;

Name and address to title owner of vehicle;

Date vehicle was towed;

Amount charged for tow;

Amount charged for storage to date of report;

Date vehicle was released;

List of all vehicles towed pursuant to Police Department request which vehicles are unclaimed for over thirty (30) days.

Towing and Storage Fees.

At no time shall a towing and storage contractor charge fees in excess of those authorized by this section. Contractor shall make appropriate accommodations for customer fees to be payable by major credit card.

Special Towing Services. If special towing services are required, the towing and storage contractor shall quote the vehicle owner or his authorized agent directly. In the event that the owner is incapacitated, a written copy of the price quote should be filed with the Police Department.

No "release fees" may be charged for the release of vehicles. No vehicle shall be released by the towing and storage contractor unless the owner presents an authorization to release form issued by the Police Department.

Other Towing Arrangements by Persons Responsible for Automobile.

Nothing contained in this section shall prevent a person responsible for a motor vehicle disabled upon the public streets or highways within the Borough of Fair Haven from arranging for the prompt removal of the vehicle from the scene of an accident or disablement by a wrecking or towing service of his/her own selection. The person responsible will be advised by the Police Department of the ability to select such towing service at the required time of removal, providing such person is present, fully conscious and capable of taking prompt action.

Discipline, Including Suspension or Removal from Tow List.

In the event that a person or entity shall fail to perform satisfactorily, or performs in violation of this section, such person or entity may be disciplined, including removal from the tow list, by the towing performance review committee consisting of two (2) members of the Internal Affairs Unit of the Police Department. Discipline may run from a reprimand to removal from the tow list. As soon as practical after a decision by the Towing Performance Review Committee, the Chief of Police shall cause written notice of such action to be given to the person or entity to be disciplined. The person or entity disciplined shall have the right to submit in writing, for the record, such rebuttal as deemed appropriate and an explanation of the steps being taken and procedures being implemented to correct any deficiencies. Any person or entity receiving a suspension for more than five (5) days may appeal the disciplinary action to the Borough Administrator. The Administrator, or his/her designee, shall hold a hearing regarding such appeal prior to the discipline being implemented. Any appeal must be made and served upon the Administrator within ten (10) days of receipt by the person or entity disciplined of the written notice from the Police Department regarding the suspension or removal.

Availability of Towing and Storage Fees.

The Police Department and the Office of the Borough Clerk shall maintain copies of this section as well as copies of all fee schedules of towing and storage contractors submitted to the Borough pursuant to this section, which section and fee schedule shall be available for inspection by the public during regular business hours of the Borough.

Authority of the Police Department.

The Police Chief is hereby given the authority to promulgate rules or regulations necessary to carry out the intent and purpose of this section, subject to approval of such rules and regulations by resolution of the Mayor and Council of the Borough of Fair Haven.

Penalties.

Any person or entity who shall be found to have violated any section of this section, or to have submitted a false or misleading application, shall in addition to penalties under this section, such as removal from the tow list or revocation of license, be subject upon conviction in the Municipal Court, to a penalty for each offense not to exceed one thousand (\$1,000.00) dollars and not more than ten (10) days incarceration.

SCHEDULE A

Borough of Fair Haven Towing and Storage Fee Schedule

All Autos and Trucks to 3 Tons

a. Regular Towing Service.

1. Borough day ~~\$75.00~~ **\$150.00**
2. Night, weekend and holiday ~~\$85.00~~ **\$175.00**
3. Flatbed (to be used only when necessary or requested by the police) ~~\$95.00~~ **\$175.00**
4. Towing elsewhere as agreed in writing with owner prior to tow

When towing services are required, the Day rate shall apply when the towing service is called by the Police between 8:30 a.m. and 4:30 p.m., Monday through Friday, except scheduled National Holidays.

The Night, Weekend and Holiday rates shall otherwise apply.

b. Storage Service.

1. Each day

~~(a) Inside building~~

(b) Outside secured **\$45.00**

~~(c) Outside unsecured \$20.00~~

c. Special Services.

1. If owner of vehicle appears on scene prior to tow truck arriving on scene but in time so that the police officer may cancel the request for towing, which cancellation shall be within five minutes of the original call to the towing operator - \$25.00
2. If owner of vehicle appears on scene after tow truck has arrived on scene but before the vehicle has been hooked up for tow - ~~\$30.00~~ **\$50.00**
3. If owner of vehicle appears on scene after tow truck has arrived on scene and after the vehicle has been hooked up for tow - ~~\$35.00~~ **\$75.00**
4. If a vehicle has to be placed on dollies to secure transportation, or if go-jacks are used to secure the vehicle then an additional fee of \$25.00
5. To move a motor vehicle by use of a cable and winch from a position that is not accessible for direct hook - first ½ hour - \$90; by conventional means loading onto a tow truck (Winching hour, or part is not pulling a motor vehicle onto a thereof, tilt bed or car carrier, nor lifting a thereafter motor vehicle with a conventional tow sling.) - \$40.00 for each ½ hour.

**BOROUGH OF FAIR HAVEN
ORDINANCE 2019-10**

**AN ORDINANCE OF THE BOROUGH OF FAIR HAVEN, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, NEW SECTION ENTITLED "LIMITING USE OF SINGLE-USE PLASTIC BAGS,
POLYSTYRENE FOAM CONTAINERS AND PLASTIC STRAWS BY BUSINESSES"**

1.1 INTENT.

The intent of this Ordinance is to adopt regulations relating to and limiting the use of single-use plastic bags, polystyrene foam containers and plastic straws by businesses in the Borough of Fair Haven. The regulations are intended as necessary and proper steps by the Borough to address a significant global problem relating to the sale and use of single-use plastic bags, polystyrene foam containers and plastic straws; to further incentivize the use of reusable bags at businesses, and, ultimately, to protect the environment, wildlife, and the public health, welfare, and safety.

1.2 DEFINITIONS.

The following definitions apply to this Chapter:

"BUSINESS OR STORE" means any retail establishment that engages in the retail sale of goods and products. The definition includes, but is not limited to pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, surf shops, dry cleaners, food marts, and food service establishments.

"EFFECTIVE DATE" shall be defined as the date on which final adoption and publication in accordance with the law are complete.

"ENFORCEMENT DATE" shall be 180 days from the Effective Date.

"FOOD SERVICE ESTABLISHMENT" means any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery.

"RETAIL" means the sale of goods and products for use and/ or consumption.

"COMPLIANT BAG" means recyclable paper carry-out bags and reusable bags as defined below:

A. A recyclable paper carry-out bag is a paper bag that meets all of the following minimum requirements:

- (1) It is one-hundred-percent recyclable overall and contains a minimum of 40% post-consumer recycled material;
- (2) It can be composted; and
- (3) It displays the words "recyclable" and/or "reusable" in a highly visible manner on the outside of the bag.

B. A reusable bag is a bag made of cloth or other washable fabric with handles that are specifically designed and manufactured for multiple reuse and meets all of the following additional requirements:

1. It has a minimum lifetime of 125 uses;
2. It can carry a minimum of 22 pounds;
3. It is machine washable or is made from a material that can be cleaned or disinfected;
4. It does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations; and
5. If made of plastic, it is a minimum of at least 2.25 mils thick

"CUSTOMER" means any person purchasing goods or services from a business or store.

"OPERATOR" means the person in control of, or having the responsibility for, the operation of a business or store, which may include, but is not limited to, the owner of the business or store.

"PERSON" means any natural person, firm, corporation, partnership, or other organization or group, however organized.

"POST-CONSUMER RECYCLED MATERIAL" means a bag constructed of a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Post-consumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

"PRODUCE BAG OR PRODUCT BAG" means a very thin bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.

"RECYCLABLE" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of reusing the altered, incinerated, converted, or otherwise thermally destroyed solid waste generated therefrom.

"SINGLE-USE, PLASTIC CARRYOUT BAG" means any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, that is provided by an operator of a business or store to a customer at the point of sale. The term includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags. This definition specifically exempts the following from the category of "single-use plastic carry-out bag":

A. Bags provided by operators and used by consumers inside a business or store to:

1. Package bulk items, such as fruit, vegetables, nuts, grains, candies, or small hardware items;
2. Contain or wrap frozen foods, meat, or fish, whether packaged or not;
3. Contain or wrap flowers, potted plants or other items where dampness may be an issue;
4. Contain unwrapped prepared foods or bakery goods; or
5. Pharmacy prescription bags

B. Newspaper bags, door-hanger bags, laundry and/or dry-cleaning bags, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags, or pet waste bags.

1.3 REGULATION OF SINGLE-USE, PLASTIC CARRYOUT BAGS, POLYSTYRENE FOAM CONTAINERS AND PLASTIC STRAWS.

No business or store shall provide any single-use, plastic carryout bags, polystyrene foam containers and/or plastic straws to a customer at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting products or goods out of the business or store, except as otherwise provided in this Chapter. In addition, no business or store shall provide customers any other types of carryout bags that don't meet the definition of Compliant Bag as defined in this Chapter.

1.4 REGULATION OF COMPLIANT BAGS.

Nothing in this Chapter shall require any business or store to provide compliant bags nor restrict their ability to charge for the purchase of said items. A business or store shall not charge a fee for bags of any kind provided by the customer.

1.5 ENFORCEMENT.

This Ordinance shall take effect on the Effective Date, and all Businesses and Stores must be in compliance with same by the Enforcement Date.

Any business or store found not to be in compliance with this Ordinance on the Enforcement Date, and which has not made application to the Borough Council for an extension as provided in this section, shall be in violation of this Ordinance and subject to the violations and penalties prescribed herein.

The Borough Council may, in the Borough's sole discretion, grant an extension of time for compliance with the Ordinance when a business or store makes application for an extension prior to the Enforcement Date. Upon such application, the Borough shall consider whether the business or store has made adequate good faith efforts to comply with this Ordinance by the Enforcement Date and has been unable do so for compelling reasons. The Borough may, in its sole discretion, grant an extension for not longer than 180 additional days from the Enforcement Date.

1.6 VIOLATIONS AND PENALTIES.

Each business or store violating any of the provisions of this section shall, upon conviction thereof in municipal court, be subject to a penalty of up to \$500 for a first offense, up to \$1,000 for a second offense, and up to \$2,500 for a third offense. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense.

1.7 SEVERABILITY.

In the event that any clause, section, provision, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, the remaining provisions of the Ordinance not affected by said invalidity shall remain in full force and effect.

1.8 REVERSE PREEMPTION.

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this article or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the Borough of Fair Haven. The Borough of Fair Haven Council may determine by resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

**COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION**

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-132

TITLE: EXECUTIVE SESSION

WHEREAS, the Open Public Meetings, 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 may wish to discuss the following matters:

Personnel

1. Director of Engineering and DPW

Pending Litigation

1. Yacht Works

Acquisition of Property

1. River Road

Contract Negotiations

1. Facilities Project Consulting

WHEREAS, 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.

**COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION**

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-133

**TITLE: APPROVING A BLOCK PARTY TO BE HELD ON
 A PORTION OF GENTRY DRIVE AND DANNA COURT**

WHEREAS, a request was received to hold a Block Party on Gentry Drive from Third Street to Denise Court on Saturday, September 21, 2019 from 5:00 pm to 9:00 pm (no rain date); and

WHEREAS, Chief McGovern reviewed the application and submitted his approval on June 24, 2019; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Gentry Drive from Third Street to Denise Court on Saturday, September 21, 2019 from 5:00 pm to 9:00 pm (no rain date).

BE IT FURTHER RESOLVED that Permit No. BP 2019-02 will be issued for said event.

**COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION**

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-134

**TITLE: APPROVING A BLOCK PARTY TO BE HELD ON FIRST STREET
 (BETWEEN LINCOLN AND LEXINGTON AVENUES)**

WHEREAS, a request was received to hold a Block Party on First Street (between Lincoln and Lexington Avenues) on Saturday, July 27, 2019 from 4:00 pm to 11:00 pm with a rain date of Sunday, July 28, 2019; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on July 8, 2019.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on First Street (between Lincoln and Lexington Avenues) on Saturday, July 27, 2019 from 4:00 pm to 11:00 pm with a rain date of Sunday, July 28, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-03 will be issued for said event.

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-135

TITLE: RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF FAIR HAVEN PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948): STATE OF NEW JERSEY – ALCOHOL EDUCATION REHABILITATION AND ENFORCEMENT FUND (DWI)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Fair Haven has received a \$401.87 grant from State of New Jersey for an Alcohol Education Rehabilitation and Enforcement Fund and wishes to amend its 2019 budget to include this amount as revenue; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2019 in the amount of \$401.87 which items in now available as revenue from:

The State of New Jersey
Alcohol Education Rehabilitation and Enforcement Fund

BE IT FURTHER RESOLVED that a like sum of \$401.87 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey
Alcohol Education Rehabilitation and Enforcement Fund

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

**COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION**

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-136

**TITLE: RESOLUTION APPOINTING A MEMBER TO THE FAIR HAVEN
FIRE DEPARTMENT, Regular Member – Cameron Lewis**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Cameron Lewis, 160 Third Street, Fair Haven, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-137

**TITLE: RESOLUTION APPOINTING A MEMBER TO THE FAIR HAVEN
FIRE DEPARTMENT, Affiliate Member (Auxiliary) – Ashley Finamore**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Ashley Finamore, 165 Third Street, Fair Haven, NJ having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid.

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-138

**TITLE: RESOLUTION APPOINTING A MEMBER TO THE FAIR HAVEN
FIRE DEPARTMENT, Affiliate Member (Auxiliary) – Dora Finamore**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Dora Finamore, 325 Cedar Avenue, Fair Haven, NJ having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid.

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-139

**TITLE: RESOLUTION APPOINTING A MEMBER TO THE FAIR HAVEN
FIRE DEPARTMENT, Affiliate Member (Auxiliary) – Carol J. Corbett**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Carol J. Corbett, 90 Princeton Road, Fair Haven, NJ having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid.

**COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION**

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-140

**TITLE: AWARD CONTRACT FOR WEBSITE HOSTING, DESIGN, DEVELOPMENT
AND NOTIFICATION SERVICES**

WHEREAS, the Borough of Fair Haven has determined that a municipal website is beneficial to the residents and businesses in Fair Haven as well as the greater community; and

WHEREAS, the current contract for a website provider will expire December 31, 2019; and

WHEREAS, proposals were solicited and received; and

WHEREAS, this is an Extraordinary Unspecifiable Service in accordance with NJAC 5:34-1.2 and will not exceed \$17,500; and

WHEREAS, the Borough Attorney, Borough Administrator and Communications Committee have reviewed the proposals and determined that CivicPlus with offices at 302 South 4th Street, Suite 500, Manhattan, Kansas 66502 and 1300 Massachusetts Avenue, Boxborough, Massachusetts 01719; and

WHEREAS, this is a three-year contract with payments of \$5,334 per year.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that it hereby awards a three-year contract for Website Hosting, Design Development and Notification Services to CivicPlus.

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-141

**TITLE: AUTHORIZE ACCRUED LEAVE TIME RELEASE PAYMENT FOR DAVID L.
 BECKER**

WHEREAS, David L. Becker retired from the Department of Public Works for the Borough of Fair Haven and will execute an Accrued Leave Time Release Agreement, as per the collective bargaining agreement between the Borough of Fair Haven and Teamster Local 177; the section addressing Sick Leave Accrual is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that a payment release for unused accrued leave time in the amount of \$853.10 to David L. Becker be authorized.

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-142

TITLE: PAYMENT OF VOUCHERS

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the July 15, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 1,434.67
2019 CURRENT ACCOUNT	\$ 2,136,267.13
GENERAL CAPITAL	\$ 15,660.00
GENERAL FUND	\$ 493.17
PAYROLL AGENCY	\$ 13,377.68
OTHER TRUST	\$ 4,343.01
DOG TRUST	\$ 6.00
TOTAL	\$ 2,171,581.66

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-143

**TITLE: APPROVE REIMBURSEMENT TO FAIR HAVEN’S FIRST AID SQUAD FOR THE
 SALE OF CHASSIS FROM THE 2006 FORD AMBULANCE**

WHEREAS, two of Fair Haven’s First Aid Ambulances owned by the Borough were refurbished; and

WHEREAS, to offset the cost of said refurbishment, the chassis from the 2006 Ford Ambulance (VIN #1FDXE 45P66 DA242 16) was sold to Jeff Maul in the amount of \$1,000.00 and the payment has been deposited in the Borough’s account.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the vehicle sale amount of \$1,000.00 will be turned over to the Fair Haven First Aid Squad through the July 29th Payment of Vouchers.