

**SPECIAL MEETING  
OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS  
WAS HELD THIS EVENING IN THE MUNICIPAL BUILDING**

**Thursday, October 10, 2013**

Council President John Vantuno called the meeting to order at 7:30 p.m. with the following members present: Louis Fontana, Joseph Maceri and Pamela Porter. Also present were Mayor Darlene Post, Township Attorney William Northgrave, Township Engineer Dennis Lindsay, Municipal Clerk Cynthia Kraus and Township Administrator Joanne Bergin.

Absent: Police Chief John Dmuchowski and Construction Official Joseph Macones,

Township Employees present: Lieutenant Salvatore Calafiore, Fire Chief Jack Sweezy and Recreation Director John Pace

Following the Salute to the Flag, the Statement of Public Notice was read.

**STATEMENT OF PUBLIC NOTICE:** Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on September 27, 2013; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

**REMARKS FROM CHAIR**

Council President VANTUNO informed that Councilmember Rento submitted his resignation as of this past Monday, 10/7/13. He explained the process of filling the vacancy and Mr. Northgrave clarified the timing for this.

**COUNCIL MEMBER REPORTS**

Councilmember FONTANA informed that the Wilmore Road Park Improvements are well underway. He also informed that Mr. Pace has set the Annual Halloween Bash for 10/26/13; he encouraged all to come out for this.

Councilmember MACERI had nothing to report.

Councilmember PORTER said the Senior Citizens are having their Harvest Moon Dinner Dance on 10/25/13, noting that everyone must RSVP by 10/14/13.

**ATTORNEY'S REPORT**

Mr. Northgrave pointed out that a question had previously been raised regarding notice of meetings and the publication of same. He explained that notice of a meeting is required to be given within 48 hours, but not required to be published. He also informed that Council members should be blind copied on all communications via email, as it does not allow them to reply to the message and therefore violate the Open Public Meetings Act.

**ADMINISTRATOR'S REPORT**

Mrs. Bergin reported as follows:

Thank you Council President.

I would like to ask the Council to re-adopt the refunding bond ordinance and republish the Bond Ordinance Statement and Summary. Procedurally, a bond ordinance cannot be finally adopted until after the supplemental debt statement is filed in Trenton. In this case, the Township inadvertently finally adopted the refunding bond ordinance prior to the SDS being filed in Trenton. To fix this procedural deficiency, the Township simply needs to re-adopt the refunding bond ordinance and republish the Bond Ordinance Statement and Summary.

Ordinance No. 1180 – It was moved by Councilmember Fontana, seconded by Council President Vantuno, that the Bond Ordinance No. 1180 be and it was adopted.

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Poll:           Ayes:           Fontana, Maceri, Porter and President Vantuno  
              Nays:           None

The Council President declared the motion passed.

The Township's annual Best Practices Worksheet. As required by the State to remain eligible for State Aid. Last year, the Township scored an 84%. This year our score increased to 88%. Some of the ranking criteria changed, but like last year, we have looked at areas where we lost points last year and adapted our business practices accordingly. That resulted in an improved score this year. Goals for the coming year focus on enhanced training for employees and accounting practices that will earn additional points for the township next year.

Now, I will turn the microphone over to Fire Chief Jack Sweezy who wants to outline the Fire Department's plans for Fire Prevention Week.

Fire Chief Sweezy explained that the Fire companies will be going to different schools in town to discuss fire prevention next week. He informed that they are willing to provide this training to Senior Citizens, as well as anyone else who might be interested.

Mrs. Bergin explained that Dennis Lindsay is prepared to discuss a resolution he asked to be added to the agenda. Mr. Lindsay provided an explanation of Resolution [B] on this evening's agenda.

### **PUBLIC PORTION**

Al Attianese, 27 Dewey Avenue, questioned the status of the contract negotiations with the Police. He also asked when the town will see a Pay-to-Play Ordinance, noting that this is part of the Best Practices for the State.

Arlene Krell, 23 Clove Road, asked why the public portion has been limited to one session. She thinks it would be beneficial to continue to have the two sessions. She also voiced her understanding that Clove Road will be a one-way, and asked why the road will still need to be widened.

Renea Shapiro, Little Falls ABC, informed that the bridge for the Morris Canal has arrived and will be moved to its proper location next week. She also informed that the ABC is having a Boutique Night on 11/15/13. She reminded that PSE&G representative Everton Scott attended a previous meeting to ask for the Council's support of PSE&G's Energy Strong Program. She asked why the town has not offered its support. She also pointed out that underground wiring is a necessity in town, adding that this would be beneficial for many reasons. At a past meeting, Mr. Simone had mentioned that he is extremely busy. She asked if the town would consider including a landscaper in next year's budget to take this extra work away from the DPW workers; this would be cheaper for the town.

James Damiano, Sigtim Drive, pointed out that flooding remains unresolved. The Flood Board has been meeting, but mostly to discuss the Peckman River. He feels that the Passaic River needs more attention. He asked what Little Falls has done to further its efforts with other towns to resolve this. Referring to the temporary telecommunications pole outside, he asked if this will become a permanent pole.

Arnold Korotkin, Long Hill Road, said tomorrow is the last day anyone can register to vote in the General Election on 11/5/13. He questioned whether there have been any meetings regarding the DPW and PBA contracts. He also questioned the status of the EMS services. Referring to the Master Plan, he asked if the residents will be able to see a copy of the plan prior to the Planning Board meeting on 11/7/13. Regarding public comment, he informed that some towns allow dialogue during public comment; he asked the Council to consider this. In reference to Mr. Northgrave's comments regarding the publication of public notices, he pointed out that the newspaper will not advertise these notices if they have not been paid to do so. Therefore, he requested that this information also be forwarded to the Reporter of the Passaic Valley Today Newspaper so he can include an article about it. Regarding flooding issues in town, he asked what is being done and said this is an ongoing issue that should be discussed.

Louis Fernandez, 54 Harrison Street, asked if permission is needed from the Police Department for door-to-door canvassing in town. He feels that people are violating this. Regarding the Best Practices Report, he said part of the Township's rating is based on transparency, which is something that has been taken away from the taxpayers of this town; they are being limited. People deserve the right to discuss their feelings regarding the Township. He also voiced his disappointment that nothing has been done to relieve flooding in town.

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Mr. Northgrave said union negotiations are ongoing and information will be disclosed when a contract is ready to be presented.

Mr. Northgrave said they have discussed the Pay-to-Play ordinance and confirmed that this is included in the Best Practices. He can draft an ordinance if the Council wishes, but said it could become more of a problem than following the State's regulations. Council President VANTUNO asked him to research the pros and cons of this.

Council President VANTUNO explained that the second public portion was eliminated in the beginning of the year. However, he is willing to look into the idea of a dialogue with residents.

Mr. Lindsay said the one-way option for Clove Road was the least intrusive option. However, in order to receive funding for this, they needed larger shoulders along the road.

Council President VANTUNO said he doesn't think they made a decision as to PSE&G yet. He agrees about underground wiring, although it is cost prohibitive. They must discuss the issue of landscaping with Mr. Simone.

Mayor Post said the flooding issue of the Passaic River is an ongoing concern. They are still considering different options, including a flood tunnel.

Council President VANTUNO said the temporary pole is for dispatch and not the emergency communication system. It is temporary and is needed to move the Police into the new building.

Mayor Post said the Fire Chief and herself discussed the paid EMS recently; they will continue discussions in the near future.

Mrs. Bergin informed that the Master Plan is currently posted on the Township Website for residents to review. If there is to be a formal presentation at the Planning Board meeting that night, notification will be posted in advance on the website.

Mayor Post explained that they are concerned with everything flood related. She has not been in attendance for the Passaic River Basin flood meetings and has nothing further to report on this topic at this time.

Mrs. Bergin informed that some groups have blanket approval for solicitation purposes. She explained that if someone feels bothered by a solicitor at their door, they are welcome to call the Police. Mr. Fernandez asked if permitted times for solicitations are included in the ordinance. Mrs. Bergin said time restrictions are 9:00 a.m. – 5:00 p.m.; Sundays and holidays are restricted.

Council President VANTUNO agreed that the Council discontinued Workshop meetings, but said any Workshop items would be discussed at a Regular Meeting.

Mrs. Bergin informed that she received a letter via email this morning that the Township is receiving a \$75,000 grant from NJOEM recently; it is a mitigation grant for a generator for the Recreation Center so they can use it as a second shelter.

### CONSENT AGENDA

All items on the Consent Agenda were considered to be routine and were enacted with a single motion. Any items under REQUISITIONS carried a Treasurer's certification as to sufficiency of funds.

### APPLICATIONS

NJ State Firemen's Association – Nicholas R. Freda, Hopson Avenue, Great Notch Fire Co. #1  
- Melissa A. Hearnay, Hudson Street, Great Notch Fire Co. #1

Blue Light Permit – Nicholas R. Freda, Hopson Avenue, Little Falls Fire Department  
- Ronald Stell, Long Hill Road, Little Falls Fire Department  
- Tara Nolan, Grove Street, Passaic, Little Falls Fire Department

Raffles – On-Premise Draw Raffle, Little Falls School #1 PTA, 2/9/14, 12:00 p.m. – 4:00 p.m., P.V.H.S.  
- Tricky Tray, P.V.H.S. Operation Graduation 2014, 1/23/14, 6:00 p.m. – 11:00 p.m., Meat Cutters Hall

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- On-Premise 50/50, North Jersey Regional Chamber of Commerce Foundation, 10/23/13, 6:00 p.m. – 9:00 p.m., Meat Cutters Hall

**REPORTS**

Municipal Clerk’s Report – Month of September 2013

MUNICIPAL CLERKS REPORT  
Month of September 2013

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$25.00	
Pre-paid Business Licenses		
Raffle Licenses	1,750.00	\$1,775.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$464.00	
Marriage Licenses-LF	18.00	
Marriage Licenses-NJ	150.00	\$632.00
MRNA		
Street Maps		
Zoning Maps		
Zoning Ordinances		
Document Copies	\$28.32	
Garage Sales	95.00	
Misc. Fees & Refunds:		
TOTAL MRNA		<u>\$123.32</u>
TOTAL CURRENT ACCOUNT		<u>\$2,530.32</u>
TOTAL TO TREASURER		<u>\$2,530.32</u>

Municipal Clerk’s Dog/Cat License Report – Month of September 2013

MUNICIPAL CLERK’S DOG/CAT LICENSE REPORT  
Month of September 2013

<b>Dog</b> Licenses issued 9/1/13 thru 9/30/13	
Nos. 423 to 437 = 15 Licenses	
Amount due Little Falls	\$102.00
Amount due State	18.00
Total Cash Received	\$120.00
<b>Cat</b> Licenses issued 9/1/13 thru 9/30/13	
Nos. 60 to 61	
Licenses Issued 2	
Total Cash Received	<u>\$16.00</u>
Total to Treas.	<u>\$136.00</u>

Tax Collector’s Report – Month of September 2013

**RESOLUTIONS**

NJ Dept. of Health – Dog License Fees

RESOLUTION [A] 13-10-10 - #1

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds, that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$18.00

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 423 to 437 for the month of September 2013.

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It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Consent Agenda be approved as printed.

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Poll: Ayes: Fontana, Maceri, Porter and President Vantuno  
None: Nays: None

The Council President declared the motion passed.

### REGULAR AGENDA

The following items were individually considered.

#### NEW BUSINESS

Ordinance No. 1182 – Councilmember FONTANA questioned why it took so long to draft this ordinance. Mr. Northgrave explained that there were many different issues that had to be worked out. Councilmember FONTANA said they discussed the radius at a previous meeting and asked if this is changing. Mr. Northgrave said the Police Department had suggested a four mile radius, adding that a smaller radius would exclude some towers, but a larger radius would affect response time. Council President VANTUNO said there was a change of the square footage require for the tow yard, which is much larger, which may prohibit competition. Mr. Northgrave said they discussed the size and came up with 6,000 square feet. Councilmember FONTANA questioned this and said 3,000 square feet seems like more than enough. Mayor Post explained that this was her suggestion, which she clarified. Council President VANTUNO asked how many people would be filtered out of the application process as a result. Mayor Post said there should be enough heavy duty towers with this capacity. Councilmember FONTANA clarified that an applicant should be able to provide 3,000 square feet to Little Falls. Lieutenant Calafiore said they have no recordable data on the need for size. Councilmember FONTANA said it seems as though this square footage requirement will exclude applicants. Council President VANTUNO asked for the process regarding the sponsoring of ordinances by the Council; he asked if this will be a new procedure. Mayor Post said it would be recommended for a Councilmember to sponsor an ordinance if they have asked for it to be drafted. Councilmember FONTANA asked for the square footage to be changed from 6,000 to 3,000 square feet. Mr. Northgrave advised that the ordinance could be amended at this time during the introduction of same.

It was moved by Councilmember Fontana, seconded by Councilmember Porter, that there be introduced and the meeting of October 28, 2013 set as the date and time for the public hearing on the following:

#### ORDINANCE NO. 1182

#### ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, REGULATING HEAVY TOWING AND STORAGE SERVICES WITHIN THE TOWNSHIP

**WHEREAS**, *N.J.S.A.* 40:48-2.49 authorizes the Township of Little Falls (the "Township") to regulate the removal and storage of motor vehicles and to establish rates and charges with respect to the same; and

**WHEREAS**, the Township has adopted Ordinance 1091, as thereafter amended and supplemented, and as codified at Chapter 249 of the Township Code, with respect to towing and storage within the Township generally; and

**WHEREAS**, the towing and storage of vehicles with a gross vehicle weight of 12,000 pounds or more requires specialized equipment and trained personnel; and

**WHEREAS**, the Township wishes to implement the following regulations with respect to the towing and storage of vehicles of 12,000 pounds or more, to be codified as Chapter 250 of the Township Code, entitled "Heavy Towing",

**NOW, BE IT ORDAINED, BY THE GOVERNING BODY OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, AS FOLLOWS:**

**Section 1. Recitals.** The recitals hereto are hereby incorporated herein as if set forth at length.

**Section 2. Construction.** (a) Scope. This ordinance shall regulate towing and storage services originating in the Township for vehicles with a gross vehicle weight of or in excess of 12,000 pounds ("Heavy Vehicles").

(b) Definitions. The following terms shall have the meanings ascribed to them below, as follows:

**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 or Police Chief** — The highest ranking sworn officer within the Little Falls Police Department, or his or her designee.

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

**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.

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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.

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): 30,000 pounds.
- B. Gross vehicle weight rating (GVWR): 80,000 pounds.
- C. Boom and winch rating: 40,000 pounds.
- D. Cable size: 5/8 inch.
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 25,000 pounds.
- G. Wheel lift extended rating: 12,000 pounds.

Heavy Tow Provider — shall be as defined in Section 4(A) hereof.

Heavy Towing Services — shall be as defined in Section 3 hereof.

Heavy Vehicles — shall be as defined in Section 2(a) hereof.

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 Township, pursuant to this chapter, to provide Heavy Towing Services to the Township.

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.

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 for storage minimally capable of holding six Heavy Vehicles or 3000 square feet, within a 20-minute response time to any call for towing or service within the Township of Little Falls. 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 Township of Little Falls.

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

Police — The Township of Little Falls 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 impound area shall be located adjacent to, or be part of, the principal location and shall comply with the local zoning ordinances. The principal location must be open to the public, between 8:00 a.m. and 6:00 p.m., Monday to Friday and 8:00 a.m. to 4:00 p.m. on Saturday and the principal location shall contain a clean, comfortable waiting area with toilet facilities.

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.

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 flatbed 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.

**Section 3. Selection of Heavy Towing Services.** Any owner of a Heavy Vehicle requiring towing services originating in the Township ("Heavy Towing Services") shall have the right to select a Heavy Tow Provider of his own choice and at his own expense unless:

- (1) the condition or location of the Heavy Vehicle, in the opinion of the Little Falls Police Department, creates a hazard or an impediment to the flow of traffic;

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- (2) the owner or operator of the Heavy Vehicle is unable to or unwilling to select a Heavy Tow Provider of his own choosing, including without limitation, circumstances under which the owner or operator of the Heavy Vehicle has been placed under arrest or is otherwise incapacitated or impaired;
- (3) in the opinion of the Little Falls Police Department, the Heavy Vehicle is an abandoned or a recovered stolen vehicle; a trespass has occurred; or a tow is necessary to secure and preserve evidence.

In such cases, the Little Falls Police Department may summon an emergency Heavy Tow Provider to remove the Heavy Vehicle, at the expense of the owner or driver, and store it at its storage facility. In any instance, however, in which the Heavy Tow Provider is summoned by the Little Falls Police Department, it shall be done pursuant to the provisions of this Ordinance, under the authority provided by *N.J.S.A. 40:48-2.49. et seq.*

### **Section 4. Selection Process for Township Heavy Tow Providers' License.**

- A. On November 1 (or first following weekday if November 1 falls on a weekend) of every odd year beginning in 2013, the Township Clerk shall accept applications from towing companies seeking to be licensed as an official Heavy Tow Provider for the Township ("Heavy Tow Provider" or "Licensee"). License application forms shall be made available by October 1 for pick-up at the Township Municipal Building. Submitted applications shall contain the information as set forth and required herein and by Section 5 of this Ordinance. Applicants submitting incomplete applications shall not be considered for selection. Applications may be submitted during normal business hours (9 a.m. to 4 p.m.) to the Township Clerk at the Township Municipal Building. Applications must be received by close of business day on November 30 (or first following weekday if November 30 falls on a weekend).
- B. Applications shall be reviewed for completeness by the Police Chief and/or Township Clerk by December 10 of each applicable licensee selection year. Application fees must accompany submitted applications to be deemed complete. See Section 6 of this Ordinance.
- C. The Police Chief shall review all applications that have been timely submitted. Only applicants who have submitted complete applications (with the requisite application fee) and who meet all of the eligibility criteria set forth in sub-section E below shall be considered for licensure. No more than four (4) Heavy Tow Providers shall be licensed by the Township. The Police Chief shall conduct his review and shall recommend either approval or denial of the application(s) within 14 days of the application close date. Approved applicants shall be deemed the Township's Licensees by the Township Council for the following two years beginning January 1 and shall be duly licensed, provided the designees have met and continue to meet all the requirements of this Ordinance for licensure.
- D. In the event that the number of applicants exceeds the four (4) available openings, a selection lottery shall be held by the Township Clerk. Only applicants who have submitted complete applications (with the requisite application fee) and who meet all of the eligibility criteria set forth in sub-section E below shall be eligible for participation in the selection lottery. The selection lottery shall occur on December 10 (or the first following weekday if December 10 falls on a weekend). Under the lottery, each applicant shall be randomly assigned a number consistent with the number of applicants. The four (4) lowest numbers randomly selected shall be deemed the winning designees. Replacement designees will be selected as needed based on the numbers drawn in the lottery in the event a winning designee is disqualified for any reason following the lottery. The winning designees under the lottery shall be deemed the Township's Licensees by the Township Council for the following two years beginning January 1 and shall be duly licensed, provided the designees have met and continue to meet all the requirements of this Ordinance and for licensure.
- E. In order to be considered for selection as a Licensee, Heavy Tow Providers must meet the following eligibility criteria (in addition to other requirements as set forth herein):
  - (1) Guarantee a maximum 20 minutes' response time.
  - (2) Be available on a seven (7) day-per-week, three-hundred-sixty-five (365) day-per-year basis.
  - (3) Provide, at the towing company's own expense, cellular telephone communication with the Little Falls Police Department.
  - (4) Have adequate storage space either in the Township or within a four (4) mile radius of 225 Main Street, Little Falls, New Jersey that shall:
    - (a) Be fully enclosed with a fence (minimally capable of holding six vehicles or 3000 square feet) and secured from pilferage or damage with surveillance cameras;
    - (b) Permit the inside storage of at least two vehicles at any given time;
    - (c) Be adequately illuminated during hours of darkness; and
    - (d) Be completely free of garbage, debris, automotive parts, or other tripping hazards.

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- (5) Provide for the reasonable cleanup of an accident scene which shall include sweeping glass from the roadway and the removal of other accident related debris as described in N.J.S.A. 39:4-56.8. The cleanup fee as set forth in Section 10 shall be divided equally among the towed vehicles involved in the collision. The debris shall not be placed into the towed vehicle.
- (6) Shall own a heavy-duty wrecker located within a four (4) mile radius of 225 Main Street, Little Falls, New Jersey with sufficient personnel to be able to comply with the 20 minute maximum response time required by this Ordinance.
- (7) Provide a certificate of insurance from a financially stable insurance carrier possessing an A.M. Best Company rating of not less than "A." Said certificate of insurance must further evidence that the following insurance coverage is valid and in effect for the specified contract period:
  - (a) Commercial automobile liability insurance 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.
  - (b) Garage keeper's liability in an amount not less than \$500,000 per claimant and \$1,000,000 for more than one claimant.
  - (c) Garage liability in an amount not less than \$2,000,000 combined single limit.
  - (d) Comprehensive general liability insurance in an amount not less than \$2,000,000.
  - (e) Excess or umbrella liability insurance in an amount not less than \$2,000,000.
  - (f) Policies shall be endorsed to provide collision coverage for vehicles in tow.
  - (g) Worker's compensation insurance with the mandatory limits of coverage required by New Jersey statute.
- (h) On all policies except workers' compensation, endorsements naming the Township of Little Falls as an additional insured, and further indicating that the insurance coverage shall not be cancelled or revised without a minimum of 30 days' prior written notice to the Township.
- (8) Comply with the criminal history check and certified driver history record abstract requirements of Section 7 hereof.
- (9) Comply with the certified scale requirements of Section 17 hereof.

### **Section 5. Application Requirements.**

- A. Every applicant for a license under this chapter shall complete, sign and verify a written application, in duplicate, on forms furnished by the Township Clerk.
- B. The application shall state:
  - (1) Name and address of the applicant.
  - (2) Residence address and full local address, if any, of the applicant.
  - (3) Serial number and registration for each vehicle to be operated by the applicant.
  - (4) Location of storage area for wreckers and cars and the amount of available space for storage of towed cars.
  - (5) Policies or certificates of insurance coverage as herein provided.
  - (6) Consent to appointment of the Township Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
  - (7) Agreement to be available for service on business premises a minimum of 12 hours a day and to abide by the fees provided for by this chapter.
  - (8) Names and addresses of two business references.
  - (9) Sketch plan showing the location of the storage area, the number of Heavy Vehicles that can be stored, and the total square footage area of the outside secured storage area.
  - (10) Proof of ownership or lease of the outside secured storage area.



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- (11) Proof of ownership, lease or other written agreement demonstrating availability of the vehicles which will be utilized to provides services pursuant to this chapter.
- (12) Agreement to indemnify and hold the Township, its officers, agents, and employees harmless from any and all liabilities, claims, costs, penalties, fines, and attorney's fees rising out of the towing, wrecking, storage and/or emergency services provided by the tow vendor at the request of the Township pursuant to this chapter.
- (13) Full list of the names of all employees working at the towage facility including all drivers of towing vehicles.
- (14) Responses to any other reasonable inquiries required by the Police Chief with regard to fitness as a Licensee.

### **Section 6. Application Fee; Licensing Fee.**

- A. The Township shall require a \$500.00 application fee payable to the Township for processing of the license application. The application fee is non-refundable. This application fee is in addition to any other fees required by this Ordinance.
- B. The Township shall require a \$250.00 license fee payable to the Township for licensure. The license fee shall be due upon notice from the Police Chief following the submission of satisfactory criminal history checks and driving abstracts.

### **Section 7. Licensing; Review by Chief of Police.**

- A. The Township shall issue licenses to its Licensees. Licenses shall be valid for two years.
- B. Licenses are the property of the Township and may not under any circumstances be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship.
- C. All prospective licensees and every towing company employee involved in the towing or storage of towed vehicles, or who will have access to towed vehicles, shall arrange for a fingerprint criminal history check to be conducted by Morpho-Trak (which is a private company under contract with the New Jersey State Police) or such successor entity which is designated by the New Jersey State Police, with the results to be provided directly by Morpho-Trak to the Township of Little Falls, 225 Main Street, Little Falls, NJ 07424 by completing Morpho-Trak Form D, which can be obtained from the New Jersey State Police or online at [http://www.nj.gov/njsp/info/pdf/092509\\_universformd.pdf](http://www.nj.gov/njsp/info/pdf/092509_universformd.pdf).
- D. All prospective licensees and every towing company employee involved in the towing of vehicles shall provide a certified driver history record abstract from the New Jersey Motor Vehicle Commission to the Little Falls Police Department.
- E. The Police Chief shall recommend the issuance of a license when he finds that:
  - (1) The public convenience and necessity require the proposed wrecker service for which the application has been submitted.
  - (2) The applicant and all its employees are fit and proper persons to conduct or work in the proposed business.
  - (3) The applicant's towing facility, proposed storage area, vehicles and equipment area meets the Township's requirements.
  - (4) The application submitted by the applicant complies with the requirements of this chapter and all other applicable ordinances of the Township.
- F. No license shall issue to prospective licensees prior to the payment of the licensing fee of \$250.00.
- G. The Township shall issue license stickers to Licensees to be applied to all of its towing vehicles.

### **Section 8. Rotation Schedule.**

- A. The rotation of Licensees shall be as follows, subject to modification by the Police Chief or his designee:
  - (1) Licensees shall be placed on a rotation list in alphabetical order by business name. A Licensee shall remain at the top of the list for a period of two weeks, at the end of which the next alphabetically listed Licensee shall serve. The two-week rotation schedule shall be implemented throughout the two-year license period. The rotating schedule of Licensees shall be posted at police headquarters. A Licensee that wishes to change its assigned rotation due to vacation or conflict may do so with the consent of the Chief of Police or his designee.
  - (2) In the event that a Licensee refuses a call for service or is unable to perform a call for service within the allotted 20-minute Ordinance requirement, that towing company shall move to the bottom of the list and the next Licensee on the rotation list shall be called. A one-time refusal or inability to service a call shall not affect the two-week rotation schedule.
  - (3) A Licensee that fails to respond to a call for service in the manner prescribed under this Ordinance, may be suspended from the rotation in accordance with Section 9 herein.
- B. The selection process described herein shall be operative where the tow provider is summoned by the Little Falls Police Department.

### **Section 9. Suspension and Removal from Licensee Rotational List; Appeal.**

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- A. The Police Chief shall have the authority to suspend a Licensee from the Heavy Tow Providers' rotational list for a period of up to 30 calendar days for failure to comply with any of the requirements of this chapter. For a subsequent failure to comply with any of the requirements of this chapter, the Police Chief may remove the Licensee from the rotational list for a twelve-month period.
- B. A Licensee may appeal the suspension or removal from the Heavy Tow Providers' rotational list by filing a notice of appeal with the Township Clerk within 10 business days of the Police Chief's decision.
- C. A hearing shall be held by the Mayor and Township Council within 30 days of filing the appeal.
- D. The Mayor and Township Council shall render its determination within 20 days following the conclusion of the hearing. The Mayor and Township Council's determination shall be final and conclusive.

**Section 10. Heavy Towing Rates.** Chapter 71 of the Township Code, entitled "Fees", is hereby amended to reflect the following towing and storage rates. These rates are subject to modification by way of resolution of the Township Council and shall be on record with the Clerk of the Township.

- A. Heavy Towing Service rates:
  - (1) (a) Rate: \$325 per hour (one-hour minimum), billed in thirty-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.
  - (2) Air cushion device in heavy-duty vehicle recovery.
    - (a) Rate: \$550 per hour.
- B. Heavy Towing Service storage rates:
  - (a) \$75 per day.
  - (b) Tandem axle: \$100 per day.
  - (c) Tractor-trailer combination: \$140 per day. C. Emergency road service: \$60.
- (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) Heavy-duty wrecker: \$300 per hour to be charged in thirty-minute increments with a one-hour minimum.
    - (b) Additional manpower: \$60 per hour per man.
    - (c) 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 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) Administrative charges:
    - (a) Maximum of \$25.
    - (b) Services must be itemized on the statement.
  - (5) No yard charge may be billed.
  - (6) Waiting time: \$40 per hour, in excess of 15 minutes, which shall be calculated based upon each 15 minutes spent at the site from which a motor vehicle will be towed, with fewer than 15 minutes, rounded up to 15.
  - (7) The use of window wrap or tarping is \$25.
  - (8) The Licensee shall prepare an itemized billing invoice for all services rendered.

**Section 11. Storage; Fees; Reflective Vests; Cruising at Scenes.**

- A. Each Licensee shall be available to the public for the release of stored vehicles at a minimum:
  - (1) Monday to Friday, 8:00 a.m. to 6:00 p.m.
  - (2) Saturday, 8:00 a.m. to 4:00 p.m.
- B. Storage fees shall not be charged on a Sunday and a holiday where the Licensee is unavailable to release the towed vehicle.
- C. The storage rate shall be as set forth in Chapter 71, Fees.
- D. All employees of Licensees must wear reflective safety vests when out of the tow truck as specified by current standards/statutes.
- E. Licensees are prohibited from cruising or showing up at scenes without being called by the Police Department.

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### **Section 12. Winching.**

- A. Each Licensee shall have the ability to provide recovery and winching services. Recovery services are those services that require the recovery of a Heavy Vehicle from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm by several actions that include, but not limited to, winching and rigging.
- B. Under no circumstances shall a winching or recovery fee be charged because a Heavy Vehicle was dragged onto a flatbed tow vehicle.

### **Section 13. Payment for Towing.**

- A. The owner and/or driver of the Heavy Vehicle that has been towed shall be responsible for the payment of all towing and storage fees.
- B. Licensees shall have the ability to accept cash or credit cards, and shall furnish receipts upon request, including transactions on scene.

### **Section 14. Inquiries from Motorists.**

- A. In any instance in which a motorist makes an inquiry of the Little Falls Police concerning Heavy Tow Services, the Little Falls Police Department shall advise the motorist of the name and address of the scheduled Licensee currently in rotation and except as provided in Section 3 hereof where the police shall have the right to summon a Heavy Tow Service, the police officer shall advise the motorist that he may select any Heavy Tow Provider of his own choice and at his own expense.
- B. If requested to remove a vehicle out of the lane of travel so that a motorist could utilize his/her own Heavy Tow Provider, the maximum allowable charge shall be as set forth in Chapter 71, Fees, and the Licensee shall tow the Heavy Vehicle to a safe location as determined by the on-scene police officer.
- C. In the event a tow is requested by a motorist through the Police Department to a location outside of the Township from the scene subject to the availability of the on-rotation Licensee, the maximum rate that can be charged is \$3 per mile, in addition to the tow charge.

**Section 15. Enforcement.** The Police Chief or his designee is hereby authorized to enforce all provisions of this chapter in accordance with due process of law.

### **Section 16. Copies of Fees and Regulations Made Available to Public; Additional Fees.**

- A. A copy of this chapter and current fee schedule shall be available to the public at the office of the Township Clerk during normal business hours.
- B. No other fees or charges that are not specifically listed under this Ordinance or Chapter 71 of the Township Code shall be charged.

### **Section 17. Certified Scales Required.**

- A. All heavy duty towing applicants shall: (i) have the ability to weigh vehicles on their premises as may be required at the request of the Little Falls Police Department; or (ii) have immediate access to scales within a four (4) mile radius of 225 Main Street, Little Falls, which meet the criteria delineated herein for this purpose.
- B. The scales shall be certified, annually, by the State of New Jersey Office of Weights and Measures. A copy of the current certification must be included in the application packet. It is the responsibility of the applicant to ensure the most current certification is forwarded to the Little Falls Police Chief on an annual basis.
- C. Scale requirements: The scale shall, minimally, be required to provide certified weigh slips on vehicles:
  - (1) Under 100,000 lbs;
  - (2) Less than or equal to 70 feet in length; and
  - (3) Less than or equal to 9 feet in width.

### **Section 18. Heavy Vehicle Recovery of 12,000 Pounds or More.**

- A. To perform Heavy Vehicle Recovery of 12,000 pounds or more, the Township 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.
- B. To perform Heavy Vehicle recovery under this section, 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 Heavy Vehicle owner with the statement for services.
  - (c) Prepare an itemized billing invoice for all services rendered.
- C. 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 Licensee is unable to handle the recovery, then the next Heavy Tow Provider on the rotating list shall be called.

## Meeting of October 10, 2013

**Section 19. Violations and Penalties.** Any person violating the provisions of this Ordinance shall, upon conviction, be liable to the penalty stated in Chapter 1, Article I of the Township Code.

**Section 20. Severability.** If any part of this Ordinance is deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**Section 21. Effective Date.** This Ordinance shall take effect as provided in law.

Poll:           Ayes:           Fontana, Maceri and Porter  
                  Nays:           None  
                  Abstain:        President Vantuno

The Council President declared the motion passed.

Authorizing Execution of a Grant Agreement with NJDOT for the Morris Canal Bikeway – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [B] 13-10-10 - #2  
SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT  
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FOR THE MORRIS CANAL BIKEWAY – PHASE V

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Morris Canal Bikeway Phase V.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Little Falls formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor of the Township of Little Falls, the Clerk and Engineer are hereby authorized to sign and submit an electronic Transportation Enhancement Grant Application identified as MA-2014-Little Falls Township-00559 to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

BE IT FURTHER RESOLVED that Mayor Darlene Post, and the Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Little Falls and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement and Township Engineer is authorized to submit all documents.

Poll:           Ayes:           Fontana, Maceri, Porter and President Vantuno  
                  Nays:           None

The Council President declared the motion passed.

At this time, Mr. Korotkin asked for clarification. Mr. Lindsay provided an explanation regarding Resolution [B].

Authorizing a Contract for Certain Appraisal Services with respect to the Acquisition of Properties Consistent with CDBG, DR, FEMA and NJDEP Blue Acres – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [C] 13-10-10 - #3  
**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A CONTRACT FOR CERTAIN APPRAISAL SERVICES WITH RESPECT TO THE ACQUISITION OF PROPERTIES CONSISTENT WITH CDBG, DR, FEMA AND NJDEP BLUE ACRES**

**WHEREAS**, the Township of Little Falls received Proposals from Value Research Group, LLC, located in Livingston, New Jersey, and Hendricks Appraisal Company, LLC, located in West Orange, New Jersey, to provide Appraisal Services to the Township to establish the value of certain properties to be acquired by the Township, consistent with the Federal Uniform Acquisition and Relocation standards and NJDEP Green Acres and Blue Acres Programs; and

**WHEREAS**, the Proposals have been reviewed and it has been determined that the Proposals meet the requirements of the Township with respect to the provision of Appraisal Services as initially set out in the Township's Request for Proposals ("RFP"); and

**WHEREAS**, the Township desires to retain the services of Value Research Group, LLC, and Hendricks Appraisal Company, LLC, for the provision of Appraisal Services in accordance with the RFP and the company's Proposal, on an as needed basis, as determined by the Township; and

**WHEREAS**, adequate funds are available for the provision of these services.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, PASSAIC COUNTY, NEW JERSEY**, the Council hereby authorizes the award of a contract to Value Research Group, LLC, and Hendricks Appraisal Company, LLC, to provide Appraisal Services to the Township, on an as needed basis, as set forth herein.

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Poll:           Ayes:           Fontana, Maceri, Porter and President Vantuno  
                  Nays:           None

The Council President declared the motion passed.

**PAYMENT OF BILLS**

It was moved by Councilmember Porter, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [BL]

BE IT RESOLVED by the Township Council of the Township of Little Falls the Council having received the Treasurer's certification of the availability of funds for payment of all bills presented, that payment of all bills approved by the Finance Committee be and is hereby authorized, subject to the availability of funds and subject to the appropriate and available appropriation in the line item.

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Poll:           Ayes:           Fontana, Maceri, Porter and President Vantuno  
                  Nays:           None

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Maceri, seconded by Councilmember Fontana that the meeting be and it was adjourned at 8:27 p.m.

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Cynthia Kraus  
Municipal Clerk