

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

December 15, 2015

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, December 15, 2015 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, December 15, 2015 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 Kownacki, Maffei, Powers and Mayor Lewis.
Absent: Councilmember Bobbitt.

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

Special Proclamations, Recognitions and Presentations

There were no Special Proclamations, Recognitions or Presentations.

Public Participation (5-minute limitation per speaker)

There was no Public Participation.

Review and Revisions of Agenda

Mayor Lewis requested that the agenda be amended to add Resolution No. 423-15(18-J) – “Authorizing an Agreement with Municipal Auditors, Marcadien, P.C. to perform an Accounting Analysis of the Recreation Department’s Cash Receipts” to the agenda.

On a motion by Mr. Powers, seconded by Dr. Maffei, the Agenda was amended to include the above revisions.

Ayes: Councilmembers Kownacki, Maffei, Powers, and Mayor Lewis.
Nays: None.
Absent: Councilmember Bobbitt.

Adoption of Minutes

There was no Adoption of Minutes.

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.

Mr. Krawczun said that the Resolution is authorizing a Change Order for \$4,501.00 of the contract to Dan Swayze & Son, Inc. for the 2015 Striping Program. The new contract amount is \$62,817.00.

On a motion by Mr. Powers, seconded by Dr. Maffei, the following resolution was presented for adoption:

Resolution No. 415-15

WHEREAS, a bid was awarded to Dan Swayze & Son, Inc. for services for a project known as the 2015 Striping Program in the amount of \$58,316.00, as outlined in Resolution No. 250-15 and

WHEREAS, the Township wishes to amend this contract in the amount of \$4,501.00, resulting in a new contract maximum of \$62,817.00, said increase allowed by statute without re-bid; and

WHEREAS, Change Order No. 1 reflects supplemental items and final quantity adjustments; and

WHEREAS, in accordance with N.J.A.C. 5:30-14, a Certificate of Availability of Funds has been provided and the accounts to be charged for the additional increase are C-04-55-386-238 (Ordinance No. 2186-14 – Twin Pines Parking Paving) - \$2,401.00 and C-04-55-395-247 (Ordinance No. 2208-15 – Various Road Improvements – Meriline Avenue) - \$2,100.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, as follows:

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute an amended agreement with Dan Swayze & Son, Inc., 2351 Waldheim Avenue, Scotch Plains NJ 07076, represented by Daniel B. Swayze, for a revised amount not to exceed \$62,817.00 and availability of funds has been certified for said amount.
2. Notice of this resolution shall be published in The Trentonian as required by law within ten (10) days of its passage as required by law.

Same was carried on the following roll call vote:

Ayes: Councilmembers Kownacki, Maffei, Powers, and Mayor Lewis.

Nays: None.

Absent: Councilmember Bobbitt.

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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.

Mr. Krawczun said that the contract is awarded to NDP Construction of \$19,830.00 for rehabilitation of an affordable housing unit at 58 Merritt Drive. Funding for the rehabilitation is provided through an affordable housing grant.

On a motion by Mr. Powers, seconded by Dr. Maffei, the following resolution was presented for adoption:

Resolution No. 416-15

WHEREAS, on Thursday, December 3, 2015, bids were received and publically opened for the rehabilitation of 58 Merritt Drive; and

WHEREAS, two (2) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was NDP Construction that submitted a bid in the amount of \$19,830.00 to perform the tasks required in the rehabilitation; and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the accounts to be charged are G-02-41-048-299 (2014 Lawrence Township Affordable Unit Rehabilitation); and

WHEREAS, NDP Construction has performed satisfactorily;

WHEREAS, the owner of 58 Merritt Drive has been deemed eligible to participate in the rehabilitation program;

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 Manager, the Mayor and the Municipal Clerk hereby authorize the acceptance of the bid and the execution of a contract with NDP Construction, 1385 Highway 35, Suite 226, Middletown NJ 07748 in the amount of \$19,830.00 the purposes of rehabilitating 58 Merritt Drive;

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 Kownacki, Maffei, Powers, and Mayor Lewis.  
Nays: None.  
Absent: Councilmember Bobbitt.

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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 ORDINANCE NO. 2201-14 AMENDING THE CODE OF THE TOWNSHIP OF LAWRENCE TO PROVIDE FOR THE LICENSING AND REGULATION OF TOWING AND STORAGE SERVICES."

Mr. Krawczun said that this amends the Towing Ordinance of the town to include application fees are not refundable, changes to inspections, and Township owned vehicles to be recovered or towed without expenses incurred to the Township.

Ordinance No. 2222-15

AN ORDINANCE AMENDING ORDINANCE NO. 2201-14 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 nonconsensual 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.
- d. 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, which is non-refundable and covers the Township's costs in processing the applications.
- 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. Denial, 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.
- c. In the event the application has been denied, the applicant will have ten (10) business days to provide written notice to the Office of the Chief of Police stating if the applicant requests a re-inspection of a storage site, equipment or request to amend any information contained in the written application. No more than two re-inspections or application amendments may be requested.
- d. All re-inspections or review of application amendments must be completed within (20) twenty business days from the receipt of denial of the initial application.
- e. There shall be a fee of \$75.00 for each re-inspection or review of application amendments, in addition, to any application fees.

#### 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)

| Service Provided                                |                                                              |                                                              |
|-------------------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------|
| Basic Tow Fee                                   | Fees (Not to Exceed) Day                                     | Fees (Not to Exceed) Night/Weekend/Holiday                   |
| 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) |
| Storage                                         | Fees (Not to Exceed) Outside                                 | Fees (Not to Exceed) Inside                                  |
| 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 7:59 a.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 and/or recovery 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 re-applying 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.

Additions Underlined  
Deletions Bracketed [ ]

The Ordinance was adopted on the following roll call vote:

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

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**Manager’s Report –**

There was no Manager’s Report.

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**Attorney’s Report –**

Mr. Roskos stated that he has filed a motion to extend temporary immunity in the Mt. Laurel litigation. There is a gag order in place through March 31, 2016. The Building Association and Fair Share Housing have asked to accelerate the case. Mr. Roskos states that the Township is compliant. The expert in the case, Mr. Richard Reading concluded that the Township’s obligations were below what the Township had already achieved in terms of compliance for affordable housing.

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**Clerk’s Report –**

Ms. Carter stated that Boards and Committees End of Term/Vacancies information are included in their books for tonight’s meeting. Ms. Carter wants to know when Council would like to set up interview times for potential appointees to the committees with vacancies. Upcoming meetings are January 5<sup>th</sup> and the 19<sup>th</sup>, February 2<sup>nd</sup> and February 23<sup>rd</sup>. She requested Council contact the office to set up times that are convenient.

Mayor Lewis and Council agreed that interviews should be scheduled as soon as possible. Interviews will start on January 5<sup>th</sup> at 5:30 pm prior to the Council meeting that evening. The meeting will start at 7:00 pm instead of 6:30 pm. Ms. Carter will prepare a Sunshine Notice.

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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. 411-15(18-A) through 423-15(18-J) were approved by the following roll call vote:

| COUNCIL      | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|--------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Bobbitt  |     |     |         | X      |         |      |        |
| Mr. Kownacki | X   |     |         |        |         |      |        |
| Dr. Maffei   | X   |     |         |        |         |      | 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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**Council Initiatives/Liaison Reports –**

Mayor Lewis spoke of the End of Year/Holiday Celebration at the Township. She discussed the Senior Center’s luncheon and the Tree Lighting ceremony.

Mayor Lewis wanted to relay to her colleagues and members of Council that it has been an honor to serve as Mayor, and she hopes that everyone can continue to find new ways to build and improve the Township and she encourages Community Leaders to participate.

Councilmember Kownacki presented an award to Mayor Lewis for her service serving as Councilmember and as Mayor of Lawrence Township.

Councilmember Kownacki then presented awards to Councilmembers Powers and Maffei for appreciation of their four years of service on the Town Council.

Mr. Krawczun imparted that the County Executive has asked members of Council to come to the Senior Center on Monday, December 21<sup>st</sup> at 1:00pm. The County Executive will present a cell phone charging station for the Center that is being donated to Lawrence Township. Mr. Krawczun also stated that a grant that the Township had applied for has been awarded by the County for a generator to be installed at the Senior Center to provide for shelter for seniors and residents during storm events.

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**Written Communications –**

Mayor Lewis spoke of a generous donation given by the Lee family in memory of their mother Hikyung Lee to the Lawrence Senior Center. The senior Mrs. Lee enjoyed and cherished her retirement years at the Center.

Mayor Lewis then read the letter the Township sent in response, thanking Edward and Brenda Lee for their donation, and expressing condolences for their loss.

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There being no further business to come before this Council, the meeting adjourned at 6:45 p.m.

Respectfully submitted by,

\_\_\_\_\_  
Tonya D. Carter, Deputy Municipal Clerk

Attest:

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Cathleen M. Lewis, Mayor