

REGULAR MEETING
LAWRENCE TOWNSHIP COUNCIL
LAWRENCE TOWNSHIP MUNICIPAL BUILDING
COUNCIL MEETING ROOM – UPPER LEVEL

October 21, 2014

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, October 21, 2014 at 6:30 P.M.

The meeting was opened with the Inspiration and Pledge of Allegiance, led by the Municipal Clerk.

At the commencement of the meeting Mayor Lewis read the following statement of proper notice:

STATEMENT OF PROPER NOTICE: “Adequate notice of this meeting of the Lawrence Township Council being held on Tuesday, October 21, 2014, has been provided through the posting of the annual meeting schedule of said Council in accordance with Section 13 of the Open Public Meetings Act.”

The roll was then called as follows:

Present: Councilmembers Brame, Kownacki Maffei, Powers and Mayor Lewis.
Absent: None.

Also, in attendance were Richard Krawczun, Municipal Manager and David Roskos, Municipal Attorney.

Special Proclamations, Recognitions and Presentations

“Beautification Award Presented by the Garden Gate Garden Club”

Ms. Pam Mills, President of Garden Gate Garden Club, stated this year’s recipient of the Beautification Award is Wealth Strategies located on Gordon Avenue in Lawrenceville, as they had a fantastic garden all summer and they really appreciated the pretty flowers that attracted butterflies, which was very nice. However, the recipient could not be present this evening to accept the Award as they have other commitments on Tuesday nights so the Award will be presented to them sometime this week.

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Carol Chamberlain, Health Officer, Update and Brief Council and the Residents Relative to Current Health Issues and Concerns

Ms. Chamberlain distributed handouts to the Council regarding the Ebola and Enterovirus-D68 (EV-D68) as well as a map of the confirmed cases of EV-D68 in New Jersey as of October 20, 2014 and advised that she would be providing a brief description of each of the diseases and the reported cases in New Jersey...but she would not be going too much into detail because of the written information provided to them. In addition, she will tell them a little bit about the transition, what they have done and what they are planning to do in response and preparation for the two diseases and that information relative to the diseases will be posted on the Township's website. A general question and comment period ensued relative to the issue.

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Public Participation (5-minute limitation per speaker)

*Mr. Joseph Mislán, 4 Sunset Road, resident of Lawrence Township for 44 years* spoke about Lawrence Township being way behind the curve with respect to technology to include updated equipment - such as desktops, laptops, iPads, overhead projectors/screens and Verizon Wi-Fi so that the public can see what is going on. He further discussed the Township Council going paperless and making Lawrence Township a Wi-Fi community and that the current Administration setup would allow them to do so; however, he does not see any movement whatsoever on the matter so maybe there is a lot of opposition and suggested that the Township have a Digital Administrator, no connections to anybody else, who will come in and face the opposition on the other side of the argument and bring the Township up-to-date in this digital age, which he feels could be effective as well as a benefit to the community and there is no law that prohibits it.

Mr. Mislán proceeded to discuss ongoing issues with companies using the 08648 Zip Code as a Trenton mailing address instead of Lawrence and him reaching out to some of those businesses advising them to update their mailing list and suggested that the Township do the same by sending a letter to those businesses that are continuing to waste their money sending out mail to the wrong address and suggested that the Township appoint a Special Administrator, paid or unpaid, or a volunteer to come up with a standard letter advising citizens who to notify when they continue to receive mail with the wrong address. In closing, he spoke about the laws that are enacted by Township Council being more detailed for the public to understand and the Historian's Report from the last meeting being very good and should be available online through Wi-Fi activity. A general discussion ensued relative to Mr. Mislán's comments.

Mr. James Cleak, 7 E. Darrah Lane, stated as a follow up to Mr. Mislan's comments he is embarrassed and impressed by Mr. Mislan's age and the knowledge he has with respect to technology and if his children saw his cell phone they would cringe, but he also understands the Council's point about the economics of upgrading the technology in the Township and continued to discuss the School Board already having laptops and going paperless as previously proposed and suggested that the Township seek technology assistance from the school being they have already been through the process and could help the Township and was advised by Mayor Lewis that there has been some conversation relative to the matter but one of the differences is that the schools infrastructure is setup for Wi-Fi because the students use it, which is the biggest stumbling block for the Township and something they are working towards.

Mr. Cleak stated he would like to know the status of the Red-Light Cameras as he read an article a while back in the Lawrence Ledger and The Times saying it was concluded that the traffic cameras were ineffective in reducing accidents and he thought they were turned off, but while listening to 101.5 who has been against the use of the Red-Light Cameras for years saying they were just money makers for municipalities runs ads for the Red-Light company and he cannot imagine why they would sponsor something they are against. In addition, he is confused by another report that was made on the station stating that the League of Municipalities was lobbying strongly for the State to renew a 5-year contract with the Red-Light Camera vendor and questioned whether the Council was a supporter of the Red Light Camera.

Mayor Lewis stated that he has every right to be confused because Lawrence has had an interesting history with regards to the Red-Light Camera being on or off. First and foremost the cameras are off...and they were off at the request of DOT because that intersection is now being re-engineered as part of the new redevelopment and part of the qualifications to get in the program was that the intersection had to be identified as a dangerous intersection and now that the intersection is being re-engineered they do not know if it will still qualify; therefore, the camera are turned off and it will not be turned back on no time in the near future.

Mayor Lewis explained as for the entire program it is set to expire on December 16 unless someone renews it and in the meantime there were a series of times when the cameras in Lawrence were off. One, due to an accident that damaged the equipment so they turned the camera off until the yellow light intervals could be authenticated; and, what he heard on the news today from the League of Municipalities was a request to allow those towns who already participate in the program to remain in program for the full 5 years so that there is a good set of data to compare them to; because some of the towns have been in the program for two year, three years, five years, so on. And, as for the crash data that he referred to it was looked at in the first and second year of the program and some crash types went up one year and other types of crashes went down, so the theory is that the 5 years would give the State enough data and a good snapshot as to whether or not the program will work...not expand the program, which is null and void for the residents of Lawrence Township because the camera has been turned off indefinitely.

Mr. Brame stated that the primary purpose of the Red-Light System is public safety not revenue and there is a trend that shows as a result of that light being situated accidents have declined, but, they have to look at the data from a more rounded point of view, after which Mr. Krawczun stated that the data from the traffic analysis has shown improvements in drivers behavior to observe traffic signals as well as a decline in accidents.

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#### Review and Revisions of Agenda

There was no review or revisions to the agenda.

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#### Adoption of Minutes

On a motion by Mr. Brame, seconded by Mr. Kownacki, the Minutes of Regular Meeting of February 4, 2014 were approved without correction.

Same was carried on the following roll call vote:

Ayes: Councilmembers Brame, Kownacki, Maffei and Mayor Lewis.  
Nay: None.  
Abstain: Councilman Powers.

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#### Awarding or Rejecting of Bids

Mayor Lewis asked for comments from the public. There being none, Mayor Lewis asked for comments from Council. There being none, public participation was closed. On a motion by Mr. Powers, seconded by Mr. Kownacki, the following resolution was presented for adoption:

#### Resolution No. 313-14

WHEREAS, on Thursday, October 2, 2014 bids were received and publicly opened for the project known as Princeton Pike and Hoover Avenue Pedestrian Crosswalk Lighting System; and

WHEREAS, three (3) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Techna-Pro Electric, LLC who submitted a bid in the amount of \$15,000.00; and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-391-248 (Various Road Improvement Princeton Pike Middle School Crosswalk Construction Design – Ord. 2187-14); and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Engineer, the Mayor and Municipal Clerk are hereby authorized to execute a contract with Techna-Pro Electric, LLC, 100 Pike Road, building B, Mount Laurel NJ 08054 in the amount of \$15,000.00.00;

BE IT FURTHER RESOLVED that the Municipal Manager is hereby authorized to draft the necessary agreement, subject to the approval of the Municipal Attorney as to form and content thereof.

Same was carried on the following roll call vote:

Ayes: Councilmembers Brame, Kownacki, Maffei, Powers and Mayor Lewis.  
Nays: None.

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#### Introduction of Ordinances

There was no introduction of ordinances.

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#### Adoption of Ordinances

Mayor Lewis read by title an ordinance entitled, “AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LAWRENCE TO PROVIDE FOR THE LICENSING AND REGULATION OF TOWING AND STORAGE SERVICES.”

Mr. Terrance Reside, President, Mother’s Recovery Inc., greeted the Council and stated his company is a small to medium towing company that services all of the surrounding communities and he would like to address three areas in the ordinance - insurance requirements, chargeable services and truck size. First, the insurance requirement that would require towing companies to have a \$5M Umbrella Coverage and put most of the small companies off the towing list due to the cost of the insurance and indicated that he checked with his insurance agent, who does strictly towing insurance to keep rates low, and was told coverage for a one year umbrella coverage would cost \$6,000 to \$10,000 and based on a medium amount of \$8,000 divided by 12 months the additional insurance would cost \$666 a month; and, if they divided the \$666 by the \$125 that is allowed per call they would have to do a minimum of five and a half tows just to pay for the cost of the additional insurance not counting fuel, driver’s fees

and so on. Furthermore, there is nothing in the New Jersey Towing Ordinance that requires any umbrella; it requires a Basic Tow Fee of \$750,000 for light-duty and \$1M coverage for heavy-duty. It also requires a \$100,000 Garbage Keeper On-Hook Policy and his company carries \$2M Basic Liability and \$1M On-Hook Coverage because of the high risk tractor-trailer loads that carries things such as computers. And, at the present time his company exceeds the basic coverage required, which is renewable every January, so the additional coverage is just a tremendous expense that would cause smaller towers to have to put out \$3,000 to \$4,000 a year to cover this enormous \$5M umbrella. And, again he does not know where that \$5M figure came from as there is nothing stated in the State Towing Ordinance.

Mr. Reside indicated the second item is the Tow Fee as it relates to billable services and the Township changing the Ordinance to comply with the New Jersey Consumer Affairs Act; an Act in itself that realizes there are other services that are billable and should be billable than what the Township has in the Ordinance, as the Consumer Affairs Act simply states in the case of motor vehicles involved in an accident the following additional services when performed should be billed: brush cleanup of debris at the scene of an accident; site clean if there is a spill of antifreeze, fuel or anything on it; winching which the town has covered; the use of wrap in the yard to preserve the property of somebody's car, because if a car is not covered the insurance company under their policy has the right to refuse any additional damage due to weather; transmission disconnect and use of a flatbed truck is an additional charge. And advised that Hopewell Township, who they serve, requires towers to have a card with a list of fees that are chargeable to present to motorist at the scene of each accident and proceeded to review the fees as it relates to Lawrence Township Towing Ordinance and it not addressing any of the additional billable fees for towers, which the New Jersey Consumer Affairs Act states they can charge for. A general debate ensued relative to Mr. Reside's comments and Lawrence Towing Ordinance having reasonable charges for towers to be reimbursed for towing services and the Ordinance being put in place to protect Lawrence Township from litigation as well as their taxpayers.

Mr. Reside stated the third item is the 21-foot flatbed requirement and although it does not apply to him he is speaking on behalf of the smaller towers and indicated the Light Duty Towing Ordinance states up to 10,000 lbs. and there is nothing up to 10,000 lbs. that will not fit on a 19-foot rollback; because 10,000 lbs. cuts off at a light duty pickup truck and it does not cover any extended care or dual rear wheels vehicles that go over 10,000 lbs. and was advised by the Chief Ubry that they are too busy to differentiate between light, medium or heavy duty tows they just call for tow service and the rest is up to the towing company. Some discussion followed relative to the lengthy discussion that took place at the August 19 Council Meeting and tonight's Ordinance being a compromise stemming from that discussion which would allow towers additional time to raise the capital necessary to comply with the new regulations.

Ordinance No. 2201-14

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF  
LAWRENCE TO PROVIDE FOR THE LICENSING AND  
REGULATION OF TOWING AND STORAGE SERVICES

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.49, the Township of Lawrence is authorized to enact an ordinance setting forth regulations for the removal of motor vehicles from private or public property, including the fees charged and notice requirements for such removal and storage, along with the licensing of towing operators; and

**WHEREAS**, under this statute, the Township may set forth minimum standards of performance for such operators, including, but not limited to, the adequacy of equipment and facilities, availability and response time, and the security of vehicles towed or stored; and

**WHEREAS**, N.J.S.A. 40A:11-5(l)(u) provides for an exception to the public bidding requirements of the Local Public Contracts Law for towing contracts when the municipality has provided for a non-discriminatory method of rotating calls between all licensed operators within the municipality; and

**WHEREAS**, the Township Council of the Township of Lawrence finds it to be in the best interest of the Township and its citizens to enact an ordinance to govern and regulate the practice of towing motor vehicles throughout the Township, including the establishment of regulations for the required equipment, location and response time, and performance of those operators of towing services on behalf of the Township.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Lawrence, in the County of Mercer and State of New Jersey as follows:

**Section 1.** The Code of the Township of Lawrence, be and is hereby amended by the addition of the following new Chapter 13A which provides for the licensing and regulation of vehicle towing and storage services provided at the request of the Township:

**CHAPTER 13A**

**TOWING AND STORAGE OF MOTOR VEHICLES**

Sec. 13A-1. Purpose and Scope.

(a) The purposes of this Chapter are:

- (1) To establish a requirement and procedure for the licensing of individuals and entities providing municipal towing and storage services to the Township of Lawrence;
- (2) To establish, in the interest of public safety, a uniform policy for the towing and storage of motor vehicles;

- (3) To establish uniform fees for towing and storage services.
  - (4) It is the purpose of this Chapter to establish a non-discriminatory method of rotating calls between all registered operators requesting to provide municipal towing services at the request of, on behalf of, or for the Township of Lawrence or its Police Department.
- (b) This Chapter shall apply to all motor vehicle towing and storage operations performed at the request of the Township of Lawrence.

**Sec. 13A-2. Definitions**

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

**BASIC TOWING SERVICE** shall mean private property towing and other non-consensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; waiting 15 minutes; hooking a motor vehicle to or loading a motor vehicle onto a tow truck; cleanup; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage during the hours in which the storage facility is open. Basic tow does not include a recovery of a motor vehicle from a position beyond the right-of-way or berm, or from being overturned or impaled upon any other object within the right-of-way or berm.

**BUSINESS OFFICE** shall mean the business office of the towing operator where the towing operator shall conduct business associated with the towing and storage of vehicles.

**CHIEF OF POLICE** shall mean the Chief of the Lawrence Township Police Department or his/her designee.

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

**IMPOUNDED VEHICLE** means a vehicle that is towed by an officer from the Lawrence Township Police Department for a reason that requires a Vehicle Release Form to be obtained prior to the vehicle being released from the storage facility.

**MATERIALS** means any product used to absorb oil, antifreeze and any other fluids leaking from a vehicle. Ex. Speedy dry and/or absorbent type material.



MOTOR VEHICLE includes all vehicles propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

NON-CONSENSUAL TOWING shall mean the towing of a motor vehicle without the consent of the owner or operator of the vehicle. "Non-consensual towing" includes towing a motor vehicle when law enforcement orders the vehicle to be towed whether or not the owner or operator consents.

PERSON shall mean an individual, a sole proprietorship, partnership, corporation, Limited Liability Company or any other business entity.

RECOVERY means a tow operator using his skill and knowledge to preserve the condition of a motor vehicle while up righting an overturned motor vehicle or recovering it 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 to a position where it can be towed.

SECURE STORAGE FACILITY means a storage facility that is either completely indoors or is surrounded by a fence, wall or other man-made barrier that is at least six feet high and is lighted from dusk to dawn.

STORAGE FACILITY means a space at which motor vehicles that have been towed are stored by the towing operator.

TOWING shall mean the moving or removing from public or private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is damaged as a result of an accident or otherwise disabled, is recovered after being stolen, or is parked illegally or otherwise without authorization, parked during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. Dues or other charges of clubs or associations which provide towing services to club or association members shall not be considered a service charge for purposes of this definition.

TOWING LIST shall mean the list maintained by the Township Police Department containing the names of those actively registered towing operators whom have contracted with the Township to provide municipal towing services for the Township.

TOWING OPERATOR shall mean any person in the business of, or offering the services of a towing service whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designated for that purpose.

VEHICLE shall mean any device in, upon or by which a person or property is or may be transported upon a highway.

TOWNSHIP shall mean the Township of Lawrence, Mercer County, New Jersey.

Editor's Note: The power to regulate the removal of motor vehicles from private or public property by operators engaged in such practice is contained in N.J.S.A. 40:48-2.49, and the general police power granted by N.J.S.A. 40:48-1.

**Sec. 13A-3. Municipal Towing Services; Contract.**

- a. Any towing operator desiring to provide municipal towing services for the Township must file an application with the Township, meeting the requirements of this Section, and enter into a contract with the Township.
- b. The Township shall secure a contract with those towing operators who filed applications with the Township and desire to provide municipal towing services for the Township. The contract shall provide for an annual review of the towing operator's services and compliance with this Section. The contract shall prohibit subcontracting by the towing operator.
- c. The contract with the Township shall be for a period of three (3) years. At the expiration of the three-year term, in order to continue to provide municipal towing services for the Township, the towing operator shall file a new application, with the required submissions, and enter into a new contract with the Township.
- d. Applications may be submitted to the Township at any time. New tow operator contracts may be awarded by the Township and entered onto the on-call towing list at the beginning of each calendar year. The Chief of Police may include a new tow operator onto an existing on-call towing list when such inclusion is in the best interest of public safety. The contract shall not be exclusive, with the Township being able to award contracts to multiple towing operators at any time.
- e. The Township shall have the sole discretion to deny a contract with any towing operator failing to file the requisite application or to meet the requirements of this Section. All applications for a contract for the provision of municipal towing services filed with the Township shall be granted or denied by the Township Council, based upon the recommendation of Chief of the Township Police Department, or his designee, upon review of same.

**Sec. 13A-4. Municipal Towing Services; Application.**

- a. No person shall be eligible to provide municipal towing services for the Township until it submits an application with the Township.
- b. An application for municipal towing shall be made in writing to the Township Clerk, in the form prescribed by the Township Clerk, and shall be accompanied by a fee of \$400.00.
- c. The applicant shall state the complete street address of the location or locations from which the business of towing shall be conducted, indicating which its principal location is and which is its storage facilities, which shall meet the requirements of Section 13A-11.

The applicant shall provide a copy of a valid certificate of occupancy for the storage facility for automobile related uses.

- d. The applicant shall identify and provide a description of its towing vehicles, including vehicle registration number, weight, number of wheels and purpose, with which the applicant intends to provide towing services. All towing vehicles shall meet the requirements of

Section 13A-6. The applicant shall provide copies of the equipment manufacturer's specification for each piece of equipment.

- e. The applicant shall provide the name, address and driver's license number of the applicant and all employees of the applicant that are expected to be involved in the operation of the applicant's vehicular equipment for the towing of motor vehicles. All drivers for the applicant shall be at least 18 years of age and possess a valid New Jersey driver's license for the operation of the towing equipment.
- f. The applicant shall authorize a criminal background check of the applicant and all of its employees and agents, including the obtainment of a New Jersey driver's abstract. The background check shall also require a fingerprint background check by Identog by MorphoTrust USA. All applicants, employees and agents shall set up an appointment to be fingerprinted by going online to [www.bioapplicant.com/nj](http://www.bioapplicant.com/nj). The costs associated with obtaining the criminal background checks shall be the responsibility of the applicant and payment is required during scheduling. New Jersey Universal Fingerprint Forms are on file at the Lawrence Township Police Departments Records window and can be picked up during normal business hours. NOTE: (Fingerprinting of applicants-this applies to new towing applicants who have never towed in Lawrence Township or have lapsed in towing service with Lawrence Township)
- g. The application shall include a valid original certificate of insurance from an insurer authorized to do business in the State, at the minimum amounts set forth in Section 13A-8.
- h. The applicant shall disclose whether the applicant, or any of its employees or agents, is subject to any of the disqualifications specified in Section 13A-6.
- i. The applicant shall provide written proof of a minimum of five (5) years towing experience.
- j. The applicant shall provide a minimum of three (3) references of the applicant's towing experience.
- k. The applicant shall provide copies of all certifications for its employees as follows:
  - 1. Each "light duty" driver must obtain a certification for such operation from a nationally recognized organization.
  - 2. Each "heavy duty" driver must obtain a certification for such operation from a nationally recognized organization.
  - 3. Each "recovery supervisor" must obtain a certification for such operation from a

nationally recognized organization.

4. The nationally recognized organizations that are acceptable for the Township are:
  - i. Towing and Recovery Association of America (800-728-0136)
  - ii. Wreck Master (800-267-2266)
  - iii. Garden State Tow man's Association (732-530-4782)

- l. The applicant shall furnish any additional information concerning the personnel, vehicles, equipment and storage facilities of the applicant as may be required by the Township Clerk or Chief of the Township Police Department during the review of the application.
- m. If any of the information required in the application changes, or if additional information should be added after the filing of the application, the applicant shall provide that information to the Township Clerk, in writing, within thirty (30) calendar days of the change or addition. Any application to add an additional driver during the contract term shall be accompanied by a fee of \$35.00 plus the costs incurred under 13A-4(f).
- n. The applicant shall provide a certified statement of the willingness of the towing operator to be available on a 24-hour, seven (7) day per week basis, and to abide by the instructions and directions of the Chief of Police, his subordinates, and the provisions of this Section. Such towing operators shall further provide the telephone number or numbers available on a 24-hour, seven (7) day per week basis, and the names, addresses and New Jersey Motor Vehicle driver's license numbers of all the towing operator's employees.
- o. The applicant shall provide a certified statement of compliance with the minimum requirements of Section 13A-6.

**Sec. 13A-5. Minimum Requirements; Equipment.**

- a. Any towing operator providing municipal towing services shall have a minimum of two (2) vehicles that meet the minimum standards set forth below:
  1. At least one light duty wreckers with a minimum chassis rating of 15,000 pounds gross vehicle weight, equipped with a hydraulic boom rated for 8,000 pounds, a hydraulic wheel-lift with 3,000 pounds lift capacity, and with dual hydraulic winches each having a 8,000 pound capacity, and equipped with 100 feet of 3/8 inch wire rope.
  2. At least one flatbed type wreckers with a minimum chassis rating of 25,500 pounds gross vehicle weight, equipped with a minimum 19-foot bed, and equipped with a hydraulic wheel-lift with 3,000 pounds lift capacity and within six (6) months of the effective date of this Ordinance at least one flatbed wrecker with a minimum class rating of 25,500 pounds gross vehicle weight, equipped with a minimum twenty-one (21) foot bed and equipped with a hydraulic wheel lift with 3,000 pounds lift capacity.
  3. In addition to foregoing requirements, if the towing operator applies for heavy duty towing assignments, the towing operator must own a heavy duty wrecker with a minimum chassis rating of 33,000 pounds gross vehicle weight, with a hydraulic

boom rated for a minimum of 35 tons, hydraulic under-reach with a minimum 45,000 pounds lift capacity, and dual hydraulic winches, and must have tandem rear axles.

4. All vehicles must be equipped with a communication device (cellular phone), cab mounted amber emergency warning lights (conforming to New Jersey Motor Vehicle law standards and all light permits being obtained), tow sling type bars with rubber straps and/or wheel lift capability with safety straps to prevent damage to towed vehicles, and with steering locks for towing vehicles from the rear.

**Sec. 13A-6. Suspension or revocation of contract.**

- a. The Township may deny, suspend or revoke any contract for municipal towing services upon the recommendation of the Chief of the Township Police Department, or upon other proof that the towing operator, or any of its employees or agents:
  1. has obtained a registration through fraud, deception or intentional misrepresentation;
  2. has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
  3. has engaged in gross negligence or gross incompetence;
  4. has engaged in repeated documented acts of negligence or incompetence;
  5. has had a towing operation registration or license revoked or suspended by any other state agency or authority for reasons consistent with this section;
  6. has violated or failed to comply on more than three occasions with the schedule of tariff or fee regulations herein; or
  7. has been convicted of:
    - (a) a crime under Chapter 11, 12, 13, 14 or 15 of Title 2C of the New Jersey Statutes;
    - (b) motor vehicle theft or any crime involving a motor vehicle under Chapter 20 of Title 2C of the New Jersey Statutes; or
    - (c) any other crime under Title 2C of the New Jersey Statutes relating adversely to the performance of towing services or the storage of motor vehicles as determined by the Chief of the Township Police Department.
- b. A final refusal to register, or the suspension or revocation of a registration by the Township shall not be made except upon reasonable notice to the applicant, and an opportunity for the applicant to be heard by the Township Council. The hearing is at the option of the applicant.

**Sec. 13A-7. Rotating List.**

The Chief of Police is hereby authorized to establish a system of rotation for the assignment of contracted towing operators to provide municipal towing services required pursuant to this Section. The rotation system shall be established on a non-discriminatory and non-exclusionary basis; but, shall take into consideration a towing operator's inability to respond with a twenty-one (21) foot flatbed wrecker in the case of a motor vehicle accident involving larger vehicles or the disability of a large vehicle within a public right of way, at the discretion of the police officers at the scene. Only towing operators with executed contracts with the Township shall be assigned to the rotation list. A towing operator shall be added to the rotation

list pursuant to Section 13A-3. All new contracted towing operators shall be assigned to the rotation list at the bottom of such list.

The rotation list shall be composed so as to permit a reasonable rotation of contracted towing operators. This will be done on a **per call basis**. The revolving list applies to basic towing and heavy duty towing services. Once the on call towing operator has been utilized, the next tow call goes to the next contracted towing operator. If the towing operator currently on-call under the rotation list cannot respond and provide the required municipal towing service, the Township shall move to the next towing operator on the rotation list. If no towing operator on the rotation list is able to respond and provide the required municipal towing service, the Chief of Police may deviate from the rotation list and arrange for another towing operator to provide such service.

Notwithstanding the above rotation list, in the interests of public safety, the Chief of Police, in his/her discretion, taking into account the emergency, safety and location of the situation, may part from the rotation list and call for the closest available towing operator to respond.

#### **Sec. 13A-8. Insurance Requirements.**

In addition to the insurance requirements set forth in N.J.A.C. 13:45A-31.3, as may be amended from time to time, all towing operators providing municipal towing services must maintain the following insurance policies, naming the Township as an additional insured:

- a. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is up to 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$750,000, single limit; and
- b. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is more than 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$1,000,000, single limit.
- c. Garage keeper's Policy. A garage keeper's liability policy in the minimum amount of one hundred thousand (\$100,000.00) dollars, and "on-hook" coverage, for each vehicle damaged on a separate claim.
- d. Garage Liability Policy. A garage liability policy covering applicant's business, equipment and vehicles in the minimum amount of five hundred thousand (\$500,000.00) dollars for any one person injured or killed, and a minimum of one million (\$1,000,000.00) dollars for more than one person killed or injured in any accident and an additional one hundred thousand (\$100,000.00) dollars for any damage arising from injury or destruction to property, and/or a combined single limit of one million (\$1,000,000.00) dollars. In addition to each policy containing an endorsement showing the township as an additional insured, such policy shall also provide an endorsement entitling the Township to 30 days' prior written notice to the Chief of Police in the event of any change in coverage under the policy, or in the event of the cancellation of the policy.

- e. Worker's Compensation Policy. A worker's compensation policy covering all of applicant's employees and operators, containing statutory coverage including liability coverage of at least five hundred thousand (\$500,000.00) dollars for each accident per person, five hundred thousand (\$500,000.00) dollars policy aggregate limit per disease, and five hundred thousand (\$500,000.00) dollars for each disease per person.
- f. Umbrella liability insurance policy in the amount of five million (\$5,000,000.00) dollars, which shall be applicable to all liability coverage required above.

**Sec. 13A-9. Indemnification.**

Any contract entered into by the Township with a registered towing operator pursuant to this chapter shall include a provision whereupon the registered towing operator assumes all liability and shall indemnify, defend and save the Township, its committees, boards, departments, agents, and employees, harmless from damages (including attorney's fees and court costs) or losses sustained by vehicles while being towed, stored or released from towing operator's possession, and from all personal injuries and property damage occurring to any persons, or property, as a result of the performance of the towing operator's services, including, but not limited to, towing, storage, or other such activities relating to the municipal towing services. All responsibility for the release of a stored vehicle shall be on towing operator only.

**Sec. 13A-10. Schedule of services eligible for charging a fee; reasonable fees.**

- a. A towing operator may only charge a fee for those towing and storage services set forth in the following schedule, plus the cost of any additional equipment needed for recovery, plus the cost of any materials, parts or fuel. (Day is considered 8:00 am to 5:00 pm)

| <b>Service Provided</b>                         | <b>Fees (Not to Exceed) Day</b>                               | <b>Fees (Not to Exceed) Night/Weekend/Holiday</b>             |
|-------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------|
| <b>Basic Tow Fee</b>                            |                                                               |                                                               |
| Light Duty Rate<br>(less than 10,000 G.V.W.)    | Tow -\$125.00<br>Recovery -\$150.00<br>(Flat Rate Per Tow)    | Tow -\$150.00<br>Recovery -\$200.00<br>(Flat Rate Per Tow)    |
| Medium Duty Rate<br>(10,001 to 20,000 G.V.W.)   | Tow -\$150.00<br>Recovery -\$250.00<br>(Per Hour, Per Truck)  | Tow - \$200.00<br>Recovery -\$350.00<br>(Per Hour, Per Truck) |
| Heavy Duty Rate<br>(greater than 20,001 G.V.W.) | Tow - \$400.00<br>Recovery -\$550.00<br>(Per Hour, Per Truck) | Tow - \$450.00<br>Recovery -\$600.00<br>(Per Hour, Per Truck) |
| <b>Storage</b>                                  | <b>Fees (Not to Exceed) Outside</b>                           | <b>Fees (Not to Exceed) Inside</b>                            |
| Light Duty                                      | \$35.00 per day                                               | \$50.00 per day                                               |
| Medium Duty                                     | \$75.00 per day                                               | \$100.00 per day                                              |
| Heavy Duty                                      | \$100.00 per day                                              | \$200.00 per day                                              |
| Road Service                                    | \$75.00 per call                                              |                                                               |
| Decoupling Fee                                  | \$25.00 per call                                              |                                                               |

- b. A towing operator may not charge a service fee for towing and storage services that are not included in the schedule approved by the Township.
- c. A towing operator must accept all forms of payment, such as cash, check, debit card, charge card or credit card, for towing or storage services if the operator ordinarily accepts as payment at his place of business.
- d. A towing operator that engages in private property towing or other non-consensual towing shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 P.M. on one day and the owner of the motor vehicle picks up the motor vehicle on or before 7:00 P.M. the next day, the towing operator shall only charge the owner of the motor vehicle for one day of storage or a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing operator may only charge for two days of storage.
- e. A towing operator's bill for services shall include the time at which a towed motor vehicle was delivered to a towing company's storage facility, if applicable.
- f. Municipal Storage Rates. Storage fees to be charged to or on account of the Township for the storage of Township owned or operated vehicles shall not exceed those fees permitted by N.J.S.A. 40:48-2.50.

**Sec. 13A-11. Storage Facilities.**

- a. The towing operator providing municipal towing services must tow all vehicles to a storage facility that:
  - 1. has a business office open to the public between 8 a.m. and 6 p.m. at least five (5) days a week, excluding holidays;
  - 2. has the ability to provide inside secured vehicular storage;
  - 3. has the ability to store a minimum of ten (10) vehicles;
  - 4. is safe and secured by a fence, wall or other man-made barrier that is at least six (6) feet high and a passive alarm system or a similar on-site security measure;
  - 5. if it is an outdoor storage facility, is lighted from dusk to dawn: and
  - 6. is located within three (3) driving miles of any Township border.
- b. The towing operator shall provide reasonable accommodations for after-hours release of stored motor vehicles and may charge a release fee for releasing motor vehicles to their owners after normal business hours or on weekends. The fee shall not be in excess of \$100.00.

**Sec. 13A-12. Standards of Towing Operator Performance.**

All towing operators who have entered into contracts with the Township to provide municipal towing services shall be obligated to comply with the following duties and regulations:



- a. Remove and tow to the designated storage facility all vehicles directed by the Chief of Police to be removed and towed because such vehicles are in the Chief of Police's sole discretion designated as abandoned, illegally parked, disabled, involved in an accident, or to be impounded because of criminal or other investigation. At the sole discretion of the Chief of Police, taking into consideration safety concerns, the owner or operator of a disabled vehicle may be permitted to arrange for the vehicle to be towed by a towing operator of his/her choice.
- b. Store such vehicles and move such vehicles as directed by the Chief of Police. When not otherwise directed or required by the Chief of Police, the owner or operator of a disabled vehicle may request that the vehicle be towed to a location other than the designated storage facility. Upon direction of the Chief of Police, the towing operator shall not release a vehicle towed which is subject to a criminal investigation, including, without limitation, compliance with "John's Law," without a Vehicle Release Form or prior authorization by the Chief of Police.
- c. Provide 24 hours, seven day a week service to the Township during the term of the contract.
- d. Not utilize answering machines or answering services when on-call under the rotation list.
- e. Respond promptly to all requests for municipal towing services by the Chief of Police. In any event, the towing operator shall respond and be present at the location (all locations within the Township) for municipal towing services within 20 minutes of receipt of notice of same between the hours of 8:00 a.m. and 5:00 p.m. (hereinafter "daytime"), and within 25 minutes of receipt of notice between the hours of 5:01 p.m. and 7:59a.m. (hereinafter "nighttime"). In the event a towing operator does not arrive at the tow location within the above time periods, the police officer on the scene shall have the right to have a substitute towing operator called to the location who will have the right to perform the municipal towing services: and the originally called towing operator shall have no right to payment from any party.
- f. Not charge any fee for replacement of damaged or broken equipment incurred at the scene of the tow.
- g. Tow or perform road service to any and all disabled Township owned or operated vehicle upon request by the Chief of Police to a location within the Township. The towing operator will not charge the Township for the towing of Township owned passenger vehicles or pick-up trucks within two miles of the Township border to a location within the Township. All other towing of Township owned or operated vehicles shall be charged pursuant to Section 13A-10 at a 20% discount. Nothing herein shall limit the Township from utilizing the towing services provided for in any public bid contract.

- h. Clean up all broken glass and debris at the scene of accidents which shall include any fluids leaked onto the roadway (all towing operators must be equipped with a broom, shovel and speedy dry).
- i. Ensure that all drivers and operators of the towing operator must wear ANSI Class 2 reflective safety vests or clothing at all times when responding to a request by the Township.
- j. Furnish additional towing equipment and services during storm periods, periods of snow emergencies, traffic emergencies, natural or other disasters, any acts of God, and for any other reason when so designated by the Chief of Police. Such standby service shall begin and end when the Chief of Police notifies the towing operator. The Township reserves the right, during any such emergency, to designate temporary areas owned or leased by the Township and/or the towing operator for the storage of disabled vehicles, and to direct the towing operator to remove such disabled vehicles to said areas.
- k. Record all vehicles towed and/or stored and retain such records for a period of seven years. The Township shall, upon request, be provided with a copy of any and all records evidencing that a vehicle has been towed and/or stored by the towing operator. Such records shall include a report of all personal property found within a towed vehicle that can be observed by the towing operator at the time the vehicle came into the towing operator's possession, an accounting of all monies received for fees for towing, and a separate accounting of all monies received for fees for storage services pursuant to this Section. The Chief of Police shall have access upon demand, to any and all records required to be kept by this Section.
- l. In all of the towing operator's dealings with the public, the towing operator shall act in a professional manner, courteous at all times, and respectful to members of the public, as well as representatives of the Township. Reports of discourteous behavior by the towing operator or his drivers that may be substantiated and documented, shall be considered by the Township as sufficient cause for revocation and termination of the towing operator's registration, and be considered as material default under any contract entered into with a towing operator pursuant to this Chapter.

**Sec. 13A-13. Solicitation.**

No towing operator shall respond to the scene of an accident or emergency for the purposes of towing a vehicle unless specifically notified by the Chief of Police, or his/her designee, or the individual involved in the accident or emergency. All persons, towing operators, and owners of towing equipment are hereby prohibited from soliciting business at the scenes of accidents and emergencies within the Township.

**Sec. 13A-14. Complaint and Dispute Resolution.**

Any person having a dispute or complaint arising from a specific act of towing or storage of motor vehicles which is regulated by this Chapter shall present that complaint or dispute to the Chief of Police for resolution. The Chief of Police shall render his decision as to how the said complaint or dispute is to be resolved within ten (10) days of his conducting a hearing as to the same. Such hearing can be in person, by telephone or on written presentation at the election of the Chief of Police. In the event of an adverse decision against a registered towing operator, said registration may be revoked. Any appeal of the Chief of Police's decision may be appealed to the governing body of the Township.

**Sec. 13A-15. Response time; missed calls.**

a. A licensee under this chapter shall arrive at the scene of the accident as outlined in 13A-12e.

b. If the licensee misses three calls within a thirty-day period, his license will be suspended for 30 days. Written notification will be given by the police department for each miss. There will be no refund of licensee fees for suspended licenses.

**Sec. 13A-16. Violations; Enforcement and Penalties.**

a. This Chapter shall be enforced by the Lawrence Township Police Department or the Township Clerk.

b. Any violation of the provisions of this Chapter, including the failure to register with the Township as required herein, shall subject such violator, upon issuance of a summons and conviction in municipal court, and at the court's discretion, to the fines and penalties set forth for each such violation.

c. Any violation of the provisions of this Chapter may also subject the violator to a revocation or non-issuance of the contract with the Township. If a towing operator's contract is revoked pursuant to this provision, such towing operator is barred from reapplying with the Township for the remaining portion of the current towing contract with the Township.

d. In addition to any penalties or other remedies provided herein, the towing operator that has billed a person an amount in excess of the fee established in Section 13A-10 shall reimburse such person for the excess cost.

**Section 2.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 3.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Lawrence, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Lawrence are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 4.** This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

**Section 5.** This Ordinance shall take effect 20 days after adoption thereof.

Ordinance 2201-14 was approved on the following roll call vote:

| COUNCIL      | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|--------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Brame    | X   |     |         |        |         |      | X      |
| Mr. Kownacki | X   |     |         |        |         |      |        |
| Dr. Maffei   | X   |     |         |        |         |      |        |
| Mr. Powers   | X   |     |         |        |         | X    |        |
| Mayor Lewis  | X   |     |         |        |         |      |        |

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**Manager’s Report –**

Mr. Krawczun stated that he and Jim Parvesse, Township Engineer, and Brenda Kraemer, Assistant Township Engineer, had an opportunity today to meet representatives from New Jersey Department of Environmental Protection (NJDEP) and the Army Corps of Engineers, who are undertaking the Feasibility Study of certain areas in Lawrence Township and other municipalities in Mercer County that are affected by flooding from the Assunpink Creek and indicated the Flood Risk Management Study of the Assunpink is just a kickoff as the first phase is the Feasibility Study that will take about two years and it will begin by establishing existing water conditions, it will then go to projecting future flooding then identify, evaluate measures that may then be incorporated into options and those options will then be measured against damages and cost ratios. So, if the cost of the mitigation is within a certain range of what the cost of the damage would be or offset that cost of damage, then that may be part of their recommendation for improvements. They will also incorporate environmental, cultural and historical consideration and after the Feasibility Study is done and those measures are put into options that may be pursued, then there will a design phase and the Army Corps will need a funding partner as the Federal Government will fund 65-percent and the Non-Federal portion would be 35-percent and that phase will take one year and there will be a phase for construction if all goes according to plan and they have identified some of the areas they would like to further review over that two-year period of time.

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Mr. Krawczun advised that Lawrence Township was awarded the Bronze Medal Certification by Sustainable Jersey and Lawrence will be presented an Award during the League of Municipalities Conference on November 18 and a more formal packet will follow concerning the event. And advised that their Application was approved for 17 actions in 11 categories and they were able to score 230 points and that League would be providing more details this was just immediate notification.

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Mr. Krawczun indicated that they previously talked about the fees for off-duty work by police officers in Lawrence Township and distributed a list of fees for Lawrence Township Police Department Special Duty Employment for types of detail – such as security, school events (athletic and other), crowd control, pedestrian safety, current rates and requested rates. And indicated, as listed, all of the fees are \$45 per hour and they are requesting an increase for fees associated with construction work as it is an assignment of overtime and the officers are taking the overtime instead of the \$45 per hour as stated in the Ordinance, which affects the accounting for the Administration as those fees have to be put in for and then they have to wait for reimbursement. So, the FOP approached him about making a change to the Ordinance to increase the rate from \$45 per hour to \$75 per hour; a change that has not taken place since 2004 and if there is no objection he will be bringing forth an Ordinance requesting that rate change. A general conversation ensued relative to the details of the assignment and police safety.

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#### **Attorney's Report –**

There was no Attorney's report.

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#### **Clerk's Report –**

Ms. Norcia stated that she has a couple of things to discuss. First, she gave the Council a listing of the Boards and Committees and people who have not yet responded and asked that they check with them to see if they are in fact interested and then let her know. Second, the County has once again put more election work on the Township, as they started by having the Township pick up the elections supplies and return them. They have now advised the Township that they have to transmit the election data to the county; a job that was previously done by the County and is now passed on to the Township and explained when the cartridges are taken out of the voting machines they are put in a small bag, sealed and returned to the County where they are inserted into the reader and they get the results. Now, they have decided to pass the work off to the Township, possibly, part of their idea of shared services, to lessen their overtime expense and get the results faster; however, the overtime expense is passed off to the Township. A general comment and question period ensued relative to the matter.

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**Old Business –**

There was no old business.

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**New Business –**

There was no new business.

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**Public Participation (3-minute limitation per speaker) –**

There was no public participation.

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**Resolutions**

Resolution Nos. 311-14 (18-A) thru 323-14 (18-L) with the exception of Resolution (18-E), Resolution (18-J) and Resolution (18-K) were approved by the following roll call vote:

| COUNCIL      | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|--------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Brame    | X   |     |         |        |         |      | X      |
| Mr. Kownacki | X   |     |         |        |         |      |        |
| Dr. Maffei   | X   |     |         |        |         |      |        |
| Mr. Powers   | X   |     |         |        |         | X    |        |
| Mayor Lewis  | X   |     |         |        |         |      |        |

Cited Resolutions are spread in their entirety in the Resolution Books of the Township of Lawrence.

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Resolution No. 316-14 (18-E) was approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						
Mr. Kownacki	X						X
Dr. Maffei	X					X	
Mr. Powers					X		
Mayor Lewis	X						

Cited Resolution is spread in its entirety in the Resolution Books of the Township of Lawrence.

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Mayor Lewis noted that the following Resolution is a significant Developer's Construction Agreement between the Township and BMS Project on Princeton Pike, Lewisville Road and Franklin Corner Road.

Resolution No. 321-14 (18-J) was approved by the following roll call vote:

| COUNCIL      | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|--------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Brame    | X   |     |         |        |         |      |        |
| Mr. Kownacki | X   |     |         |        |         |      | X      |
| Dr. Maffei   | X   |     |         |        |         | X    |        |
| Mr. Powers   |     |     |         |        | X       |      |        |
| Mayor Lewis  | X   |     |         |        |         |      |        |

Cited Resolution is spread in its entirety in the Resolution Books of the Township of Lawrence.

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Resolution No. 322-14 (18-K) was approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						
Mr. Kownacki	X						X
Dr. Maffei	X					X	
Mr. Powers					X		
Mayor Lewis	X						

Cited Resolution is spread in its entirety in the Resolution Books of the Township of Lawrence.

Council Initiatives/Liaison Reports –

Mayor Lewis' report:

- Advised that the Growth & Redevelopment had their Awards ceremony and it was one of the best receptions they have had since she has been attending, which is another good sign of the growth and business investment that is taking place in the Lawrence and all and all people seem to be pleased with it.
- There were no additional Liaison Reports.

Written Communications –

There was no written communication.

There being no further business to come before this Council, the meeting adjourned.

7:55 p.m.

Respectfully submitted by,

Kathleen S. Norcia Municipal Clerk

Attest:

Cathleen M. Lewis, Mayor